
IN THE FIFTH JUDICIAL DISTRICT COURT
IN AND FOR WASHINGTON COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL
DETERMINATION OF RIGHTS TO THE
USE OF WATER, BOTH SURFACE AND
UNDERGROUND, WITHIN THE
DRAINAGE AREA OF THE VIRGIN
RIVER IN WASHINGTON, IRON, AND
KANE COUNTIES IN UTAH

**SPECIAL MASTER’S
STANDING ORDER NO. 1
(ON MANAGEMENT OF
OBJECTIONS)**

Civil No. 800507596

(Hon. G. Michael Westfall,
District Judge)

Rick L. Knuth, Special Master

The duly-appointed Special Master, Rick L. Knuth, acting *sua sponte*, hereby issues this Standing Order No. 1 to govern the litigation of proceedings before the Special Master in the above-entitled general adjudication of water rights (this “Standing Order”).

1. As stated in the Court’s Order Appointing R.L. Knuth as Special Master in the Virgin River Adjudication and Order of Reference, entered on November 21, 2019 (the “Order of Reference”), the Special Master’s duties are limited to hearing objections to a List of Unclaimed Rights¹ and objections to a Proposed Determination² (each, an “Objection”). Each such proceeding having as their subject a discrete Objection shall be referred to herein as an “Objection Proceeding.”

¹ See Utah Code Ann. § 73-4-9.5.

² See Utah Code Ann. §§ 73-4-11, 9.5.

2. The Special Master may not hear objections related to federal reserved water rights.³ Thus this Order has no application to the litigation of such objections.

3. This Order is organized as follows:

a. Section I provides the rules and procedures for Objection Proceedings involving Objections filed *before* the Court entered the Order of Reference on November 21, 2019;

b. Section II provides the rules and procedures for Objection Proceedings involving Objections filed *after* the Court entered the Order of Reference;

c. Section III provides the rules and procedures for Objection Proceedings involving Objections to Lists of Unclaimed Rights; and

d. Section IV provides general rules and procedures applicable to all Objection Proceedings before the Special Master.

I. OBJECTIONS FILED BEFORE NOVEMBER 21, 2019

4. This Section I of the Standing Order governs Objection Proceedings involving Objections that were filed *before* the Court entered its Order of Reference on November 21, 2019. Objections filed before the Court entered its Order of Reference shall be referred to herein as “Pre-Reference Objections,” and Objection Proceedings for Pre-Reference Objections shall be referred to herein as “Pre-Reference Objection Proceedings.”

³ See Order of Reference, at 2.

A. Commencing the Pre-Reference Objection Proceeding—the Order to Show Cause

5. A Pre-Reference Objection Proceeding shall be commenced by the Special Master’s issuance of a “Notice and Order to Show Cause,” either *sua sponte*, or upon motion of an interested party upon good cause shown, requiring any person who has filed a Pre-Reference Objection to a Proposed Determination (each, an “Objector”) to appear and show cause why the Objection should not be dismissed.

6. Each Pre-Reference Objection Proceeding shall be assigned a three-digit number representing the Area number, book number, and individual Pre-Reference Objection number—*e.g.*, 57-6-01—as discussed in ¶ 63, *infra*.

7. A motion for the issuance of a Notice and Order to Show Cause shall include copies of all responsive pleadings directed to the Pre-Reference Objection, along with a proposed service matrix, setting forth:

- a. The name and current address (if available) of the original Objector who interposed the Pre-Reference Objection;
- b. The Statement of Claim/Water User’s Claim number to which the Pre-Reference Objection relates;
- c. A copy of the page(s) from the Proposed Determination containing the State Engineer’s recommendation respecting the subject Statement of Claim/Water User’s Claim;
- d. The name and current address of any attorney who has appeared for any party respecting the Pre-Reference Objection; and

e. The name and address of the present record title owner(s) of the water right to which the Pre-Reference Objection relates, as that information is currently reflected in the database of the Utah State Division of Water Rights.

