

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

01/11/2017

CLERK OF THE COURT
FORM V000

SPECIAL MASTER SUSAN WARD HARRIS

T. DeRaddo
Deputy

W1-11-2664

FILED: 1/18/17

In re Redfield Canyon Wilderness Area
Contested Case No. W1-11-2664

W1-11-2664

In re the General Adjudication W-1, W-2, W-3,
W-4 (Consolidated) of All Rights to Use Water in
The Gila River System and Source

MINUTE ENTRY

Central Court Building – Courtroom 301

10:09 a.m. This is the time set for a Status Conference before Special Master Susan Ward Harris, to address discovery and procedural issues.

The following attorneys appear in person:

- R. Lee Leininger and David Gehlert on behalf of the United States;
- Carrie J. Brennan on behalf of State of Arizona;
- Michael K. Foy and Jeffrey R. Heilman on behalf of Salt River Project;
- Sean T. Hood and Shilpa Hunter-Patel on behalf of Freeport Minerals Corporation; and
- John L. Gaudio on behalf of the U.S. Department of the Interior, Office of the Solicitor.

The following attorneys appear telephonically:

- Joe P. Sparks and Julia M. R. Kolsrud on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe;
- Janet L. Miller on behalf of the Arizona Department. of Water Resources; and
- Susan B. Montgomery on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation.

Court Reporter, Mike Babicky, is present. A record of the proceedings is also made digitally.

Discussion is held regarding the procedure for submitting exhibits among the parties, especially with respect to the need to eliminate duplicate exhibits, provide adequate descriptions and the source of the exhibits. Suggested deadlines were discussed for the completion of exhibit lists.

Counsel for the U.S. Department of Justice, R. Lee Leininger, states that the manner in which the documents are described was addressed in the Court's September 27, 2016 Order. Mr. Leininger asserts that without streamlining the process, the exhibits submitted thus far are so voluminous they amount to a "document dump."

Counsel, Sean Hood, asserts that the parties must submit all exhibits pursuant to the Rules, including those that will be used for impeachment purposes. Mr. Hood suggests that two columns are added to the official exhibit list to clarify the list, including bates numbers of documents and the sources of documents.

Discussion is held among the parties regarding suggested dates and timeframes in which to submit and argue *motions in limine*. Counsel, Mike Foy, requests that *motions in limine* are argued as soon as possible prior to trial because of the possibility of excluding up to five witnesses and the possibility of narrowing scope of the issues at trial.

Discussion is held regarding the submission of the Joint Pretrial Statement with either agreed-upon dates, or the parties' separate suggested dates and regarding the filing of the Supplemental Disclosure Statement

Further discussion is held regarding the Readiness Conference.

Mr. Leininger suggests that the parties consider a site visit of the Redfield Canyon Wilderness Area.

10:59 a.m. Matter concludes.

LATER

IT IS ORDERED that the parties shall comply with the following schedule:

March 6, 2017	Final supplemental Rule 26.1 Disclosure Statements shall be filed.
March 13, 2017	United States shall produce and distribute a Pretrial Statement which includes an Exhibit List to all parties. Exhibits nos. 1-66 shall be exhibits nos. 1-66 from the depositions taken in this contested case.
March 13, 2017	Deadline to file motions in limine.
March 16, 2017	Arizona State Land Department shall distribute the Pretrial Statement with its additions to all parties.
March 21, 2017	Salt River Project shall distribute the Pretrial Statement with its additions to all parties.
March 27, 2017	Freeport shall distribute the Pretrial Statement with its additions to all parties.
March 30, 2017	All remaining parties shall provide their additions to the Pretrial Statement to all parties
March 31, 2017	Responses due to Motions in Limine filed on March 16, 2017.
April 3, 2017	Joint PreTrial Statement shall be filed. Each party shall file its exhibits with the Clerk and provide a separate copy on a thumb drive to Judge Brain
April 6, 2017	Conference to address Joint PreTrial Statement. Oral Argument on Motions in Limine filed on or before March 13, 2017
April 20, 2017	Readiness Conference

Disclosure Statements

The sole purpose of the final supplemental Rule 26.1 Disclosure Statement is to insure that each party has identified in a Disclosure Statement the existence, location, custodian, and general description of any tangible evidence, documents, or electronically stored information that the disclosing party plans to use at trial, including any material to be used for impeachment. In addition to the information required to be provided in Rule 26.1(a)(8), each party shall also identify the context, e.g., deposition, in response to a request for production, where the listed document has been previously produced. If a party has already fully disclosed its exhibits in Disclosure Statements filed to date, the party shall have no obligation to file a supplemental Rule 26.1 Disclosure Statement on March 6, 2017.

Joint Pretrial Statement

The joint pretrial statement shall include an exhibit titled: Final Trial Witness List. This list shall contain the name of each witness a party actually intends to call at trial, the day the party intends to call each witness and the estimated time needed for direct, cross and re-direct examination.

The exhibit list included in the Joint Pre-Trial Statement shall be prepared using the following columns:

Exhibit No.	Offered	Date Rec'd in Evidence	File Name for E-exhibit	Brief Description	Extended Description	Source
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The extended description for Exhibits which are briefly described as a “letter” or “email” will be identified by sender, recipient, date and subject. Exhibits briefly described as “Declarations” “Report” and “memo” will be identified by the declarant or writer, respectively, date and subject. All other exhibits will include a subject description. No document that is not in pdf, word or excel format shall be listed as an exhibit. The “source” column will identify the context in which the document was previously produced. No party shall list an exhibit which is duplicative of another party’s exhibit. The final Joint Pretrial Statement shall be signed by counsel for all parties.

A status conference to consider the Joint Pre-trial statement and exhibit list shall be held on April 6, 2017, at 10:30 a.m. before:

Special Master Susan Ward Harris
Maricopa County Superior Court
Central Court Building – 201 West Jefferson
Courtroom 301
Phoenix AZ 85003

Readiness Conference

A readiness conference shall be held on April 20, 2017, at 1:30 p.m. before:

Special Master Susan Ward Harris
Maricopa County Superior Court
Central Court Building – 201 West Jefferson
Courtroom 301
Phoenix AZ 85003

Motions in Limine

Oral argument on the United States' Motion in Limine, dated December 22, 2016, shall be held on March 2, 2017, following argument on the United States' Motion for Summary Judgment at 1:30 p.m. before:

The Honorable Mark Brain
Maricopa County Superior Court
Central Court Building – 201 West Jefferson
Courtroom 1201
Phoenix AZ 85003

Oral argument on Motions in Limine, filed on or before March 13, 2017, shall be held on April 6, 2017, at 1:30 p.m. before:

The Honorable Mark Brain
Maricopa County Superior Court
Central Court Building – 201 West Jefferson
Courtroom 1201
Phoenix AZ 85003

Instructions for telephonic participation in all of the above proceedings:

1. Dial 1 602-506-9695 (toll free number)
2. Dial Participant Pass Code 163622# (pound)

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case Number W1-11-2664.