

1 Simeon M. Herskovits, Nevada Bar No. 11155
Iris Thornton, *pro hac vice*
2 Advocates for Community and Environment
P.O. Box 1075
3 El Prado, New Mexico 87529
Phone: (575) 758-7202
4 Fax: (575) 758-7203
Email: simeon@communityandenvironment.net
5 iris@communityandenvironment.net

6 T. Jaren Stanton, Nevada Bar No. 15362
7 Mineral County District Attorney
P.O. Box 1210
8 Hawthorne, Nevada 89415
Phone: (775) 945-3636
9 Fax: (775) 945-0740
Email: jstanton@mineralcountynv.org

10 *Attorneys for Mineral County, Nevada, and*
11 *Walker Lake Working Group*

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,)

15 Plaintiff,)

16 WALKER RIVER PAIUTE TRIBE,)

17 Plaintiff-Intervenor,)

18 vs.)

19 WALKER RIVER IRRIGATION DISTRICT,)

20 a corporation, et al.,)

21 Defendants.)

22

MINERAL COUNTY,)

23 Plaintiff-Intervenor,)

24 vs.)

25 WALKER RIVER IRRIGATION DISTRICT,)

26 a corporation, et al.,)

27

Defendants.)

IN EQUITY NO. C-125
CASE NO. 3:73-CV-00128-MMD-
CSD

**STIPULATION AND ORDER FOR
EXTENSION OF TIME TO
SUBMIT PROPOSED
SCHEDULING ORDER AND
DISCOVERY PLAN**

(First Request)

1 1. On August 18, 19, 24, and 29, 2022, a number of Defendants filed answers to Mineral
2 County's *Second Amended Complaint in Intervention*, which filings triggered the requirement that
3 the parties meet and confer under Fed. R. Civ. P. 26(f) and Local Rule 26-1 to discuss a proposed
4 scheduling order and discovery plan. *See* ECF 1063, 1064, 1065, 1067, 1068, 1070, & 1072.

5 2. On September 20, 2022, Counsel for Mineral County and the Walker Lake Working
6 Group ("Mineral County") and Counsel for the Walker River Irrigation District (the "District"), the
7 Nevada Department of Wildlife ("NDOW"), Lyon County and Centennial Livestock, Mono County,
8 Desert Pearl Farms, Peri Family Ranch LLC, Peri & Peri, LLC and Frade Ranches, the Schroeder
9 Group and California State Water Resources Control Board, California Department of Fish and
10 Wildlife and California Department of Parks and Recreation (the "California State
11 Agencies")(collectively, the "Principal Defendants") conferred by telephone pursuant to Fed. R. Civ.
12 P. 26(f) and LR 26-1.

13 3. In addition, during that conference, Mineral County and the Principal Defendants also
14 discussed the need to include in their discussions additional individuals and entities who have filed
15 Answers in this matter and may participate in discovery, pre-trial motion practice, and trial, if one
16 becomes necessary.

17 4. During the September 20, 2022 conference, Mineral County and the Principal
18 Defendants discussed the need to clarify the issues related to Mineral County's Claim and the
19 Defenses to that Claim, and which of those issues will require discovery and the nature and extent of
20 such discovery, as well as the possible phasing of discovery, before they could submit a proposed
21 Scheduling Order and Discovery Plan as required by the relevant Federal Rules of Civil Procedure
22 and the Local Rules of this Court.

23 5. Further, due to the evolution of circumstances since the filing of Mineral County's
24 *First Amended Complaint in Intervention* in 1994, and as a result of a number of court orders which
25 have been issued since that time, additional discussion is required in order to ensure that discovery
26 proceeds within an appropriate scope and in as efficient a manner as possible.

1 6. Consequently, in order to reach an agreement on these issues for a proposed
2 Scheduling Order and Discovery Plan, Mineral County and the Principal Defendants require
3 additional time.

4 7. Mineral County and the Principal Defendants believe this work can be completed, and
5 a stipulated Scheduling Order and Discovery Plan contemplated by Fed. R. Civ. P. 26(f) and Local
6 Rule 26-1 can be filed, by Tuesday, November 22, 2022.

7 8. If Mineral County and the Principal Defendants are unable to agree on a stipulated
8 Scheduling Order and Discovery Plan by November 22, 2022, they will submit, either individually
9 or jointly, proposed Scheduling Orders and Discovery Plans which set forth the subjects on which
10 there is agreement and on which there is disagreement by that same date.