8. The Notice and Order to Show Cause will be served by the Special Master via certified mail, return receipt requested, and will be accompanied by:

a. An explanatory cover letter from the Special Master;

b. A copy of the subject Pre-Reference Objection and of all responsive pleadings directed to the Pre-Reference Objection;

c. A copy of the page(s) from the Proposed Determination containing the State Engineer's recommendation respecting the subject Statement of Claim/Water User's Claim;

d. A form of Notice of Intent to Proceed with Objection Proceeding ("Notice of Intent to Proceed"), substantively identical to the form that will be made available on the Utah Courts website, at:

<https://www.utcourts.gov/waterrights/>; and

e. A copy of this Standing Order.

B. Responding to the Order to Show Cause—the Notice of Intent

9. In order for a Pre-Reference Objection Proceeding to proceed, an Objector must file a Notice of Intent to Proceed, indicating an intention to pursue the Pre-Reference Objection.

10. A Pre-Reference Objection will be subject to a report and recommendation by the Special Master to the District Judge that the subject Pre-Reference Objection be dismissed, with prejudice, where:

- a. The Objector fails to file with the Clerk a completed form Notice of Intent to Proceed, indicating an intention to pursue the Pre-Reference Objection, within thirty-five (35) days of the filing of the Notice and Order to Show Cause;
- b. The Objector files a Notice of Intent to Proceed, at any time, indicating an intention NOT to pursue the Pre-Reference Objection; or
- c. The Objector fails to file a timely response to the Notice and Order to Show Cause.

C. Responding to the Pre-Reference Objection—the State Engineer’s Answer and Disclosure of Potentially Affected Parties

11. Whenever a Notice of Intent to Proceed has been timely filed with the Court indicating an intention to pursue the Pre-Reference Objection, the State Engineer shall file an answer or other responsive pleading pursuant to Rule 12, Utah Rules of Civil Procedure (“U.R.Civ.Pro.”), within seventy (70) days of the filing of the Notice and Order to Show Cause, except where the State Engineer has already filed a responsive pleading.

12. The State Engineer’s answer shall contain a Disclosure of Potentially Affected Parties, disclosing the name and address of any person known “whose water rights would be affected or drawn into question”⁴ by the resolution of the Pre-Reference Objection or the outcome of the Pre-Reference Objection Proceeding (each, a “Potentially Affected Party”), as well as the rationale and methodology used to ascertain the identity of such Potentially Affected Parties.

13. In instances where the State Engineer has already filed a responsive pleading to a Pre-Reference Objection, the State Engineer shall file a Disclosure of

⁴ *Plain City Irr. Co. v. Hooper Irr. Co.*, 51 P.2d 1069, 1071 (Utah 1935).

Potentially Affected Parties, disclosing the information outlined in ¶ 12, *supra*, as a separate pleading, within seventy (70) days of the filing of the Notice and Order to Show Cause.

14. The Objector shall file a Disclosure of Potentially Affected Parties, disclosing the information outlined in ¶ 12, *supra*, within fourteen (14) days of the date of service of the State Engineer’s Disclosure of Potentially Affected Parties. Failure of an Objector to file a Disclosure of Potentially Affected Parties within the time prescribed will be considered a statement that the Objector is unable to identify any Potentially Affected Parties beyond those disclosed by the State Engineer.

15. All parties to a Pre-Reference Objection Proceeding, including Potentially Affected Parties, have a continuing obligation to supplement their Disclosure of Potentially Affected Parties as they identify new potentially affected parties.

16. The Disclosure of Potentially Affected Parties submitted by any party will be for notice and procedural purposes only, will be made without waiver of defenses, and the disclosure or non-disclosure of any party will not be admissible as evidence as to that party’s substantive rights.

