

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES OF AMERICA,)	IN EQUITY NO. C-125-RCJ
)	Subproceedings: C-125-B and C-125-C
Plaintiff(s),)	
)	
vs.)	3:73-CV-0127-RCJ-WGC
)	3:73-CV-0128-RCJ-WGC
)	
WALKER RIVER IRRIGATION, et al.,)	MINUTES OF PROCEEDINGS
)	
Defendant(s).)	DATED: October 31, 2013
)	
)	

PRESENT: HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

Deputy Clerk: Katie Lynn Ogden Reporter: FTR (Reno Courtroom 3)

Counsel Appearing Telephonically: Guss Guarino, Wes Williams, Jr., Iris Thornton, Gordon DePaoli, Dale Ferguson, David Negri, Marta Adams, Annadel Almendras, George Benesch, Simeon Herskovits, Michael Neville, Stacey Simon, Karen Peterson, Therese Ure, and Christopher Mixson

PROCEEDINGS: TELEPHONIC STATUS CONFERENCE

8:02 a.m. Court convenes.

I. Discussion re: Proposed Superseding E-Service Order (Doc. # 1941, C-125-B)

The court and parties have discussion regarding the latest filed Notice of Proposed Superseding E-Service Order (Doc. # 1941, C-125-B). It is unclear at this time whether the Notice of Proposed Superseding E-Service Order should be filed in the C-125-C case since Mineral County's Motion to Intervene has been granted by Chief Judge Jones. At the present time, the court will defer on any instruction to filing the Superseding E-Service Order until after it is addressed with Chief Judge Jones on Monday, November 4, 2013, during the next status conference.

The following suggestions were made by the court to be added or corrected as to the Proposed Superseding E-Service Order (Doc. # 1941-1):

- Page 1:
- At line 15 and 16, the term status conference should be plural and include the date of the previous status conference that was held on September 6, 2013, and today's date as well.
- Page 2:
- At line 6, the term "Unrepresented Parties" should be defined in a footnote.

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Page 2

- At line 8, after the word “serve,” the word “receive” or “be served with” should be added.
- At line 10, “United States” should be “United States of America.”
- At line 11, “pursuant to the provisions” is not properly placed in the sentence. The sentence should be reworded.
- At line 19, “[parties] have not appeared at all” should be defined or clarified as to what parties this would entail.

Page 3:

- At lines 1 through 7, some reference to Rule 5 should be included. See paragraph 13 of the original CMO for the reference (Doc. # 108, C-125-B).
- At line 4, remove the word “other.”
- At line 10 after the word (“CM/ECF System”) a period should end that sentence. The new sentence should start with “However.” (Mainly to shorten the sentence).
- At line 16, the word “continue” should be inserted after “attorneys.”
- At line 20, after the “Unrepresented Parties” include “and, conversely, to allow Unrepresented Parties.”
- At line 24, after the word “served” insert “and are served paper copies...”
- At line 27, after the word “filed” insert “... served on or filed by is at a minimum...”

Page 4:

- At line 5, instead of “The Local Rules of this Federal Court,” insert “The Local Rules of Practice for the U.S. District Court for the District of Nevada.”
- At line 10, before “circumstances” insert the adjective “unique.”
- At line 12, insert the word “complex” before “subproceeding.”
- At line 16, insert “Superseding” before the word “Order.”

Page 5:

- At paragraph 1, language shall be consistent with page 3 when referencing Rule 5.

Page 6:

- At line 1, the word “one” should be replaced with “Superseding Order.”
- At paragraph 6, more discussion will be had as to this topic and may need to be revised as a result of any outcome as to service by postcard requirement.

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- Page 7:
- At line 1, at the end of the sentence with “*ex parte*,” Local Rule 7-5 should be referenced.
 - At paragraph 8, line 10, the word “pleading” should be substituted with “paper” or whatever word is consistent throughout the entire order.

- Page 8: • No comment.

- Page 9:
- At line 26, after the word “expenses,” insert the following, “, not only to the represented and non-represented parties in this case but to the court as well.”

- Page 10: • No comment.

After discussion regarding the Proposed E-Service order, it is agreed that a revised draft of the Superseding E-Service Order is necessary; however, the next draft should include comments made at the upcoming status conference on November 4, 2013, hearing.

II. Discussion re: Hearing concerning Mineral County's Motion to Intervene (Doc. # 726, C-125-C)

The court and parties discuss the hearing held before Chief Judge Jones regarding Mineral County's Motion to Intervene.

In light of the Motion to Intervene being granted, many questions have surfaced with regard to how the cases (C-125-B and C-125-C) will move forward. For example, will the CMO need to be modified, will service be required in both the C-125-B and C-125-C case, what documents will be required for service, will there be a separate website for each case or will the website merge? The court and parties agree that many of these questions are appropriate to be discussed with Chief Judge Jones during the November 4, 2013, hearing and will be added to the agenda items list for that status conference.

III. Revised Final Service Report (Doc. # 713, C-125-C)

The court inadvertently overlooked Mineral County’s submission of its “Revised Final Service Report” (Doc. # 713). Mr. Herskovits explains that the final service report represents the completion of service of all the identified defendants that *were* considered within the scope of the C-125-C action up until Chief Judge Jones granted the motion to intervene.

Good cause appearing, Mineral County's "Revised Final Service Report" (Doc. # 713) is **APPROVED**. The court will execute the appropriate order forthwith and shall be reflected in the minutes of proceedings for today's hearing.

9:32 a.m. Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Katie Lynn Ogden, Deputy Clerk