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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.)

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

**STIPULATION AND ORDER FOR
ADJUSTMENT OF DISCOVERY
SCHEDULE**

(Second Request)

22 MINERAL COUNTY,)
23)
Plaintiff-Intervenor,)
24 vs.)
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* in this
2 subproceeding, setting forth a discovery plan and deadlines, including deadlines for the exchange of
3 expert reports. *See* ECF 1086.

4 2. In the fall of 2023, the Court granted a thirty-day stipulated extension of the deadlines for
5 the exchange of expert reports, which was agreed to by Defendants at the request of lead counsel
6 for Plaintiffs, Simeon Herskovits. *See* ECF1094.

7 3. That extension was necessary to accommodate complications associated with both long-
8 COVID symptoms suffered by Mr. Herskovits and cancer treatment he was undergoing.

9 4. Pursuant to the October 2, 2023, *Stipulation and Order for the Adjustment of the Discovery*
10 *Schedule*, Plaintiffs exchanged opening expert reports with Principal Defendants on November 6,
11 2024. ECF 1095.

12 5. On April 8, 2024, Principal Defendants exchanged expert reports with Plaintiffs. ECF 1100.

13 6. Over the course of the last eight months since the *Stipulation and Order for the Adjustment*
14 *of the Discovery Schedule* was filed, Mr. Herskovits has continued to endure severe complications
15 associated with lymphoma which have largely prevented him from working.

16 7. As was explained in the 2023 *Stipulation and Order for the Adjustment of the Discovery*
17 *Schedule*, Mr. Herskovits has been in Boston, MA, for specialized treatment of lymphoma and
18 aftereffects of Covid-19 since January 3, 2023, much longer than was anticipated at the end of 2022
19 when the discovery schedule was set. Because of complications from the lymphoma, he was
20 hospitalized under acute circumstances repeatedly during the winter and early spring months of
21 2023, and again in June, September, October, and December of 2023, the last hospitalization ending
22 in January of 2024.

23 8. After trying a number of alternative therapies, Mr. Herskovits' medical team was able to
24 resolve these complications in January 2024, but by February his lymphoma had returned in an
25
26
27
28

1 aggressive form.

2 9. Since March 2024, Ms. Herskovits has been receiving combined chemotherapy and
3 immunotherapy infusions in preparation for an autologous stem cell transplant, and after a series of
4 scans, biopsies and tests over the coming weeks he is scheduled to undergo that transplant process
5 in late July 2024.

6
7 10. As a result of these complications and the return of his lymphoma and related treatments, for
8 the vast majority of the time since the *2023 Stipulation and Order for the Adjustment of the*
9 *Discovery Schedule*, Mr. Herskovits has been debilitated and unable to work.

10 11. Mr. Herskovits has been advised by his medical team at Dana Farber Cancer Institute in
11 Boston that he must be prepared to be severely debilitated and potentially unable to work for a
12 further four to six months, but that the stem cell transplant stands a fair chance of providing a cure
13 for his cancer.

14
15 12. As a result of both the complications he has endured and his medical team's treatment plan
16 and advice, on June 11, 2024, Mr. Herskovits contacted coordinating counsel for Principal
17 Defendants, Gordon DePaoli, to request a further six-month extension of discovery deadlines.

18 13. After conferring, the Principal Defendants agreed to the six-month extension, while
19 reserving their right to object to further extensions.

20 NOW THEREFORE, the Parties hereby stipulate and agree to an adjustment of the deadlines
21 contained in the Court's December 20, 2022, *Discovery Plan and Scheduling Order* as modified by
22 the October 2, 2023, *Stipulation and Order for Adjustment of Discovery Schedule* as follows:

23
24 1. Paragraph 3b: Date for close of discovery will be November 5, 2025.

25 2. Paragraph 9: Expert Report Schedule.

26 a. Plaintiffs' responsive expert reports to Defendants' opening expert reports will
27 be due December 10, 2024;

1 b. Plaintiffs' rebuttal expert reports to Defendants' responsive expert reports will be
2 due January 8, 2025;

3 c. Defendants' rebuttal expert reports to Plaintiffs' responsive expert reports will be
4 due on January 8, 2025; and

5 d. Expert depositions will be taken between February 10, 2025, and the close of
6 discovery.
7

8 3. Paragraph 12: The deadline for identification of lay witnesses will be December 6, 2024.

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

11 5. Principal Defendants do not waive the right to oppose requests for future extensions.
12

13 Date: June 26, 2024

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

14
15 By: /s/ Iris Thornton

16 Iris Thornton, *pro hac vice*
17 Attorney for Mineral County, Nevada and Walker Lake
Working Group

18 Date: June 26, 2024

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

19
20 By: /s/ (per authorization)

21 Gordon H. DePaoli, NSB # 195
22 Attorney for Walker River Irrigation District

23 Date: June 26, 2024

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

24
25 By: /s/ (per authorization)

26 Roderick E. Watson, *pro hac vice*
27 Jerry Snyder, NSB # 6830
28 Attorneys for Lyon County, Wood Bridgeport, LLC, and
Lacey Livestock

1 Date: June 26, 2024

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

4 By: /s/ (per authorization)
Nicole Ting, NSB # 12289
Attorney for Nevada Department of Wildlife

6 Date: June 26, 2024

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

8 By: /s/ (per authorization)
Emily Fox, Dep. County Counsel
Attorney for Mono County

11 Date: June 26, 2024

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

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

17 Date: June 26, 2024

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

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

24 **ORDER**

26 Dated: _____, 2024.

IT IS SO ORDERED.

27 _____
28 Craig S. Denney
United States Magistrate Judge

CERTIFICATE OF SERVICE

1
2 I hereby certify that on this 26th day of June, 2024, on behalf of Mineral County and the
3 Walker Lake Working Group, I filed the foregoing **STIPULATION AND ORDER FOR**
4 **ADJUSTMENT OF DISCOVERY SCHEDULE** with the Clerk of the Court using the CM/ECF
5 system, which will send notification of such filing to the email addresses that are registered for this
6 case.
7

8 Additionally, I hereby certify that on this 26th day of June, 2024, I caused to be served,
9 via United States Postal Service First Class Mail, a complete copy of the foregoing
10 **STIPULATION AND ORDER FOR ADJUSTMENT OF DISCOVERY SCHEDULE** on the
11 following Defendant who has been granted mailed service by the Court:

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

15 /s/ Iris Thornton
16 Iris Thornton
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