D. Incorporating Potentially Affected Parties—Notice of Objection Proceeding, the Potentially Affected Party’s Notice of Participation and Answer, and Service Lists

17. After the time to file the Objector’s Disclosure of Potentially Affected Parties has elapsed, the Special Master will serve upon all identified Potentially Affected Parties a “Notice of Objection Proceeding and Opportunity to be Heard” (“Notice of Objection Proceeding”), by certified mail. The Notice of Objection Proceeding will include a form entitled: “Notice of Affected Party Participation in Water Right Objection Proceeding”

(“Potentially Affected Party Notice”). The Potentially Affected Party Notice must be substantively similar to the form available on the Utah Courts website, at: <https://www.utcourts.gov/waterrights/>.

18. Potentially Affected Parties shall have forty-nine (49) days from the date of mailing of the Notice of Objection Proceeding to indicate that they wish to appear and participate in the Pre-Reference Objection Proceeding by filing a Potentially Affected Party Notice.

19. Within thirty-five (35) days of filing a Potentially Affected Party Notice, a Potentially Affected Party shall file a pleading that is responsive to the Objection, setting forth the party’s claims and defenses.

20. Once the time has elapsed for Potentially Affected Parties to file their respective Potentially Affected Party Notices, the Special Master will post (and revise from time to time) official “Service Lists” of parties for each Pre-Reference Objection Proceeding—*viz.*, the State Engineer, the Objector(s), and all Potentially Affected Parties who have timely filed a Potentially Affected Party Notice. The Service Lists will be available on the Utah Courts website, at:

<https://www.utcourts.gov/waterrights/servicelists.html>. A Potentially Affected Party who fails to file a timely Potentially Affected Party Notice, or who otherwise fails to manifest a present intention to participate, will not be included in the Service List for the Pre-Reference Objection Proceeding.

21. If a Potentially Affected Party fails to file a timely Potentially Affected Party Notice, or otherwise indicates that the Potentially Affected Party does not wish to participate, that Potentially Affected Party waives the right to participate in the Pre-

Reference Objection Proceeding before the Special Master; *however*, a Potentially Affected Party who did not file a timely Potentially Affected Party Notice may seek leave from the Special Master to participate in the Pre-Reference Objection Proceeding by filing a motion to intervene, pursuant to Rule 24, U.R.Civ.Pro.

E. Setting the Schedule for the Pre-Reference Objection Proceeding—Scheduling Conferences and Scheduling Orders

22. Following the filing of the Disclosures of Potentially Affected Parties, or the elapsing of the time permitted for the filing thereof, the Special Master will schedule and conduct a mandatory Scheduling Conference with the parties to the Pre-Reference Objection Proceeding. The Scheduling Conference will be held no earlier than forty-nine (49) days after the Special Master serves Potentially Affected Parties with the Notice of Objection Proceeding. The Special Master may include notice of the Scheduling Conference with the Notice of Objection Proceeding.

23. Following the Scheduling Conference, the Special Master will issue a Scheduling Order containing deadlines for discovery, mediation and settlement negotiations, dispositive motions, and a final hearing date.

24. The Tier 2 discovery standards and limits of Rule 26(c)(5), U.R.Civ.Pro., will apply to each Objection Proceeding, with the following modifications:

- a. The Rule 26 discovery limits will be applied on a per-party basis instead of “per side”; and
- b. All parties represented by the same counsel will be treated as a single party.

25. Pursuant to Rule 26(c)(6), U.R.Civ.Pro, any party may move for extraordinary discovery.

II. OBJECTIONS FILED AFTER NOVEMBER 21, 2019

26. This Section II of the Standing Order governs Objection Proceedings for Objections that were filed *after* the Court entered its Order of Reference on November 21, 2019. Objections filed after the Court entered its Order of Reference shall be referred to herein as “Post-Reference Objections,” and Objection Proceedings for Post-Reference Objections shall be referred to herein as “Post-Reference Objection Proceedings.”

A. Commencing the Post-Reference Objection Proceeding

27. A Post-Reference Objection Proceeding shall commence upon the filing of a Post-Reference Objection. Each Post-Reference Objection Proceeding shall be assigned a three-digit number representing the Area number, book number, and individual Post-Reference Objection number—*e.g.*, 57-6-01—as provided in ¶ 63, *infra*.

