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5
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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 * * *

10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 WALKER RIVER PAIUTE TRIBE,)
13 Plaintiff-Intervenor,)
14 vs.)
15 WALKER RIVER IRRIGATION DISTRICT,)
a corporation, et al.,)
16 Defendants.)

IN EQUITY NO. C-125-MMD
Case No.: 3:73-CV-00128-MMD-WGC

**ORDER GRANTING UNOPPOSED
MOTION FOR SERVICE OF ORDER
DISCONTINUING SERVICE BY MAIL
ON UNREPRESENTED PARTIES**

17
18 MINERAL COUNTY,)
19 Plaintiff-Intervenor,)
20 vs.)
21 WALKER RIVER IRRIGATION DISTRICT)
a corporation, et al.,)
22 Defendants.)

23
24 COMES NOW, Plaintiff-Intervenor Mineral County, Nevada, by and through its
25 attorneys, Iris Thornton of Advocates for Community and Environment, and T. Jaren Stanton,
26 Mineral County District Attorney, and submits this *Motion for Service of Order Discontinuing*

1 *Service by Mail on Unrepresented Parties*. As grounds for this Motion, Mineral County states as
2 follows:

3 1. On July 19, 2021, the Court issued an *Order Discontinuing Service by Mail*, which
4 required all Unrepresented Parties¹ to file a *Notice of E-mail Address or, in the Alternative,*
5 *Declaration of Hardship* with the Court. ECF 942.

6
7 2. Specifically, page 2 of that *Order* provided that “In this Order, the Court is ordering that
8 every Unrepresented Party who is receiving service by mail should complete and return the
9 attached form titled: Notice of Email Address or, in the Alternative, Declaration of Hardship.
10 Through this form, each Unrepresented Party must provide an e-mail address for purposes of
11 receiving service by electronic mail. In the alternative, the Unrepresented Party may attempt to
12 establish unique circumstances that make electronic service an impossibility or an undue
13 hardship. Subsequently, the Court shall take up claims of individual circumstances/hardship on a
14 case-by-case basis. The failure to return the ‘Notice’ shall be interpreted by the Court to mean
15 that the Unrepresented Party consents to receive service and notice of all future filings by taking
16 the responsibility to check the public website established and maintained by the Court described
17 in this Order.” ECF 942, at 2.

18
19 3. Paragraph 4 of that *Order* further provided as follows: “The Court shall serve this Order
20 by first class mail on all Unrepresented Parties who previously provided a mailing address. The
21 Court shall serve such Unrepresented Parties at their last known address as reflected by the
22 Court-maintained list of addresses and any recent correspondence with such Unrepresented
23 Parties. Such service of the Order shall also include the Notice of E-mail Address or, in the
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1 Alternative, Declaration of Hardship form in substance as attached hereto as Attachment A.”

2 ECF 942, at 4.

3 4. In preparing its *Report Concerning Rule 4 Service on Final List of Riparian Defendants*,
4 which Mineral County will file on February 11, 2022, Mineral County became aware that the
5 Court’s mailed service list for the *Order Discontinuing Service by Mail* contained in the July 19,
6 2021, CM/ECF Notice of Electronic Filing, did not include all Unrepresented Parties, and
7 therefore, there likely are Unrepresented Parties who did not receive the *Order Discontinuing*
8 *Service by Mail* and are unaware of the requirement that they file a *Notice of E-mail Address or,*
9 *in the Alternative, Declaration of Hardship* form with the Court.
10

11 WHEREFORE, in order to ensure that all parties receive adequate notice of filings in this
12 subproceeding, and because the *Order Discontinuing Service By Mail* was not served on the full
13 list of Unrepresented Parties when it was entered in July, Mineral County requests that the Court
14 serve, via first class mail, the July 19, 2021, *Order Discontinuing Service by Mail*, ECF 942, on
15 the list of Unrepresented Parties attached hereto as Exhibit A, which list constitutes the list of
16 Unrepresented Parties who have filed notices of appearance in this subproceeding *pro se*, who
17 have not already consented to electronic service, and who were not included on the Court’s
18 mailed service list for its *Order Discontinuing Service By Mail*. Following this requested
19 mailing of the *Order Discontinuing Service by Mail*, service by mail may properly be
20 discontinued in this subproceeding with the exception of service by mail on Defendants for
21 whom the Court may grant a request for mailed service included in a *Declaration of Hardship*.
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24 Principal Defendants have been contacted and do not oppose this motion.
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26 ¹ The Court has defined “Unrepresented Party” to mean a Defendant who has entered an
27

