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*Attorneys for Mineral County*

**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-MMD  
Subproceeding: 3:73-CV-00128-MMD-WGC

**STIPULATION AND [PROPOSED]  
ORDER CONCERNING BRIEFING  
DEADLINES ON PRINCIPAL  
DEFENDANTS' MOTION TO DISMISS  
MINERAL COUNTY'S SECOND  
AMENDED COMPLAINT IN  
INTERVENTION**

STIPULATION AND [PROPOSED] ORDER CONCERNING BRIEFING DEADLINES ON  
PRINCIPAL DEFENDANTS' MOTION TO DISMISS MINERAL COUNTY'S SECOND  
AMENDED COMPLAINT IN INTERVENTION



1 and *Points and Authorities in Support of Motion to Dismiss Mineral County's Second Amended*  
2 *Complaint in Intervention Pursuant to Fed. R. Civ. P. 12(B)(1), 12(B)(6) and 12(B)(7)*, ECF 996.

3           6.       Several weeks after Defendants' motion to dismiss filing, just after the status  
4 conference held by the Court on November 16, 2021, and in the midst of managing follow-up  
5 diagnostic appointments related to lymphoma treatment, lead attorney for Mineral County,  
6 Simeon Herskovits, was hospitalized with COVID-19 and has been unable to work since that  
7 time. He was released from the hospital briefly in late November, but when symptoms returned  
8 he was re-admitted.  
9

10           7.       Mr. Herskovits remains hospitalized with a serious case of COVID-19  
11 pneumonia, and while his prognosis remains unclear, his doctors do not expect him to be able to  
12 return to work for several months under the best case scenario. *See* Exhibit A.  
13

14           8.       Because Mr. Herskovits has primary responsibility for drafting Mineral County's  
15 response to Principal Defendants' joint motion to dismiss, and because that work has not yet  
16 begun due to Mr. Herskovits' health challenges since the filing of the joint motion to dismiss, it  
17 will not be possible for Mineral County to meet the previously-stipulated January 31, 2021,  
18 deadline for Mineral County's response to Principal Defendants' October 28, 2021, motion to  
19 dismiss.  
20

21           9.       At this time, Mineral County intends to meet the service-related deadlines set by  
22 the Court in its November 16, 2021, *Minutes of Proceedings*. *See* ECF 1002. Consistent with  
23 those deadlines, Mineral County plans to file returns of service for personally-served California  
24 riparian Defendants by the end of 2021, and a final service report addressing all California  
25

26 STIPULATION AND [PROPOSED] ORDER CONCERNING BRIEFING DEADLINES ON  
27 PRINCIPAL DEFENDANTS' MOTION TO DISMISS MINERAL COUNTY'S SECOND  
28 AMENDED COMPLAINT IN INTERVENTION

1 riparian Defendants, which will include the signed *Waivers of Personal Service of Notice in Lieu*  
2 *of Summons* forms received in 2015 by February 11, 2021.

3 NOW THEREFORE, the parties hereto hereby stipulate and agree as follows:

4 1. Mineral County's response to Principal Defendants' *Joint Motion to Dismiss*  
5 *Mineral County's Second Amended Complaint in Intervention Pursuant to Fed. R. Civ. P.*  
6 *12(B)(1), 12(B)(6) and 12(B)(7)* will be due by April 30, 2022.

7 2. A joint reply in support of said joint motion will be due by June 30, 2022.

8 3. This schedule will maintain the three (3) month timeframe for Mineral County's  
9 response followed by two (2) months for the filing of a joint reply by Principal Defendants  
10 originally anticipated by the stipulation filed on September 16, 2021. *See* ECF 975.

11 Date: December 15, 2021 ADVOCATES FOR COMMUNITY & ENVIRONMENT  
12 P.O. Box 1075  
13 El Prado, New Mexico 87529

14 By: /s/  
15 Iris Thornton, *pro hac vice*  
16 Attorney for Mineral County

17 Date: December 15, 2021 WOODBURN AND WEDGE  
18 6100 Neil Road, Suite 500  
19 Reno, Nevada 89511

20 By: /s/ (per authorization)  
21 Gordon H. DePaoli, NSB # 195  
22 Attorneys for Walker River Irrigation District

23 Date: December 15, 2021 BEST BEST & KRIEGER  
24 2001 N. Main Street, Suite 390  
25 Walnut Creek, California 94596  
26 Jerry Snyder, NSB # 6830

