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MINERAL COUNTY

U.S. DISTRICT COURT
DISTRICT OF NEVADA
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DISTRICT OF NEVADA

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF NEVADA

10 * * *

11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 WALKER RIVER PAIUTE)
14 TRIBE,)
15 Plaintiff-Intervenor,)
16 vs.)
17 WALKER RIVER IRRIGATION)
18 DISTRICT, a corporation, et al.)
19 Defendants.)

IN EQUITY NO. C-125-C-ECR

MOTION AND POINTS AND
AUTHORITIES TO EXTEND
TIME TO COMPLETE PERSONAL
SERVICE (SECOND REQUEST)

20 MINERAL COUNTY, NEVADA, proposed Intervenor, by and
21 through counsel, ZEH, POLAHA, SPOO & HEARNE, moves, as herein-
22 after set forth, for an extension of time to complete personal
23 service, pursuant to FRCP(6)(b) and LR-1.

24 On August 16, 1995, this Court ordered MINERAL COUNTY
25 to personally serve the approximately 1065 potential defendants
26 herein by September 29, 1995. MINERAL COUNTY'S waiver of per-
27 sonal service mailing had received an estimated 13 percent re-
28 sponse.

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1 MINERAL COUNTY filed a motion on August 22, 1995, to
2 extend time for personal service, asserting that 30 days for
3 such a substantial process of personal service was exceptionally
4 difficult. In the interim, and having received no ruling (or
5 opposition) to its motion to extend, MINERAL COUNTY has served an
6 estimated 51 percent (or has determined service to be unavail-
7 able) of those required to be personally served (see Certificate
8 of Return of Service filed of even date herewith).

9 POINTS AND AUTHORITIES

10 MINERAL COUNTY believes it has acted in demcnstrably
11 good faith by expeditiously attempting to serve by waiver
12 process. Having not succeeded, by reason, it believes, of un-
13 warranted interference, it immediately, upon Order, ccmenced
14 personal service of an intensive large-scale, highly orgnized
15 nature in a matter of days, and has met with notable success and
16 continues its efforts. However, as the Returns of Service, now
17 filed, show, many of the remaining persons to be personally
18 served are scattered around Nevada and other states. Those
19 served to date, on the other hand, were concentrated in Mason
20 Valley and Smith Valley, Nevada, on the Walker River system,
21 where most defendants and plaintiff's citizens are located.

22 MINERAL COUNTY points out that the Walker River Paiute
23 Tribe and the United States, in the related matter, Case No. 125-
24 B, have sought and received several lengthy extensions, totaling
25 nearly two years, for the purpose of attempting service. To
26 date, they have not attempted to serve either by process of
27 waiver or personal service. MINERAL COUNTY does not, in any
28 sense, assail their reasons which are well founded, but hastens

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to underscore the immense difficulty of such massive service of process such as these, whether by waiver or personal service.

CONCLUSION

WHEREFORE, MINERAL COUNTY requests time to complete personal service, having shown best efforts and justifiably needing more time, and receiving no previous opposition and not posing any opposition to others' requests for time. As before, MINERAL COUNTY believes an extension until December 14, 1995, to be a reasonable estimation of the time to complete several hundreds of additional and increasingly complex in-person services.

Respectfully submitted this 29 day of September, 1995.

ZEH, POLAHA, SPOO & HEARNE

By James Spoo
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IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

DATED: _____