

1 Simeon M. Herskovits, Nevada Bar No. 11155  
Advocates for Community and Environment  
2 P.O. Box 1075  
El Prado, New Mexico 87529  
3 Phone: (575) 758-7202  
Fax: (575) 758-7203  
4 Email: simeon@communityandenvironment.net

5 Sean A. Rowe, Nevada Bar No. 10977  
Mineral County District Attorney  
P.O. Box 1210  
6 Hawthorne, Nevada 89415  
7 Phone: (775) 945-3636  
Fax: (775) 945-0740  
8 Email: srowe@mineralcountynv.org

9 *Attorneys for Mineral County*

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

12 UNITED STATES OF AMERICA, )

13 Plaintiff, )

14 WALKER RIVER PAIUTE TRIBE, )

15 Plaintiff-Intervenor, )

16 vs. )

17 WALKER RIVER IRRIGATION DISTRICT, )  
18 a corporation, et al., )

19 Defendants. )

20 MINERAL COUNTY, )

21 Proposed-Plaintiff-Intervenor, )

22 vs. )

23 WALKER RIVER IRRIGATION DISTRICT, )  
24 a corporation, et al., )

25 Proposed Defendants. )

IN EQUITY NO. C-125-RCJ-WGC  
Subproceeding: C-125-C

3:73-CV-00128-RCJ-WGC

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO  
COMPLETE RULE 4 SERVICE  
(First Request)**

1 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and LR 6-1 and LR 6-2,  
2 counsel for Mineral County moves the Court for an order extending the time for Mineral County  
3 to complete Rule 4 service in subproceeding C-125-C from March 1, 2013 until March 11, 2013.

4 In support of this Motion, counsel for Mineral County represents the following to the Court:

- 5 1. Pursuant to the status conference held on August 2, 2012, and by the Court's  
6 August 2, 2013, *Order Relating to Completion of Service*, the Court established a  
7 March 1, 2013, deadline for completion of Rule 4 service in subproceeding C-  
8 125-C. Doc No. 605.
- 9 2. Mineral County filed a service report on January 9, 2013, in which it requested  
10 that the Court approve the completion of service efforts as to certain Proposed  
11 Defendants, dismiss certain listed Proposed Defendants and substitute successors-  
12 in-interest, and amend the names of certain Proposed Defendants in the caption.
- 13 3. On February 8, 2013, the Court granted the requests made in Mineral County's  
14 January 9, 2013 service report. Doc. No. 665.
- 15 4. The Court's February 8, 2013, *Order Concerning Status of Remaining Proposed*  
16 *Defendants to be Served Via Rule 4 Service* confirmed that there were four (4)  
17 proposed defendants who remain to be served. Doc. No. 665.
- 18 5. Mineral County expects that Rule 4 service on these final four (4) Proposed  
19 Defendants will be complete within the next few days and is in the process of  
20 documenting final service efforts.
- 21 6. On Thursday, February 21, 2013, lead counsel for Mineral County, Simeon  
22 Herskovits, was hospitalized and remains in the hospital.

1 7. Due to this hospitalization, documentation of final service efforts has been  
2 delayed.

3 8. Mineral County expects to complete this documentation prior to the March 13,  
4 2013, Status Conference.

5 9. The Primary Parties have been contacted and do not oppose this request.

6 NOW, THEREFORE, based upon the foregoing, Mineral County respectfully requests  
7 that the Court grant this Unopposed Motion, and extend the time for Mineral County to complete  
8 Rule 4 service to March 11, 2013.  
9

10 Respectfully Submitted,

11 /s/ Simeon M. Herskovits

12 Simeon M. Herskovits, Nevada Bar No. 11155  
13 Advocates for Community and Environment  
14 P.O. Box 1075  
15 El Prado, New Mexico 87529  
16 Phone: (575) 758-7202  
17 Fax: (575) 758-7203  
18 Email: simeon@communityandenvironment.net

19 Sean A. Rowe, Nevada Bar No. 10977  
20 Mineral County District Attorney  
21 P.O. Box 1210  
22 Hawthorne, Nevada 89415  
23 Phone: (775) 945-3636  
24 Fax: (775) 945-0740  
25 Email: srowe@mineralcountynv.org

26 *Attorneys for Mineral County*

27 **ORDER**

28 Dated: February 27, 2013.

IT IS SO ORDERED.

  
United States Magistrate Judge