11 NOW THEREFORE, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local
12 Rule IA 6-1, the Parties hereby stipulate and agree as follows:

13 1. Mineral County and the Principal Defendants will have until and including Tuesday,
14 November 22, 2022, to agree upon and file a stipulated Scheduling Order and Discovery Plan, under
15 Fed. R. Civ. P. 26(f).

16 2. If Mineral County and the Principal Defendants are unable to agree upon a proposed
17 Scheduling Order and Discovery Plan by November 22, 2022, then by that same date, they will either
18 individually or jointly submit proposed Scheduling Orders and Discovery Plans which set forth
19 subjects on which there is agreement and on which there is disagreement.

20 3. Mineral County and the Principal Defendants will include in the future discussions
21 referenced herein all Defendants who filed answers to Mineral County's *Second Amended Complaint*
22 *in Intervention*, and who desire to participate in discovery, pre-trial motion practice, and trial, if one
23 becomes necessary.

24 Date: September 30, 2022

ADVOCATES FOR COMMUNITY & ENVIRONMENT
P.O. Box 1075
El Prado, New Mexico 87529

26 By: /s/ Simeon Herskovits
27 Simeon Herskovits, NSB # 11155
28 Attorney for Mineral County, Nevada

1 Date: September 30, 2022

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

2
3 By: /s/ (per authorization)
4 Gordon H. DePaoli, NSB # 195
5 *Attorneys for Walker River Irrigation District*

6 Date: September 30, 2022

BEST BEST & KRIEGER
2001 N. Main Street, Suite 390
Walnut Creek, California 94596
Jerry Snyder, NSB # 6830

7
8 By: /s/ (per authorization)
9 Roderick E. Watson
10 *Attorney for Lyon County and Centennial Livestock*

11 Date: September 30, 2022

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

12
13 By: /s/ (per authorization)
14 Therese Ure Stix, NSB # 10255 *Attorney for The Schroeder Group*

15 Date: September 30, 2022

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

16
17
18 By: /s/ (per authorization)
19 Anthony J. Walsh, NSB # 14128
20 *Attorney for Nevada Department of Wildlife*

21 Date: September 30, 2022

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

22
23 By: /s/ (per authorization)
24 Stacey Simon, County Counsel
25 Emily Fox, Dep. County Counsel
26 *Attorneys for Mono County*

1 Date: September 30, 2022

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

3 By: /s/ (per authorization)
4 Brad M. Johnston, NSB # 8515
5 *Attorney for Desert Pearl Farms,*
6 *Peri Family Ranch, LLC, Peri & Peri LLC,*
7 *and Frade Ranches*

7 Date: September 30, 2022

STATE OF CALIFORNIA OFFICE OF THE
ATTORNEY GENERAL
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, California 94244-2550

10 By: /s/ (per authorization)
11 Rob Bonta, Attorney General of California
12 Russell B. Hildreth, Supervising Deputy Attorney General
13 Nhu Q. Nguyen, Deputy Attorney General
14 NSB # 7844
15 *Attorneys for California State Agencies*

16 **ORDER**

17 Dated: _____, 2022. IT IS SO ORDERED.

18 _____
19 Craig S. Denney
20 United States Magistrate Judge
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

1
2 I hereby certify that on this 30th day of September, 2022, on behalf of Mineral County and
3 the Walker Lake Working Group, I filed the foregoing **STIPULATION AND ORDER FOR**
4 **EXTENSION OF TIME TO SUBMIT PROPOSED SCHEDULIGN ORDER AND**
5 **DISCOVERY PLAN** with the Clerk of the Court using the CM/ECF system, which will send
6 notification of such filing to the email addresses that are registered for this case.

7 Additionally, I hereby certify that on this 30th day of September, 2022, I caused to be served,
8 via United States Postal Service First Class Mail, a complete copy of the foregoing **STIPULATION**
9 **AND ORDER FOR EXTENSION OF TIME TO SUBMIT PROPOSED SCHEDULIGN**
10 **ORDER AND DISCOVERY PLAN**, on the following Defendant who has been granted mailed
11 service by the Court:
12

13 Joe and David Sceirine Ranches
14 P.O. Box 1013
15 Yerington, NV 89447

16 /s/ Simeon Herskovits
17 Simeon Herskovits
18
19
20
21
22
23
24
25
26
27
28