28. Once a Post-Reference Objection is filed, the Special Master will send to the Objector(s), via first-class U.S. Mail, a copy of this Standing Order No. 1, a copy of the Order of Reference, and an explanatory cover letter from the Special Master.

A. Responding to the Post-Reference Objection—the State Engineer’s Answer and Disclosure of Potentially Affected Parties

29. Within thirty-five (35) days of the filing of a Post-Reference Objection, the State Engineer shall file an answer or other responsive pleading pursuant to Rule 12, Utah Rules of Civil Procedure (“U.R.Civ.Pro.”).

30. The State Engineer’s answer shall contain a Disclosure of Potentially Affected Parties, disclosing the name and address of any person known “whose [water]

rights would be affected or drawn in question”⁵ by the resolution of the Post-Reference Objection or the outcome of the Post-Reference Objection Proceeding (each, a “Potentially Affected Party”), as well as the rationale and methodology the State Engineer used to ascertain the identity of such Potentially Affected Party.

31. The Objector shall file a Disclosure of Potentially Affected Parties, disclosing the information outlined in ¶ 30, *supra*, within fourteen (14) days of the date of service of the State Engineer’s Answer and Disclosure of Potentially Affected Parties. Failure of an Objector to file a Disclosure within the time prescribed will be deemed a statement that the Objector has not identified any Potentially Affected Parties beyond those disclosed by the State Engineer.

32. All parties to a Post-Reference Objection Proceeding, including Potentially Affected Parties, have a continuing obligation to supplement their Disclosure of Potentially Affected Parties as they identify new Potentially Affected Parties.

33. A Disclosure of Potentially Affected Parties filed by any party will be for notice and procedural purposes only, will be made without waiver of defenses, and the disclosure or non-disclosure of any party will not be admissible as evidence of any party’s substantive rights.

B. Incorporating Potentially Affected Parties—Notice of Objection Proceeding, the Potentially Affected Party’s Notice of Participation and Answer, and Service Lists

34. After the time to file the Objector’s Disclosure of Potentially Affected Parties has elapsed, the Special Master will serve upon all identified Potentially Affected Parties

⁵ *Plain City Irr. Co. v. Hooper Irr. Co.*, 51 P.2d 1069, 1071 (Utah 1935).

a Notice of Objection Proceeding and Opportunity to be Heard (“Notice of Objection Proceeding”) by first-class U.S. Mail. The Notice of Objection Proceeding will include a form entitled: Notice of Affected Party Participation in Water Right Objection Proceeding (“Potentially Affected Party Notice”). The Potentially Affected Party Notice must be substantively similar to the form available on the Utah Courts website, at: <https://www.utcourts.gov/waterrights/>.

35. Potentially Affected Parties shall have forty-nine (49) days from the date of mailing of the Notice of Objection Proceeding to indicate that they wish to participate in the Post-Reference Objection Proceeding by filing the Potentially Affected Party Notice.

36. Within thirty-five (35) days of filing a Potentially Affected Party Notice, a Potentially Affected Party shall file a pleading that is responsive to the Post-Reference Objection, setting forth the party’s claims and defenses.

37. Once the time has elapsed for Potentially Affected Parties to file their respective Potentially Affected Party Notices, the Special Master will post (and revise from time to time) official “Service Lists” of parties for each Objection Proceeding—*viz.*, the State Engineer, the Objector(s), and all Potentially Affected Parties who have timely filed a Potentially Affected Party Notice. The Service Lists will be available on the Utah Courts website, at:

<https://www.utcourts.gov/waterrights/servicelists.html>. A Potentially Affected Party who fails to file a timely Potentially Affected Party Notice, or who otherwise fails to manifest a present intention to participate, will not be included in the Service List for the Post-Reference Objection Proceeding.

