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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

Civil Case No. CV6417-300

ORDER DENYING CITY OF
FLAGSTAFF'S MOTION FOR
CLARIFICATION

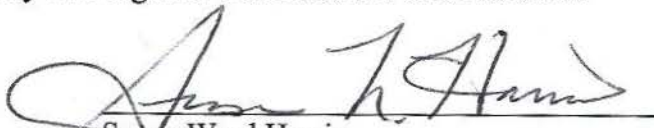
CONTESTED CASE NAME: *In re Navajo Nation*
HSR INVOLVED: Navajo Reservation Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: City of Flagstaff's Motion for Clarification is denied.
NUMBER OF PAGES: 2
DATE OF FILING: October 4, 2022

The City of Flagstaff seeks a Motion to Clarify the Minute Entry filed September 16, 2022, that governs the continued deposition of Erin Young. The Minute Entry limited both the time and the scope of the questions. It affirmed that the City of Flagstaff may instruct Ms. Young not to answer a question to preserve a privilege as permitted by Ariz. R. Civ. P. 30(c)(2). It also permitted the City of Flagstaff to instruct Ms. Young not to answer questions extended

1 beyond the scope of the continued deposition. Although the City of Flagstaff titled its motion
2 as one seeking clarification, the motion seeks reconsideration of the Minute Entry. The City
3 of Flagstaff requests reconsideration of the decision to permit the Navajo Nation to ask
4 questions that it has asked in whole or in part in the original deposition session. The Navajo
5 Nation filed a response in opposition to the motion.

6
7 The Minute Entry specifically states that the City of Flagstaff "may not instruct the
8 witness not to answer a question solely on the grounds that it was asked in the first day
9 of the deposition." Minute Entry at 3. If the Navajo Nation elects to use a part or all
10 of its remaining one hour to depose Ms. Young to ask questions already asked, either
11 in part or in whole, which also fall within the scope of questions permitted by the
12 Minute Entry, then the Navajo Nation may do so without objection from the City of
13 Flagstaff. No reason exists to make the remainder of this deposition more difficult by
14 introducing an additional ground for instructing Ms. Young not to answer. The
15 deposition is limited by both time and scope. The City of Flagstaff and its witness will
16 not be unreasonably oppressed or annoyed or unduly burdened by repetitive questions
17 if the Navajo Nation elects to use its one hour in such a manner.

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20 **IT IS ORDERED** denying City of Flagstaff's Motion for Clarification.

21
22 
23 Susan Ward Harris
24 Special Master

25 On October 4, 2022, the original of the foregoing was delivered to
26 the Clerk of the Apache County Superior Court for filing and
27 distributing a copy to all persons listed on the Court-approved
28 mailing list for this contested case.


Emily Natale