

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 Email: 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,)

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

16 WALKER RIVER PAIUTE TRIBE,)
17)
Plaintiff-Intervenor,)

STIPULATION AND ORDER FOR
ADJUSTMENT OF DISCOVERY
SCHEDULE

18 vs.)
19)

19 WALKER RIVER IRRIGATION DISTRICT,)
20 a corporation, et al.,)
21 Defendants.)

(First Request)

22 MINERAL COUNTY,)
23)
Plaintiff-Intervenor,)

24 vs.)
25)

25 WALKER RIVER IRRIGATION DISTRICT,)
26 a corporation, et al.,)
27 Defendants.)

1 1. On December 20, 2022, the Court entered a *Discovery Plan and Scheduling Order*,
2 which set a due date of October 6, 2023, for the exchange of Plaintiffs' opening expert reports. *See*
3 ECF 1086.

4 2. On September 22, 2023, counsel for Mineral County and the Walker Lake Working
5 Group ("Mineral County") Simeon Herskovits contacted coordinating counsel for Principal
6 Defendants Gordon DePaoli to request that the October 6, 2023, deadline for the exchange of
7 Plaintiffs' opening expert reports be adjusted by one month.

8 3. Mr. Herskovits explained that work on Plaintiffs' opening expert reports has been
9 delayed significantly as a result of lymphoma and COVID-related health complications he
10 experienced over the past 9 months.

11 4. Specifically, Mr. Herskovits has been in Boston, MA, for specialized treatment of
12 lymphoma and aftereffects of Covid-19 since January 3, 2023, much longer than was anticipated at
13 the end of 2022 when the discovery schedule was set. Because of complications from the
14 lymphoma, he was hospitalized under acute circumstances repeatedly during the winter and early
15 spring months of 2023.

16 5. The lymphoma itself eventually was revealed to have been misdiagnosed and
17 therefore ineffectively treated in 2020 and 2021. Starting in March 2023, Mr. Herskovits was
18 treated with a form of immunotherapy properly tailored to his type of lymphoma (T cell histiocyte
19 rich large B cell lymphoma). The immunotherapy has been effective, and since May the lymphoma
20 has been in remission.

21 6. However, the immunotherapy and other medications produced serious complications
22 of their own, which resulted in additional extended hospitalizations through the end of June and
23 again in September. As a result of these complications, for the vast majority of the summer Mr.
24 Herskovits was debilitated and unable to work.

25 7. During this difficult time Mr. Herskovits and his colleague, Iris Thornton, have
26 worked with expert witnesses to prepare their initial reports. But Mr. Herskovits' frequent
27 incapacitation made it too difficult to get those reports completed in time for the October 6, 2023,
28 deadline that the Principal Parties agreed to last fall.

1 8. As a result, counsel for all Principal Parties have agreed to an adjustment of the
2 discovery schedule found in Paragraphs 3b and 9 of the *Discovery Plan and Scheduling Order* by
3 30 days.

4 NOW THEREFORE, the Parties hereby stipulate and agree to an adjustment of the
5 deadlines contained in the Court's December 20, 2022, *Discovery Plan and Scheduling Order* as
6 follows:

7 1. Paragraph 3b: Date for close of discovery will be May 5, 2025.

8 2. Paragraph 9: Expert Report Schedule.

9 a. Plaintiffs' opening expert reports will be due on November 6, 2023;

10 b. Defendants' responsive expert reports to the Plaintiffs' opening expert
11 reports will be due April 8, 2024;

12 c. Plaintiffs' rebuttal expert reports to Defendants' responsive expert reports
13 will be due July 8, 2024;

14 d. Defendants' opening expert reports will be due April 8, 2024;

15 e. Plaintiffs' responsive expert reports to Defendants' opening reports will be
16 due on June 10, 2024;

17 f. Defendants' rebuttal expert reports to Plaintiffs' responsive expert reports
18 will be due on July 8, 2024; and

19 g. Expert depositions will be taken between August 7, 2024, and the close of
20 discovery.

21 3. The remainder of the schedule set forth in the Court's December 20, 2022,
22 *Discovery Plan and Scheduling Order* will remain in place.

23
24 Date: October 2, 2023

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

25
26 By: /s/ Simeon Herskovits
27 Simeon Herskovits, NSB # 11155
28 *Attorney for Mineral County, Nevada*

1 Date: October 2, 2023

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

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

6 Date: October 2, 2023

BEST BEST & KRIEGER
2001 N. Main Street, Suite 390
Walnut Creek, California 94596

7
8 By: /s/ (per authorization)
9 Roderick E. Watson, *pro hac vice*
10 Jerry Snyder, NSB # 6830
11 *Attorneys for Lyon County, Wood Bridgeport, LLC, and*
12 *Lacey Livestock*

13 Date: October 2, 2023

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

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

17 Date: October 2, 2023

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

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

22 Date: October 2, 2023

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

23 By: /s/ (per authorization)
24 Stacey Simon, County Counsel
25 Emily Fox, Dep. County Counsel
26 *Attorneys for Mono County*
27
28

1 Date: October 2, 2023 SIMONS HALL JOHNSTON PC
2 22 State Route 208
3 Yerington, Nevada 89447

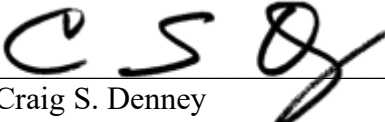
4 By: /s/ (per authorization)
5 Brad M. Johnston, NSB # 8515
6 *Attorney for Desert Pearl Farms,*
7 *Peri Family Ranch, LLC, Peri & Peri LLC,*
8 *and Frade Ranches*

9 Date: October 2, 2023 STATE OF CALIFORNIA OFFICE OF THE
10 ATTORNEY GENERAL
11 1300 I Street, Suite 125
12 P.O. Box 944255
13 Sacramento, California 94244-2550

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

20
21
22
23
24
25
26
27
28
ORDER

Dated: October 2, 2023. IT IS SO ORDERED.



Craig S. Denney
United States Magistrate Judge