38. If a Potentially Affected Party fails to file a timely Potentially Affected Party Notice, or otherwise indicates that the Potentially Affected Party does not wish to participate, that Potentially Affected Party waives the right to participate in the Post-Reference Objection Proceeding before the Special Master; *however*, a Potentially Affected Party who did not file a timely Potentially Affected Party Notice may seek leave from the Special Master to participate in the Post-Reference Objection Proceeding by filing a motion to intervene, pursuant to Rule 24, U.R.Civ.Pro.

C. Setting the Schedule for the Post-Reference Objection Proceeding—Scheduling Conferences and Scheduling Orders

39. Following the filing of the Disclosures of Potentially Affected Parties, or the elapsing of the time permitted for filing the same, the Special Master will schedule and conduct a mandatory Scheduling Conference with the parties to the Post-Reference Objection Proceeding. The Scheduling Conference will be held no earlier than forty-nine (49) days after the Special Master serves Potentially Affected Parties with the Notice of Objection Proceeding. The Special Master may include notice of the Scheduling Conference with the Notice of Objection Proceeding.

40. Following the Scheduling Conference, the Special Master will issue a Scheduling Order containing deadlines for discovery, mediation and settlement negotiations, dispositive motions, and a final hearing date.

41. The Tier 2 discovery standards and limits of Rule 26(c)(5), U.R.Civ.Pro., will apply to each Post-Reference Objection Proceeding—with the following modifications:

- a. The Rule 26 discovery limits will be applied on a per-party basis instead of “per side”; and

b. All parties represented by the same counsel will be treated as a single party.

42. Pursuant to Rule 26(c)(6), U.R.Civ.Pro, any party may move for extraordinary discovery.

III. OBJECTIONS TO LISTS OF UNCLAIMED RIGHTS

43. ***This Section III of the Standing Order governs Objection Proceedings for Objections to Lists of Unclaimed Rights of Record (“LUR”). Objections to LURs shall be referred to herein as “LUR Objections,” and Objection Proceedings for LUR Objections shall be referred to herein as “LUR Objection Proceedings.”

44. Under Utah Code *Ann.* § 73-4-9.5, an LUR is a tabulation of water rights of which the State Engineer has a record, but for which no corresponding water user claim/statement of claim has been filed. Accordingly, an LUR does not, by definition, include a water right not of record with the Division of Water Rights. Thus, parties who have failed to file timely non-record claims should *not* file an objection to the LUR if they desire the State Engineer to evaluate their claims. Rather, they should file a motion pursuant to Utah Code *Ann.* § 73-4-10, requesting the District Court enter an order retroactively extending the time to file a water user’s claim/statement of claim, within the meaning of Utah Code *Ann.* § 73-4-1, *et seq.*

45. The Court’s review of an LUR Objection is limited to determining whether a claimant’s failure to file a timely statement of claim is excused by circumstances beyond the claimant’s control, mistake, or other reason justifying relief. *See* Utah Code *Ann.* § 73-4-9.5(3).

46. The provisions of this Order have no application to objections to any Proposed Determination issued by the State Engineer, within the meaning of Utah Code *Ann.* §§ 73-4-11 and 73-4-9.5.

A. Litigating the Objection—the LUR Objection and the State Engineer’s Answer

47. A claimant desiring to object to an LUR must file a written objection within ninety (90) days of service.⁶ Each LUR Objection shall be filed with the Clerk of the Court.

48. The State Engineer shall file an answer to an LUR Objection within twenty-eight (28) days of the date which is the later of:

- a. The date the objector files the LUR Objection with the Clerk of the Court;
- b. The date the objector files a water user’s claim/statement of claim with the Clerk of the Court; and
- c. The date the objector files a water user’s claim/statement of claim with the State Engineer.

B. Discovery—Scheduling Conferences and Discovery Standards

49. A scheduling conference may be requested in an LUR Objection Proceeding by filing a motion for scheduling conference within fourteen (14) days of the date the State Engineer’s answer to the LUR Objection is filed.

50. The Tier 2 discovery standards and limits of Rule 26(c)(5), U.R.Civ.Pro., will apply to each LUR Objection, unless otherwise ordered. Pursuant to Rule 26(a)(3)(A)(iv), U.R.Civ.Pro., parties to a general adjudication are not required to make initial disclosures.

