

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 [PROPOSED]
ORDER FOR ADJUSTMENT OF
DISCOVERY SCHEDULE**

18 vs.)

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

(Third Request)

21 Defendants.)

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. *See* ECF 1086.

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

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

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

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

12 6. Over the course of the eight months following the filing of the October 2023 *Stipulation and*
13 *Order for the Adjustment of the Discovery Schedule*, Mr. Herskovits continued to endure severe
14 complications associated with lymphoma which largely prevented him from working.

15 7. 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 8. In June of 2024, the Principal Defendants agreed to a six-month extension of discovery
19 deadlines, which extension the Court approved in its June 26, 2024, *Order*. *See* ECF 1103.

20 9. On September 20, 2024, Plaintiffs served Principal Defendants with their *First Joint*
21 *Discovery Requests*. *See* ECF 1104.

22 10. On October 15, 2024, counsel for Principal Defendants Gordon DePaoli contacted counsel
23 for Plaintiffs to request a ninety-day extension to January 20, 2025, of the thirty-day deadline under
24 Rules 33(b)(2) and 34(b)(2)(A) of the Federal Rules of Civil Procedure for responding to those
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1 discovery requests.

2 11. Plaintiffs agreed to Defendants' request and requested that the discovery schedule be
3 adjusted to accommodate Plaintiffs' expert's need to review Principal Defendants' responses to
4 those discovery requests for potential incorporation into Plaintiffs' responsive and rebuttal expert
5 reports, to which Principal Defendants in turn agreed.

6
7 NOW THEREFORE, the Parties hereby stipulate and agree that Principal Defendants shall have until
8 January 20, 2025, to serve Plaintiffs with their responses to Plaintiffs' *First Joint Discovery Requests*.

9 The Parties further stipulate and agree to an adjustment of the deadlines contained in the Court's
10 December 20, 2022, *Discovery Plan and Scheduling Order* as modified by the October 2, 2023,
11 *Stipulation and Order for Adjustment of Discovery Schedule* (ECF 1094) and June 26, 2024,
12 *Stipulation and Order for Adjustment of Discovery Schedule* (ECF 1103) as follows:

13 1. Paragraph 3b: Date for close of discovery will be March 20, 2026.

14 2. Paragraph 9: Expert Report Schedule.

15 a. Plaintiffs' responsive expert reports to Defendants' opening expert reports will
16 be due April 21, 2025;

17 b. Plaintiffs' rebuttal expert reports to Defendants' responsive expert reports will be
18 due May 21, 2025;

19 c. Defendants' rebuttal expert reports to Plaintiffs' responsive expert reports will be
20 due on May 21, 2025; and

21 d. Expert depositions will be taken between June 23, 2025, and the close of
22 discovery.

23 3. Paragraph 12: The deadline for identification of lay witnesses will be April 21, 2025.

24 4. The remainder of the schedule set forth in the Court's December 20, 2022, *Discovery Plan*
25 *and Scheduling Order* will remain in place.
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1 5. The Parties do not waive the right to oppose requests for future extensions.

2
3 Date: October 23, 2024

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

5 By: /s/ Iris Thornton

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

8 Date: October 23, 2024

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

11 By: /s/ (per authorization)

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

12 Date: October 23, 2024

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

15 By: /s/ (per authorization)

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

18 Date: October 23, 2024

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

21 By: /s/ (per authorization)

Nicole Ting, NSB # 12289
Cassin T. Brown, NSB # 15877
Attorneys for Nevada Department of Wildlife

24 Date: October 23, 2024

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

26 By: /s/ (per authorization)

Emily Fox, Dep. County Counsel
Attorney for Mono County

1 Date: October 23, 2024

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, and Frade*
7 *Ranches*

7 Date: October 23, 2024

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
13 General Nhu Q. Nguyen, Deputy Attorney General
14 NSB # 7844
15 *Attorneys for California State Agencies*

14 **ORDER**

16 Dated: _____, 2024.

IT IS SO ORDERED.

17 _____
18 Craig S. Denney
19 United States Magistrate Judge
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CERTIFICATE OF SERVICE

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2 I hereby certify that on this 23rd day of October, 2024, on behalf of Mineral County and the
3 Walker Lake Working Group, I filed the foregoing **STIPULATION AND [PROPOSED] ORDER**
4 **FOR ADJUSTMENT OF DISCOVERY SCHEDULE** with the Clerk of the Court using the
5 CM/ECF system, which will send notification of such filing to the email addresses that are
6 registered for this case.
7

8 Additionally, I hereby certify that on this 23rd day of October, 2024, I caused to be served,
9 via United States Postal Service First Class Mail, a complete copy of the foregoing
10 **STIPULATION AND [PROPOSED] ORDER FOR ADJUSTMENT OF DISCOVERY**
11 **SCHEDULE** on the 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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