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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al. Defendants.	IN EQUITY NO. C-125-C-ECR MOTION AND POINTS AND AUTHORITIES TO EXTEND TIME TO COMPLETE PERSONAL SERVICE (SECOND REQUEST)

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

On August 16, 1995, this Court ordered MINERAL COUNTY to personally serve the approximately 1065 potential defendants herein by September 29, 1995. MINERAL COUNTY'S waiver of personal service mailing had received an estimated 13 percent response.

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

POINTS AND AUTHORITIES

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

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

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
Attorneys for Intervenor
575 Forest Street
Reno, Nevada 89509

IT IS SO ORDERED.

_____
UNITED STATES DISTRICT JUDGE

DATED: _____