

STATE OF NEW MEXICO)
COUNTY OF DONA ANA)
THIRD JUDICIAL DISTRICT)

State of New Mexico ex rel.)
Office of the State Engineer,)

Plaintiff,)

No. D-307-CV-96-888
Lower Rio Grande Adjudication

James J. Wechsler
Judge Pro Tempore

Elephant Butte Irrigation)
District, et al.,)

Defendants.)

Stream System Issue No. 107
Pre-Project Interests
D-307-SS-9700107

Pre-1906 CLAIMANTS' MOTION TO EXTEND THE DISPOSITIVE MOTION DEADLINE
AND SCHEDULING ORDER IN STREAM SYSTEM ISSUE NO. 107

COMES NOW Defendant Pre-1906 Claimants ("Claimants"), through their undersigned counsel Robert Simon and respectfully moves the Court to amend the Scheduling Order, to extend the deadline for filing of Replies on threshold legal issues and Rule 1-012(B)(6) motions ("dispositive motions"), to provide Defendant additional time to file its replies to responses, to allow for oral argument on dispositive motions, and to stay further proceedings under the scheduling order pending the Court's ruling on dispositive motions.

The Defendant submits the following grounds in support of its motion:

1. On March 4, 2026, the Court entered an order granting the State of New Mexico's unopposed Motion to Amend Scheduling Order to extend the deadline for filing the deadline for responses to dispositive motions from March 2, 2026, to March 9, 2026, and the deadline for replies to responses to dispositive motions from April 6, 2026, to April 13, 2026.

Granted,


James J. Wechsler
Judge Pro Tempore

April 15, 2026

2. On March 9, 2026, counsel for the Claimants, Robert Simon, was admitted to hospital suffering from an acute attack of Carnitine Palmitoyl Transference Deficiency.
3. On March 24, 2026, Claimants' Counsel notified all counsel of record that he had been discharged from the hospital, that he was slowly recovering, and suggested an extension to file his Reply to the Responses filed in SSI-107 until April 30, 2026.
4. On April 7, 2026, Claimants' Counsel notified all counsel of record that he was slowly recovering and suggested an extension to file his Reply to the Responses filed in SSI-107 by May 7, 2026.
5. No objection by any counsel of record to Claimants' suggested extension has been noted since March 24, 2026, and many responses have been received encouraging Robert Simon "To take as much time as is necessary to recover".
6. Claimants' counsel continues to make progress in his recovery and it now appears that he will return to full function in the near future.
7. Claimants counsel now wishes to formalize his earlier informal request to extend the deadline for filing his Reply to Responses in Support of Claimants' Motion for Summary Judgment from April 13, 2026, to May 7, 2026, and for the Court to set the hearing to consider Claimants' Motion for Summary Judgment vacated from April 24, 2026 by order of this Court entered on March 23, 2026, to a date subsequent to May 7, 2026.

8. Thus, the Claimants respectfully request that the Court extend the deadline for filing Replies to Response to dispositive motions under Paragraph (5) of the Scheduling Order from April 13, 2026, to May 7, 2026.
9. No party has indicated opposition to Claimants' informal request to extend the deadline for its Reply to May 7.
10. Claimants have sent a copy of this Motion to extend the deadline for filing its Reply to all Counsel of record today to formally seek the position of the parties on the preceding proposal.

WHEREFORE, Pre-1906 Claimants respectfully request that the Court amend the Scheduling Order and extend the deadline to reply to responses, oral argument on dispositive motions, and staying further proceedings in SSI 107 pending the Court's ruling on dispositive motions..

Respectfully submitted,

/s/ Robert S. Simon
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Certificate of Service

I, Robert Simon, hereby certify that a true copy of the Pre-1906 Claimants' Pre-1906 CLAIMANTS' MOTION TO EXTEND THE DISPOSITIVE MOTION DEADLINE AND SCHEDULING ORDER STREAM SYSTEM ISSUE NO. 107

was sent via email to the counsel for parties of record located on the SS-97-107 service list on the Lower Rio Grande Adjudication Website. on April 13, 2026.

/s/ Robert S. Simon