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10 *Attorneys for Mineral County*

11 **UNITED STATES DISTRICT COURT**
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-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**

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

1 1. On July 19, 2021, the Court entered the *Order Relating to Completion of Service and*
2 *Schedule for Responses to Mineral County’s Second Amended Complaint in Intervention* (the
3 “*Order*”). ECF 943.

4 2. The *Order* provided that Defendants who were served or returned *Waivers of*
5 *Personal Service of Notice in Lieu of Summons* forms prior to its entry were to file and serve
6 responses to Mineral County’s *Second Amended Complaint In Intervention* no later than September
7 28, 2021. ECF 943.

8 3. On September 16, 2021, Mineral County and the Principal Defendants submitted
9 a *Stipulation and [Proposed] Order Concerning Responses to Second Amended Complaint in*
10 *Intervention*, which provided that Defendants would have until October 29, 2021, in which to file
11 and serve a joint Motion to Dismiss Mineral County’s *Second Amended Complaint in*
12 *Intervention* and a joint memorandum of points and authorities in support thereof. ECF 975.
13 The stipulation further provided that Mineral County’s response to said joint motion would be
14 due by January 31, 2022, and a joint reply in support of said joint motion would be due by March
15 31, 2022. *Id.* The stipulation also requested relief from LR 7-3’s page limit. *Id.*

16 4. On September 17, 2021, the Court approved the stipulation with regard to the
17 deadline modifications, but denied the requested page limit relief, stating that the parties “shall
18 follow the normal process for seeking to exceed the page limit and be prepared to be precise as to
19 the page limit and the reason.” ECF 979.

20 5. On October 28, 2021, Principal Defendants filed a *Joint Motion to Dismiss*
21 *Mineral County’s Second Amended Complaint In Intervention Pursuant To Fed. R. Civ. P.*
22 *12(B)(1), 12(B)(6) and 12(B)(7)*, ECF 994, a *Motion for Leave to File Excess Pages*, ECF 995,
23 STIPULATION AND [PROPOSED] ORDER CONCERNING BRIEFING DEADLINES ON
24 PRINCIPAL DEFENDANTS’ MOTION TO DISMISS MINERAL COUNTY’S SECOND
25 AMENDED COMPLAINT IN INTERVENTION
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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 8. Because Mr. Herskovits has primary responsibility for drafting Mineral County's
14 response to Principal Defendants' joint motion to dismiss, and because that work has not yet
15 begun due to Mr. Herskovits' health challenges since the filing of the joint motion to dismiss, it
16 will not be possible for Mineral County to meet the previously-stipulated January 31, 2021,
17 deadline for Mineral County's response to Principal Defendants' October 28, 2021, motion to
18 dismiss.

19
20 9. At this time, Mineral County intends to meet the service-related deadlines set by
21 the Court in its November 16, 2021, *Minutes of Proceedings*. *See* ECF 1002. Consistent with
22 those deadlines, Mineral County plans to file returns of service for personally-served California
23 riparian Defendants by the end of 2021, and a final service report addressing all California
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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

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

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

15 Date: December 15, 2021

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

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

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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.



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

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STIPULATION AND [PROPOSED] ORDER CONCERNING BRIEFING DEADLINES ON
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EXHIBIT A

STIPULATION AND [PROPOSED] ORDER CONCERNING BRIEFING DEADLINES ON
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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
