

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE

IN CHAMBERS (X) IN OPEN COURT ()

SPECIAL MASTER GEORGE A. SCHADE, JR.
Presiding

IN RE THE GENERAL ADJUDICATION OF
ALL RIGHTS TO USE WATER IN THE LITTLE
COLORADO RIVER SYSTEM AND SOURCE

DATE: February 3, 2010

CV 6417-201

ORDER CONCERNING
BRIEFING ON SPANISH
AND MEXICAN LAW

CONTESTED CASE NAME: *In re Hopi Tribe Priority.*

HSR INVOLVED: None.

DESCRIPTIVE SUMMARY: The Special Master grants the request of the Hopi Tribe to modify the discovery and briefing schedule concerning Spanish and Mexican law issues.

NUMBER OF PAGES: 2.

DATE OF FILING: February 3, 2010.

On December 28, 2009, the Hopi Tribe requested to modify the discovery and briefing schedule as it relates to Spanish and Mexican law issues because the Tribe has had to substitute its expert witness due to illness. The Tribe wishes to file a revised expert report and provide an opportunity for expert rebuttal reports, discovery, and additional time for briefing motions on Spanish and Mexican law issues.

The Tribe indicates that none of the dates currently set for the completion of discovery and filing of motions, other than on issues related to rights under Spanish and Mexican law, need to be changed. Furthermore, "to the extent that briefing regarding issues other than Hopi rights under Spanish and Mexican law requires discussion of

events or issues related to the Spanish and Mexican periods, the parties are not precluded from including those discussions in the initial motions and brief.”

The Tribe’s counsel avows that the Navajo Nation and the United States do not object to the requested modifications. No objections to the requests were filed. The requested modifications will be granted in accord with the foregoing caveats.

IT IS ORDERED:

1. Modifying Paragraph 10(C) (Discovery: Completion) of the Case Initiation Order to provide that all discovery including depositions shall be completed by January 28, 2010, but the Hopi Tribe’s new expert report on Spanish and Mexican law shall be due by **April 30, 2010**. Rebuttals to the Hopi Tribe’s new expert report shall be exchanged by **June 30, 2010**. Depositions or other discovery concerning the reports on Spanish and Mexican law issues shall be completed by **August 30, 2010**.

2. Modifying Paragraph 11 (Motions) of the Case Initiation Order to provide that the last day to file motions and statements of position shall be March 22, 2010, but motions on Spanish and Mexican law rights may be filed by **October 30, 2010**.

3. Modifying Paragraph 12 (Responses) of the Case Initiation Order to provide that responses to all motions shall be filed by May 21, 2010, but responses to motions on Spanish and Mexican law rights shall be filed by **December 15, 2010**.

4. Modifying Paragraph 13 (Replies) of the Case Initiation Order to provide that replies to all motions shall be filed by June 30, 2010, but replies to motions on Spanish and Mexican law rights shall be filed by **January 30, 2011**.

DATED: February 3, 2010.

/s/ George A. Schade, Jr.
GEORGE A. SCHADE, JR.
Special Master

On February 3, 2010, the original of the foregoing was mailed to the Clerk of the Apache County Superior Court for filing and distributing a copy to all persons listed on the Court approved mailing list for the Little Colorado River Adjudication Civil No. 6417-201 dated January 20, 2010.

/s/ Barbara K. Brown
Barbara K. Brown