

JOHN CRUDEN
U.S. Assistant Attorney General

Andrew “Guss” Guarino, Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Div.
999 18th Street, South Terrace, Suite 370
Denver, Colorado 80202
Office: 303-844-1343; Fax: 303-844-1350
guss.guarino@usdoj.gov

David L. Negri, Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Div.
c/o U.S. Attorney’s Office
800 Park Blvd., # 600
Boise, Idaho 83712
Office: 208-334-1936; Fax: 208-344-1414
david.negri@usdoj.gov

Attorneys for the United States of America

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	IN EQUITY NO. C-125-RCJ
)	Subproceedings: C-125-B & C-125-C
WALKER RIVER PAIUTE TRIBE,)	3:73-CV-00127-RCJ-WGC &
)	3:73-CV-00128-RCJ-WGC
Plaintiff-Intervenor,)	
vs.)	
)	
WALKER RIVER IRRIGATION DISTRICT,)	
a corporation, et al.,)	SUMMARY FOR THE STATUS
)	CONFERENCE HELD FEBRUARY 26,
Defendants.)	2015
)	
MINERAL COUNTY,)	
)	
Plaintiff-Intervenor,)	
vs.)	
)	
WALKER RIVER IRRIGATION DISTRICT,)	
a corporation, et al.,)	

Defendants.)
)
)
)
_____)

The United States of America (“United States”), Plaintiff in Case No. C-125 and Subproceeding C-125-B and Defendant in Subproceeding C-125-C, provides this as a summary of the discussions held and orders issued by the Court concerning upcoming matters associated with Subproceedings C-125-B and C-125-C. Pursuant to the Court’s direction, the United States consulted with the other plaintiff parties and the primary defendants to prepare and submit this summary.

SUMMARY RESULTS OF THE FEBRUARY 26, 2015 STATUS CONFERENCE

The Court stated that the clerk’s office was not available to participate in the status conference. Judge Cobb stated that he had discussions with Judge Jones regarding approval of a website for C-125-C subcase and Judge Jones stated that Judge Cobb has the authority to approve the initiation of the website.

The United States gave a brief update on service issues. A twentieth report to the court is being prepared and will address the issue of Mr. Dreyer (*see* doc 2154) and 5 additional defendants who submitted letters to the Court or the United States. The Court requests that any party that notices any inconsistencies with any of these Minute Orders are to contact the Court so the Court can rectify any errors.

The Court asked how the service was made for the Motion for Publication. The United States replied that service was made per the Superseding E-Service Order; e-filed through the CM/ECF system and postcard notification, using the Clerk provided listed dated January 14, 2015, to those that requested such service.

With respect to the publication motion itself, the Court stated that responses were received from WRID. WRID stated that they were not opposed to the publication motion, but wanted state that there is concern that as the case proceeds that there may be need for additional publication later. Nevada Department of Wildlife and Mono County stated that they had no objection to the publication motion. The Court noted some concern over the language in the proposed order. The United States will correct the language and file an amended proposed order.

The Court noted that the document filed by the Clerk on January 14, 2015 has a smaller number of postcard notifications than the amount of requests reported at the January 6, 2015 status conference. The Court directed the United States to confer with Ms. Griffin regarding the list and the number of identified parties requesting postcard service. On March 5, 2015, the United States contacted Ms. Griffin and was informed that the January 14, 2015 list shows requests that have been consolidated by address; this would account for the discrepancy that was noted by the Court.

Mineral County gave a status of service in the C-125-C sub-case. In January, it was thought that there would be approximately 400 parties requiring service. Since that time, the list has been refined to approximately 350 parties needing service. The time line for completion of service remains the same. The Court asked if the parties have concerns as to the ability of parties served after the disposition of motions to be heard. Mineral County responded that, as stated in the notices being sent out, anyone served after the disposition of motions will have an opportunity to raise new or related issues. The Court advised parties that anyone who would like to see the preliminary site for the web site for C-125-C before it goes “live” can ask the Court for the link. The preliminary name of the link is “Mineral County” and ultimately it will be located just under the “Walker River” link on the Court’s website. Mineral County will confer with

others as to the naming of the link and will look at the site before it goes live. The Court would like to see a website order in the fashion of the C-125-B order (Mineral County will draft and circulate before filing). As to an e-service order it is preference of the parties that this should wait until Judge Jones rules on the motions to dismiss.

The Court asked for a summary of any pending motions. Discussion was held regarding the October 27, 2014 hearing on Motions to Dismiss in C-125-C. Judge Jones had indicated that there may be the option of additional briefing before the May 4, 2015 hearing for C-125-C. Mineral County indicated that they would file a supplemental brief and WRID indicated that Judge Jones had not established a briefing schedule for any potential supplemental briefing. Mineral County proposed that they confer with WRID and submit a stipulation for Judge Jones to consider regarding supplemental briefing. Oral argument is scheduled for C-125-B motions to dismiss on May 4, 2015.

The next Status Conferences are set for April 22, 2015 at 10 am and June 3, 2015 at 10 am. Parties may appear or participate telephonically. The United States will consult with the main parties to see if there are items to discuss and file a proposed agenda or a motion to vacate by April 13, 2015 for the April 20, 2015 Status Conference.

Dated: April 13, 2015

Respectfully submitted,

John Cruden
U.S. Assistant Attorney General

Andrew "Guss" Guarino, Trial Attorney
David L. Negri, Trial Attorney

By /s/ Andrew "Guss" Guarino

Andrew “Guss” Guarino
U.S. Department of Justice
Environmental and Natural Resources Division
999 – 18th Street, Suite 370
Denver, Colorado 80202
303-844-1343
Guss.guarino@usdoj.gov

Attorneys for the United States of America

Certificate of Service

It is hereby certified that on April 13, 2015 service of the foregoing **SUMMARY FOR THE STATUS CONFERENCE HELD FEBRUARY 26, 2015** was made through the court's electronic filing and notice system (CM/ECF) to all of the registered participants.

s/ Eileen Rutherford
Senior Paralegal,
Labat for USDOJ