

IGNACIA S. MORENO
Assistant Attorney General
DANIEL G. BOGDEN
United States Attorney
Greg Addington, Assistant U.S. Attorney
Susan L. Schneider, Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Div.
999 – 18th Street, South Tower Suite 370
Denver, Colorado 80202
(303) 844-1348
susan.schneider@usdoj.gov
Attorneys for the United States of America

Simeon M. Herskovits, Nevada Bar No. 11155
Advocates for Community and Environment
El Prado, New Mexico 87529
P.O. Box 1075
(575) 758-7202
simeon@communityandenvironment.net
Attorney for Mineral County, Nevada

Wes Williams, Jr., Nevada Bar No. 06864
3119 Lake Pasture Rd.
P.O. Box 100
Schurz, Nevada 89427
(775) 773-2838
wwilliams@stanfordalumni.org
Attorney for the Walker River Paiute Tribe

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
WALKER RIVER PAIUTE TRIBE,)
)
Plaintiff-Intervenor,)
vs.)
)
WALKER RIVER IRRIGATION DISTRICT,)
a corporation, et al.,)
)
Defendants.)
_____)
MINERAL COUNTY,)
)
Proposed-Plaintiff-Intervenor,)
vs.)
)
WALKER RIVER IRRIGATION DISTRICT)
a corporation, et al.,)
)
Proposed Defendants.)
_____)

IN EQUITY NO. C-125-ECR-WGC
Subproceedings: C-125-B & C-125-C
3:73-CV-00127-ECR- WGC &
3:73-CV-00128-ECR- WGC

**ORDER GRANTING
UNOPPOSED MOTION FOR
LEAVE TO FILE OVERSIZED
BRIEF**

The United States of America (“United States”) and the Walker River Paiute Tribe (“Tribe”)(Plaintiff and Plaintiff-Intervenor in subproceeding C-125-B) and Mineral County (Proposed Plaintiff-Intervenor in subproceeding C-125-C)(collectively “Plaintiff Parties”) respectfully submit this *Motion for Leave to File Oversized Brief*.

Pursuant to Rules LR 7-4 and LR IB 3-1(a) of the Local Rules of Civil Practice of the United States District Court for the District of Nevada, Plaintiff Parties move the Court for leave to file an oversized brief in reply to the *Walker River Irrigation District’s Objections to Rulings of Magistrate Judge With Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues Pertaining to Defendants Who have Been Served* and *Walker River Irrigation District’s Points and Authorities in Support of Objections to Rulings of Magistrate Judge with Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues Pertaining to Defendants Who Have Been Served* (C-125-B ##1652, 1653, C-125-C ##543, 544).

In support of this motion, the Plaintiff Parties represent the following to the Court:

1. The Walker River Irrigation District (“WRID”) has filed objections to three Orders issued by Magistrate Judge Leavitt in one or both of subproceedings C-125-B and C-125-C. This request addresses the response in opposition to these objections to be filed on December 2, 2011, regarding WRID’s objections to the *Order Approving Revised Proposed Order Concerning Service Issues Pertaining to Defendants Who Have Been Served*, which was issued in both subproceedings.¹

¹ On August 24, 2011, the Magistrate Judge issued identical *Revised Proposed Orders Concerning Service Issues Pertaining to Defendants Who Have Been Served* in C-125-B and C-125-C. (B-#1649, C-#540). On August 26, 2011, he issued an *Amended Order Concerning Service Issues Pertaining to Defendants Who Have Been Served* in C-125-B. (B-#1650), and on September 6, 2011, issued an identical *Amended Order Concerning Service Issues Pertaining to*

2. Plaintiff Parties have determined to file a single joint response in both C-125-B and C-125-C. LR 7-4 sets forth a limit of 30 pages for any responses in opposition to objections to a Magistrate Judge's order. If Plaintiff Parties filed separate briefs, these briefs could have totaled 60 pages. By consolidating their responses into a single brief, the Plaintiff Parties have both consolidated their arguments and reduced the total number of pages that might have been required for two separate briefs.

3. WRID's objections are set forth in a motion and lengthy brief of 30 pages that require a detailed response.

4. For all of the above reasons it is necessary to exceed the page limitations of LR 7-4 to present the Court with the information it needs to decide the issue before it.

5. Plaintiff Parties seek approval to file a joint brief of no more than forty-five (45) pages in length in response to *Walker River Irrigation District's Objections to Rulings of Magistrate Judge With Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues Pertaining to Defendants Who have Been Served*. The responses to be filed in opposition to WRID's other objections will each meet the page limit set forth in LR-7-4.²

6. Undersigned counsel has contacted counsel for WRID, which filed the objections, and counsel for Circle Bar N Ranch LLC and Mica Farms LLC, which joined in WRID's objections, both of whom indicate that they will not oppose this request.

Defendants Who Have Been Served in C-125-C. (C-#542) The amended orders contain attachments omitted from the initial orders, but are otherwise identical.

² The other filings address the *Order Concerning Service Cut-Off Date* (Sept. 19, 2011, B-#1656), and the *Order* addressing Mineral County's 2008 Service Report (Sept. 27, 2011, C-#547).

WHEREFORE, the Plaintiff Parties respectfully request that the Court grant leave to file an oversized brief of up to 45 pages in response to *Walker River Irrigation District's Objections to Rulings of Magistrate Judge With Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues Pertaining to Defendants Who have Been Served.*

Dated: November 30, 2011

Respectfully submitted,

By /s/ Susan L. Schneider
SUSAN L. SCHNEIDER
Attorneys for the United States of America

Dated: November 30, 2011

Respectfully submitted,

By /s/ Wes Williams Jr.
WES WILLIAMS JR.
Attorney for the Walker River Paiute Tribe

Dated: November 30, 2011

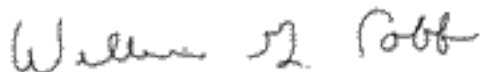
Respectfully submitted,

By /s/ Simeon M. Herskovits
SIMEON M. HERSKOVITS
Attorney for Mineral County, Nevada

ORDER

IT IS SO ORDERED.

DATED: December 1, 2011



UNITED STATES MAGISTRATE JUDGE