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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 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.)
28

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
25
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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

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

15 2. Paragraph 9: Expert Report Schedule.

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

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

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

22 d. Expert depositions will be taken between June 23, 2025, and the close of
23 discovery.
24

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

26 4. The remainder of the schedule set forth in the Court's December 20, 2022, *Discovery Plan*
27 *and Scheduling Order* will remain in place.
28

5. The Parties do not waive the right to oppose requests for future extensions.

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3 Date: October 23, 2024

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

4
5 By: /s/ Iris Thornton
Iris Thornton, *pro hac vice*
Attorney for Mineral County, Nevada and Walker Lake
Working Group

6
7
8 Date: October 23, 2024

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

9
10 By: /s/ (per authorization)
Gordon H. DePaoli, NSB # 195
Attorney for Walker River Irrigation District

11
12 Date: October 23, 2024

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Walnut Creek, California 94596

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

15
16
17
18 Date: October 23, 2024

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21 By: /s/ (per authorization)
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Cassin T. Brown, NSB # 15877
Attorneys for Nevada Department of Wildlife

22
23
24 Date: October 23, 2024

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

25
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
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3
4 By: /s/ (per authorization)
Brad M. Johnston, NSB # 8515
*Attorney for Desert Pearl Farms,
5 Peri Family Ranch, LLC, Peri & Peri LLC, and Frade
6 Ranches*

7 Date: October 23, 2024

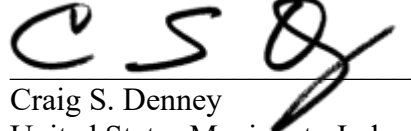
STATE OF CALIFORNIA OFFICE OF THE
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9
10 By: /s/ (per authorization)
Rob Bonta, Attorney General of California
11 Russell B. Hildreth, Supervising Deputy Attorney
12 General Nhu Q. Nguyen, Deputy Attorney General
NSB # 7844
13 *Attorneys for California State Agencies*

14 **ORDER**

15
16 Dated: October 23, 2024.

IT IS SO ORDERED

17 
18 _____
Craig S. Denney
United States Magistrate Judge

CERTIFICATE OF SERVICE

1
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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