1 Respectfully submitted this 20th day of January, 2022,

2 /s/ Iris Thornton
3 Iris Thornton, *pro hac vice*
4 Simeon Herskovits, Nevada State Bar No. 11155
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12 /s/ Jaren Stanton
13 T. Jaren Stanton
14 Nevada State Bar No. 15362
15 Mineral County District Attorney
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19 Fax: (775) 945-0700
20 E-mail: jstanton@mineralcountynv.org

21 IT IS SO ORDERED.

22 DATED January 20, 2022

23 William G. Cobb

24 MAGISTRATE JUDGE

25
26 appearance but who is not represented by an attorney. ECF 942, at 2.

Motion for Service of Order Discontinuing Service by Mail on Unrepresented Parties

EXHIBIT A
LIST OF UNREPRESENTED PARTIES WHO WERE NOT INCLUDED ON THE
COURT'S MAILED SERVICE LIST FOR ITS ORDER DISCONTINUING SERVICE
BY MAIL

Motion for Service of Order Discontinuing Service by Mail on Unrepresented Parties

**LIST OF UNREPRESENTED PARTIES WHO WERE NOT INCLUDED ON THE
COURT'S MAILED SERVICE LIST FOR ITS ORDER DISCONTINUING SERVICE
BY MAIL**

	<u>Unrepresented Defendant</u>	<u>Contact</u>	<u>Address 1</u>	<u>Basis for Inclusion</u>
1.	Adams, The Lester G. Adams and Jean D. Survivor's Trust	Vicki Kay Paulbick and Jean D. Adams, Trustees	P.O. Box 26119 Las Vegas, NV 89126-0119	ECF 883; 884
2.	Cecil, The John and Shirley Revocable Living Trust	John Dow and Shirley Diane Cecil, Trustees	P.O. Box 654 Bridgeport, CA 93517	ECF 809
3.	Fulstone, F.M., Inc.	Richard Fulstone	2022 Nevada State Highway, No. 208, P.O. Box 61 Smith, NV 89430	ECF 328; 344
4.	Fulstone, R.N. Company	Richard Fulstone	2022 Nevada State Highway, No. 208, P.O. Box 61 Smith, NV 89430	ECF 328; 344
5.	Hartline, Deborah		P.O. Box 1343 Quincy, CA 95971	ECF 328; 344
6.	Hawkins, Margaret		945 E. Main Street, #168 Fernley, NV 89801	ECF 328; 344
7.	Koketsu, Kristen Asano		2266 Orleans Drive Pinole, CA 94564	ECF 810
8.	Lozenski, James		2266 Orleans Drive Pinole, CA 94564	ECF 810
9.	Parraguirre, David		1700 Wendy Way Reno, NV 89509	ECF 328; 344
10.	Presto, Rene		1792 Solitude Lane Gardnerville, NV 89410	ECF 738

	<u>Unrepresented Defendant</u>	<u>Contact</u>	<u>Address 1</u>	<u>Basis for Inclusion</u>
11.	Presto Family Trust Agreement dated August 16, 1990	Beatrice Presto, Trustee	1462 Douglas Avenue Gardnerville, NV 89410	ECF 738
12.	Sceirine, Beverly		P.O. Box 249 Yerington, NV 89447	ECF 328; 344
13.	Sceirine, David A.		P.O. Box 1013 Yerington, NV 89447	ECF 328; 344
14.	Sceirine, Joseph E.		P.O. Box 1013 Yerington, NV 89447	ECF 328; 344
15.	Silverado, Inc.	(Scott Shackelton - terminated - 12/9/08 per docket report but no order terminating)	4160 Long Knife Rd Reno, NV 89509	ECF 425
16.	Sweetwater Land & Cattle Company	William Weaver	2535 State Road 338 Wellington, NV 89444	ECF 328; 344
17.	Tholke, Rachel Trust	Don Cook, Trustee	P.O. Box 97 Coleville, CA 96107	ECF 328; 344