27 By: /s/ (per authorization)  
28 Roderick E. Watson

STIPULATION AND [PROPOSED] ORDER CONCERNING BRIEFING DEADLINES ON  
PRINCIPAL DEFENDANTS' MOTION TO DISMISS MINERAL COUNTY'S SECOND  
AMENDED COMPLAINT IN INTERVENTION

1 Date: December 15, 2021

STATE OF NEVADA OFFICE OF THE  
ATTORNEY GENERAL  
100 N. Carson Street  
Carson City, Nevada 89701-4717

2  
3  
4 By: /s/ (per authorization)  
Anthony J. Walsh, NSB # 14128  
5 *Attorney for Nevada Department of Wildlife*

6 Date: December 15, 2021

SCHROEDER LAW OFFICES, P.C.  
10615 Double R. Blvd. #100  
7 Reno, NV 89521

8 By: /s/ (per authorization)  
9 Therese Ure Stix, NSB # 10255  
*Attorney for The Schroeder Group*

10 Date: December 15, 2021

THE COUNTY OF MONO (CA)  
11 P.O. Box 2415A  
Mammoth Lakes, California 93546-2415

12 By: /s/ (per authorization)  
13 Stacey Simon, County Counsel  
14 Emily Fox, Dep. County Counsel  
*Attorneys for Mono County*

15 Date: December 15, 2021

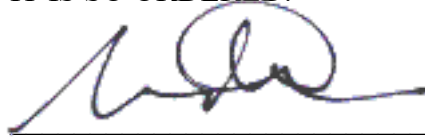
SIMONS HALL JOHNSTON PC  
16 22 State Route 208  
Yerington, Nevada 89447

17 By: /s/ (per authorization)  
18 Brad M. Johnston, NSB # 8515  
19 *Attorney for Desert Pearl Farms, Peri Family*  
20 *Ranch, LLC, Peri & Peri LLC, and Frade Ranches*

21  
22  
23  
24  
25  
26 STIPULATION AND [PROPOSED] ORDER CONCERNING BRIEFING DEADLINES ON  
27 PRINCIPAL DEFENDANTS' MOTION TO DISMISS MINERAL COUNTY'S SECOND  
28 AMENDED COMPLAINT IN INTERVENTION

**ORDER**

Dated: December 15, 2021. IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU,  
CHIEF U.S. DISTRICT JUDGE

STIPULATION AND [PROPOSED] ORDER CONCERNING BRIEFING DEADLINES ON  
PRINCIPAL DEFENDANTS' MOTION TO DISMISS MINERAL COUNTY'S SECOND  
AMENDED COMPLAINT IN INTERVENTION

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of December, 2021, I electronically filed the foregoing **STIPULATION AND [PROPOSED] ORDER CONCERNING BRIEFING DEADLINES ON PRINCIPAL DEFENDANTS' MOTION TO DISMISS MINERAL COUNTY'S SECOND AMENDED COMPLAINT IN INTERVENTION** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case.

/s/Iris Thornton

Iris Thornton

STIPULATION AND [PROPOSED] ORDER CONCERNING BRIEFING DEADLINES ON  
PRINCIPAL DEFENDANTS' MOTION TO DISMISS MINERAL COUNTY'S SECOND  
AMENDED COMPLAINT IN INTERVENTION

**EXHIBIT A**

STIPULATION AND [PROPOSED] ORDER CONCERNING BRIEFING DEADLINES ON  
PRINCIPAL DEFENDANTS' MOTION TO DISMISS MINERAL COUNTY'S SECOND  
AMENDED COMPLAINT IN INTERVENTION





BRIGHAM AND  
WOMEN'S HOSPITAL

BWH SH 9E  
75 FRANCIS ST  
BOSTON MA 02115  
Dept Phone #: 857-307-4000

December 14, 2021

Patient: **Simeon Herskovits**  
Date of Birth: [REDACTED]  
Date of Visit: **12/3/2021**

To Whom It May Concern:

Our patient, Simeon Herskovits has been admitted with COVID-19 and will not be able to perform his professional duties for the foreseeable future while he fights and hopefully recovers from this illness.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Castro-Rivera'.

Cristina Castro-Rivera, MD, PhD

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