



## Supreme Court

RACHELLE M. RESNICK  
CLERK OF THE COURT

STATE OF ARIZONA

SUZANNE D. BUNNIN  
CHIEF DEPUTY CLERK

402 ARIZONA STATE COURTS BUILDING  
1501 WEST WASHINGTON STREET  
PHOENIX, ARIZONA 85007-3231

TELEPHONE: (602) 452-3396

September 24, 2009

### NOTICE OF ORAL ARGUMENT

RE: In Re: GILA RIVER SYSTEM  
Arizona Supreme Court No. WC-07-0003-IR  
Maricopa County Superior Court Nos. W-1, W-2, W-3 and W-4

#### GREETINGS:

The above-entitled cause has been set for Oral Argument before the Supreme Court of the State of Arizona on **Tuesday, November 3, 2009, at 2:50 P.M.**, in its Courtroom, Phoenix, Arizona. Allotment of time for oral argument is as follows:

Petitioner ASARCO, LLC may have 20 minutes for opening argument/rebuttal, respondent United States may have 10 minutes for response, and respondent Gila River Indian Community may have 10 minutes for response.

Respondents and any other party joining in a responding brief may agree among themselves for a different allocation of argument and shall inform the Court of any such allocation not later than 20 days prior to oral argument.

Lawyers for the parties must sign-in at least thirty (30) minutes prior to the time set for arguments.

Supplemental citations of legal authority filed less than five days before oral argument shall not be assured of consideration by the Court at oral argument unless good cause is shown for a later filing.

Please **sign** the Acknowledgment of Receipt on the enclosed copy of this Notice and return it to the Supreme Court Clerk's Office within **three days** of receipt of this Notice. Be sure to include the name of the attorney who will argue the case for your side.

**ARIZONA SUPREME COURT  
APPELLATE ADVOCACY INSTRUCTIONS  
FOR ORAL ARGUMENTS**

1. If there is any change in the status of the case, the Court is to be informed immediately.
2. If a lawyer arguing fails to sign in at the Clerk's Office at least thirty minutes (30) prior to the time scheduled for argument, the case may be moved, vacated, or argument commenced without the lawyer being present, whichever the Court deems best under the circumstances.
3. If a lawyer intends to refer to exhibits during argument, he/she must deliver six copies to the Clerk at the time of sign-in, plus deliver one copy to each opponent.
4. If it is necessary to use an easel for exhibits during argument, the Clerk must be notified the day before so that proper arrangements can be made.
5. The attorneys' lounge and conference room are available for use by lawyers arguing before the Court. Please check with the Clerk's Office for directions.
6. A dress code is strictly enforced. Lawyers are required to dress appropriately for court appearances.
7. Lawyers must identify themselves at the time they commence their argument.
8. Speak directly into the microphone. This will enable the court to hear you and the argument to be recorded.
9. The time allotted for each lawyer's argument is kept by the bailiff. Each lawyer must be aware of his/her allotted time. If the lawyer with opening argument wishes to save time for rebuttal, he/she will be responsible to conclude opening argument before his/her allotted time has been used. Please bear in mind that time spent answering questions posed by the Court will be charged against the allotted time for argument.
10. Only attorneys connected with the case are allowed to sit at the counsel table in front of the bar.

11. Questions about procedure or protocol should be addressed with the Clerk before argument commences.
12. Lawyers requiring accommodations, such as Assisted Listening Devices (ALD), must contact the Clerk's Office upon receipt of this notice.

Rachelle M. Resnick  
Clerk of the Court

By:

Deputy Clerk

TO:

Town of Gila Bend  
Navajo Nation, Division of Social Services  
Michael J Pearce  
Jennifer K Giff  
Rodney B Lewis  
Donald R Pongrace  
John B Weldon Jr, Salmon Lewis & Weldon PLC  
John L Smeltzer  
Scott McElroy  
William H Anger  
David Albert Brown  
Eddward P Ballinger Jr  
Michael K Jeanes  
George A Schade Jr  
L Anthony Fines, Law Office of L Anthony Fines PC  
Salmon Lewis & Weldon PLC  
Riney B Salmon II, Salmon Lewis & Weldon PLC  
Douglas C Nelson  
Cynthia M Chandley  
Joe P Sparks  
William P Sullivan  
Stanley M Pollack  
Mark A McGinnis, Salmon Lewis & Weldon PLC

**ACKNOWLEDGMENT OF RECEIPT**

The Undersigned acknowledges receipt of the Notice of Oral Argument and the Instructions for Oral Argument.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

PRINTED name of attorney who will argue the case:

\_\_\_\_\_