

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 THE HOPI
TRIBE'S MOTION TO EXTEND THE
DUE DATE FOR FILING THREE
REBUTTAL REPORTS

CONTESTED CASE NAME: *In re Hopi Reservation HSR*

HSR INVOLVED: *Hopi Reservation*

NUMBER OF PAGES: 3

DATE OF FILING: October 1, 2018

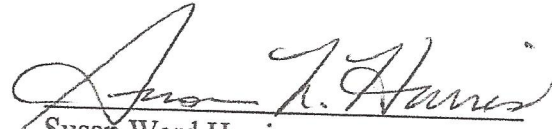
In support of its motion for an unspecified amount of time to submit three additional rebuttal expert reports after the expiration of the deadline set by Order dated August 4, 2017 ("2017 Order"), the Hopi Tribe has now provided a firm date by which the late rebuttal reports would be completed and the reasons for the need to hire new experts to prepare rebuttal reports.

The Hopi Tribe argues that it should be allowed additional time to file expert reports because the City of Flagstaff was permitted an extension of time to secure a new hydrology expert. The situations are not equivalent. Within approximately three weeks after the Hopi Tribe asserted that the City of Flagstaff's expert had a conflict of interest, the City of Flagstaff had met with other counsel to discuss the issue, retained a new expert, obtained a date certain for the delivery of the expert report and submitted a stipulation to the Court for the approval of a new date by which the expert report would be produced. In contrast, the Hopi Tribe filed a motion for an open-ended extension to file rebuttal reports approximately two months after the scheduled deadline for receipt of the reports that the Hopi Tribe intends to rebut.

In its most recent filing, the Hopi Tribe explained the reasons for its belief that its experts lack the expertise necessary to respond to the reports prepared by the Objectors thereby giving rise to the need for additional rebuttal experts. The Hopi Tribe has also provided November 12, 2018 as a firm date by which the new reports can be prepared and produced. Although the proposed date for the production of the rebuttal reports is more than three months after the deadline set more than a year ago, the Objectors will not be prejudiced by the delay given that the discovery deadline has been extended to June 21, 2019.

IT IS ORDERED granting the Hopi Tribe's request to extend the deadline until November 12, 2018 for the filing of rebuttal reports from Richard Horner, Carl Bauer and Eric Henson.

DATED: October 1, 2018


Susan Ward Harris
Special Master

On October 1, 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*.