

1 GORDON H. DePAOLI, NSB# 195  
DALE E. FERGUSON, NSB# 4986  
2 DOMENICO R. DePAOLI, NSB# 11553  
3 Woodburn and Wedge  
6100 Neil Road, Suite 500  
4 Reno, Nevada 89511  
Telephone: 775-688-3000  
5 Email: gdepaoli@woodburnandwedge.com  
*Attorneys for Walker River Irrigation District*  
6

7 AARON D. FORD, Attorney General  
Anthony J. Walsh, NSB #14128  
8 Deputy Attorney General  
Office of the Attorney General  
9 100 N. Carson Street  
Carson City, Nevada 89701-4717  
10 Telephone: 775-684-1223  
Email: ajwalsh@ag.nv.gov  
11 *Attorneys for Nevada Department of Wildlife*  
12

(List of attorneys continued on next page)

13  
14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE DISTRICT OF NEVADA

16 UNITED STATES OF AMERICA, ) 3:73-cv-00128-MMD-WGC  
17 Plaintiff, )  
18 WALKER RIVER PAIUTE TRIBE, )  
19 Plaintiff-Intervenor, ) **PRINCIPAL DEFENDANTS' JOINT**  
20 v. ) **MOTION TO DISMISS MINERAL**  
21 WALKER RIVER IRRIGATION DISTRICT, ) **COUNTY'S SECOND AMENDED**  
a corporation, et al., ) **COMPLAINT IN INTERVENTION**  
22 Defendants. ) **PURSUANT TO FED. R. CIV. P.**  
 ) **12(b)(1), 12(B)(6) and 12(b)(7)**  
 ) **ORAL ARGUMENT REQUESTED**  
23 MINERAL COUNTY, )  
24 Plaintiff-Intervenor, )  
25 v. )  
26 WALKER RIVER IRRIGATION DISTRICT, )  
et al., )  
27 Defendants. )  
28

1 RODERICK E. WALSTON  
2 *Pro hac vice* (Cal. Bar No. 32675)  
3 MILES B.H. KRIEGER  
4 *Pro hac vice* (Cal. Bar No. 309797)  
5 BEST BEST & KRIEGER LLP  
6 2001 N. Main Street, Suite 390  
7 Walnut Creek, California 94596  
8 Telephone: 925-977-3304  
9 Email: roderick.walston@bbklaw.com  
10 Email: miles.krieger@bbklaw.com

11 JERRY M. SNYDER, NSB #6830  
12 Law Office of Jerry M. Snyder  
13 429 W. Plumb Lane  
14 Reno, Nevada 89509  
15 Telephone: 775-449-5647  
16 Email: Nevadajerrysnyder@gmail.com  
17 *Attorneys for Lyon County and Centennial*  
18 *Livestock*

19 STACEY SIMON, County Counsel  
20 *Pro hac vice* (Cal. Bar No. 203987)  
21 Mono County Counsel's Office  
22 P.O. Box 2415  
23 Mammoth Lakes, California 93546  
24 Telephone: 760-924-1700  
25 Email: ssimon@mono.ca.gov  
26 *Attorneys for Mono County*

27 BRAD M. JOHNSTON, NSB #8515  
28 Simons Hall Johnston PC  
22 State Route 208  
Yerington, Nevada 89447  
Telephone: 775-463-9500  
Email: bjohnston@shjnevada.com  
*Attorneys for Desert Pearl Farms, LLC, Peri*  
*Family Ranch, LLC,*  
*Peri & Peri, LLC, and Frade Ranches, Inc.*

(List of attorneys continued on following page)

1 LAURA A. SCHROEDER, NSB #3595  
2 THERESE A. URE STIX, NSB #10255  
3 CAITLIN SKULAN, NSB #15327  
4 Schroeder Law Offices, P.C.  
5 10615 Double R Boulevard, Suite 100  
6 Reno, Nevada 89521  
7 Telephone: 775-786-8800  
8 Email: [counsel@water-law.com](mailto:counsel@water-law.com)  
9 *Attorneys for the Schroeder Group*  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 The Principal Defendants'<sup>1</sup> move the Court for an order dismissing Mineral County's  
2 Second Amended Complaint in Intervention as follows:

3 (1) Pursuant to Fed. R. Civ. P. 12(b)(1) on the ground that the Court lacks subject  
4 matter jurisdiction;

5 (2) Pursuant to Fed. R. Civ. P. 12(b)(7) on the ground that it fails to join a necessary  
6 party under Fed R. Civ. P. 19; and

7 (3) Pursuant to Fed. R. Civ. P. 12(b)(6) on the ground that it fails to state a claim  
8 upon which relief can be granted.

9  
10 This motion is made and based upon all of the pleadings and papers on file herein and the  
11 Points and Authorities which are filed herewith under separate cover.

12 Date: October 28, 2021

WOODBURN AND WEDGE  
6100 Neil Road, Suite 500  
Reno, Nevada 89511

13  
14  
15 By: /s/ Gordon H. DePaoli

Gordon H. DePaoli,

16 Dale E. Ferguson, Domenico R. DePaoli

6100 Neil Road, Suite 500

17 Reno, Nevada 89511

*Attorneys for Walker River Irrigation District*

18  
19 Date: October 28, 2021

AARON D. FORD, NEVADA ATTORNEY GENERAL

20 By: /s/ Anthony Walsh (per authorization)

Anthony Walsh, NSB# 14128

*Attorneys for Nevada Department of Wildlife*

21  
22  
23  
24  
25  
26 <sup>1</sup> Here the "Principal Defendants" are the Walker River Irrigation District, Desert Pearl  
27 Farms, LLC, Peri Family Ranch, LLC, Peri & Peri, LLC, and Frade Ranches, Inc., Lyon  
28 County and Centennial Livestock, the Nevada Department of Wildlife, the Schroeder Group,  
and Mono County.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Date: October 28, 2021

BEST BEST & KRIEGER LLP

By: /s/ Roderick E. Walston (per authorization)  
Roderick E. Walston, Cal. Bar No. 32675  
*Attorneys for Lyon County and Centennial Livestock*

Date: October 28, 2021

THE COUNTY OF MONO (CA)

By: /s/ Stacey Simon (per authorization)  
Stacey Simon, Cal. Bar No. 203987  
*Attorneys for Mono County*

Date: October 28, 2021

SIMONS HALL JOHNSTON PC

By: /s/ Brad Johnston (per authorization)  
Brad Johnston, NSB# 8515  
*Attorneys for  
Desert Peral Farms, Peri Family Ranch, LLC, Peri & Peri  
LLC, and Frade Ranches*

Date: October 28, 2021

SCHROEDER LAW OFFICES, P.C.

By: /s/ Laura Schroeder (per authorization)  
Laura Schroeder, NSB# 3595  
*Attorneys for The Schroeder Group*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of Woodburn and Wedge and that on the 28<sup>th</sup> day of October 2021, I electronically served the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/ s / Katherine M. Rodriguez

Katherine M. Rodriguez

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28