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Approved for transmission: [Signature] Do not telefax without JAB's or MW's initial.
SUBJECT: LANT: USA and LANT v. State of New Mexico (EID)

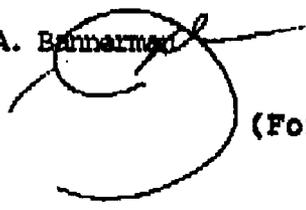
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COMMENTS

Gini, please pardon the delay, but I was out of the office on Friday and wanted to get Karen Egbert's approval. Please call if you have any objections or revisions. Can you give consent for Randy too?

John A. Barnerman


(Form AO 3356W-0002B)



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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA
and THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA,

Plaintiff,

v.

STATE OF NEW MEXICO; and
NEW MEXICO DEPARTMENT OF
ENVIRONMENT

Defendants.

NO. CIV 90-0276SC

STIPULATED MOTION TO AMEND
PRE-TRIAL REPORT AND VACATE TRIAL SETTING

The parties, having stipulated to this motion, move the Court for an order amending the Initial Pre-Trial Report, filed with the Court on July 18, 1991, and vacating the trial setting on April 6, 1992. As grounds, the parties state:

1. On October 3, 1990, plaintiff United States of America ("United States") filed a motion for summary judgment on its complaint.

2. On April 29, 1991, defendants State of New Mexico and New Mexico Health and Environment Department, Environmental Improvement Division ("Defendants"), filed

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US: ~~10/10~~ (10/10)
UC: (6/11/91)
6/10/91

an opposition to the United States' motion for summary judgment and a cross-motion for summary judgment.

3. On March 21, 1991, the Court ordered that the University of California be joined as a plaintiff in the action.

4. The Regents of the University of California ("University") concur in the United States' motion for summary judgment and oppose the Defendants' cross-motion for summary judgment.

5. The United States' motion for summary judgment and the Defendants' cross-motion for summary judgment are currently pending before the Court.

6. On July 18, 1991, an Initial Pre-Trial Report was filed with the Court.

7. On July 18, 1991, the Court set the case for non-jury trial on April 6, 1992.

8. The parties contend that the issues presented in this case are purely legal and can be resolved on motion for summary judgment. The parties believe that the Court's ruling on the pending motions for summary judgment will either be dispositive or will significantly narrow the issues of the case and thereby determine the direction of discovery.

9. Judicial economy and the preservation of the Court's resources will be served by the granting of an

extension of time on all pending deadlines set forth in the Initial Pre-Trial Report and the vacating of trial setting on April 6, 1992.

WHEREFORE the parties move the Court for an order:

1. Amending the July 18, 1991 Initial Pre-Trial Report to provide a moratorium on all deadlines until 90 days after the Court rules on the pending motions for summary judgment;
2. Providing that on the 90th day following the Court's ruling on the motions for summary judgment, the deadlines will begin to run in the same sequence and with the same intervals between deadlines as set forth in the Initial Pre-Trial Report; and
3. Vacating the trial setting on April 6, 1992, to be rescheduled on or after 90 days following the last deadline set forth in the Initial Pre-Trial Report, as amended.

Respectfully submitted,

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APPROVED BY:**Telephonically Approved 9/30/91**

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA
and THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA,

Plaintiff,

v.

STATE OF NEW MEXICO; and
NEW MEXICO DEPARTMENT OF
ENVIRONMENT

Defendants.

NO. CIV 90-0276SC

ORDER AMENDING INITIAL
PRE-TRIAL REPORT AND VACATING TRIAL SETTING

This matter came before the Court on the parties' Stipulated Motion to Amend Initial Pre-Trial Report and Vacate Trial Setting. The Court, having reviewed the motion and being otherwise fully advised in the matter finds the motion is well taken.

IT IS THEREFORE ORDERED:

1. That the July 18, 1991 Initial Pre-Trial Report is hereby amended to provide a moratorium on all deadlines until 90 days after the Court rules on the pending motions for summary judgment.

APPROVED BY:**Telephonically Approved 9/30/91****KAREN L. EGBERT****Attorney for United States of
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