

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

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

CV 6417-203

ORDER GRANTING IN PART AND
DENYING IN PART THE HOPI
TRIBE'S MOTION TO EXTEND THE
DUE DATE FOR FILING REBUTTAL
REPORTS

CONTESTED CASE NAME: *In re Hopi Reservation HSR*

HSR INVOLVED: *Hopi Reservation*

NUMBER OF PAGES: 3

DATE OF FILING: August 28, 2018.

Due to an earlier motion filed by the Hopi Tribe to extend deadlines for the submission of expert reports, an Order dated August 4, 2017 ("2017 Order") extended the deadline for filing rebuttal reports by the United States and the Hopi Tribe until August 10, 2018. On August 9, 2018, the Hopi Tribe filed a motion requesting an unspecified amount of time to obtain funding and prepare additional rebuttal reports, a 30-day

extension of the deadline for an additional supplemental report by an expert who has filed eight rebuttal reports, and a general 30-day extension to file supplemental rebuttal reports to expert reports filed two months earlier. As to the latter, the Hopi Tribe claimed it did not have sufficient time to obtain the work papers of the experts retained by opposing parties and have its experts prepare rebuttal reports that included a response, if necessary, to the work papers.

Given that the extended deadline for expert rebuttal reports has been in place for more than a year, the failure of counsel for the Hopi Tribe to seek an amendment of the 2017 Order in a timely fashion once it became apparent that the deadline could not be met, the absence of an explanation of the reasons that the Hopi Tribe's existing experts cannot produce the desired rebuttal reports, and the lack of any information as to the amount of time necessary to obtain funding and generate additional rebuttal reports, no good cause exists to grant an indefinite extension to obtain funding to hire additional experts to prepare additional rebuttal reports.

As to the Hopi Tribe's request for an additional 30 days for DB Stevens to file its ninth rebuttal report and for the Hopi Tribe's existing experts to prepare reports to specifically respond to subpoenaed documents, minimal good cause exists for the request. Neither the LCR Coalition nor the City of Flagstaff object to the requested extension to file supplemental reports to respond to subpoenaed documents. In addition, the trial date and the discovery deadline have been extended so no party will be prejudiced by the granting of an additional 30 days to the Hopi Tribe to permit it to file rebuttal reports referenced in this paragraph. Accordingly,

IT IS ORDERED denying the motion for an unspecified amount of time to file rebuttal reports from Richard Horner, Carl Bauer and Eric Henson.

IT IS FURTHER ORDERED granting the Hopi Tribe until **September 7, 2018** to produce an additional rebuttal report from DB Stevens relating to the water infrastructure for DCMI, alfalfa, and for ceremonial and subsistence gardening and supplemental rebuttal reports from the Hopi Tribe's experts that specifically identify and address only material received in subpoenaed expert files.

DATED: August 28, 2018.


Susan Ward Harris
Special Master

On August 28, 2018, 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 *In re Hopi Reservation HSR*.