⁶ See Utah Code *Ann.* § 73-4-9.5(2),

C. Disposing of the LUR Objection—Motions and Hearings before the Special Master

51. Motions may be filed pursuant to Rules 12 or 56 of the Utah Rules of Civil Procedure to dispose of the LUR Objection. Such a motion may be filed at any time after the State Engineer has filed an answer to the LUR Objection or the deadline to do so has expired.

52. LUR Objections will be decided on the pleadings unless either the objector or the State Engineer request a hearing on the movant’s motion or reply memorandum or the non-movant’s response to the motion. The request for hearing must be separately identified in the caption of the document.

IV. GENERAL PROVISIONS

53. The following provisions are applicable to all Objection Proceedings before the Special Master.

A. Obtaining a Ruling—Decisions by the Special Master

54. When briefing on a motion to be considered by the Special Master is complete, or the time for briefing has expired, either party may request a decision by the Special Master by notifying the Special Master that the matter is ripe for decision.

55. Parties requesting a ruling from the Special Master shall *not* file a request for submission with the District Court: *Requests for ruling and/or orders in Rich Text format should be electronically filed **only** where an order is sought from the District Judge*. Instead, a request for decision from the Special Master shall be sent to the Special Master via email at RLKNUTHPLLC@outlook.com, with a copy to other parties/counsel in the Objection Proceeding (or Subdivision sub-case, depending on the scope of the issue

to be decided). The party's request for decision shall state whether a hearing has been requested and the dates on which the following documents were filed:

- a. The motion;
- b. The memorandum opposing the motion, if any;
- c. The reply memorandum, if any; and
- d. The response to objections in the reply memorandum, if any.

56. In conjunction with a request for decision, parties may also submit a proposed order for the Special Master's signature, but only under the conditions provided in Rule 7(j)(6), U.R.Civ.Pro. As with a request for decision, proposed orders shall be presented to the Special Master by emailing a proposed order, in MS-Word format, to the Special Master at RLKNUTHPLLC@outlook.com, with a copy to other parties/counsel in the Objection Proceeding or Subdivision sub-case.

57. After a party has submitted a request for decision and/or a proposed order to the Special Master, that party shall file a "Notice of Submission of Request to Submit for Ruling from Special Master" ("Notice of Submission"), which shall be substantively similar to the form that will be available on the Utah Courts website at:

<https://www.utcourts.gov/waterrights/>. The party shall also certify that the Notice of Submission has been duly served on all parties/counsel whose names appear on the Service List for the Objection Proceeding or Subdivision sub-case.

B. Responding to the Special Master's Ruling—Objections to Reports and Recommendations

58. Pursuant to the Court's Order of Reference, after an Objection Proceeding is heard by the Special Master, the Special Master will submit to the Court a Report and

Recommendation with the Special Master's decisions, findings, and conclusions. Any party who has directly participated in the Objection Proceeding may file a written objection to the Special Master's Report and Recommendation within 30 days of service of the Report and Recommendation.

59. A Potentially Affected Party who has failed to file a timely Potentially Affected Party Notice and who has not participated in the Objection Proceeding may file an objection (or respond to an objection) to a Report and Recommendation issued by the Special Master only if the party can demonstrate by clear and convincing evidence that (1) failure to participate was due to circumstances beyond the party's control, or (2) the party could not have ascertained through the exercise of reasonable diligence that the outcome of the case would affect the party's interests. *See* Order of Reference, Section IV.

C. Obtaining a Ruling—Decisions by the District Court

60. To aid in the uniformity of final orders on Objections, in instances where there has been no objection to a Report and Recommendation, the Special Master will submit a form of order or judgment to the District Judge. Parties may notify the Special Master by email when the time for objection to a Report and Recommendation has passed, and the Special Master will notify the District Judge that the matter is ready for a final ruling.

61. In instances where an objection to a Report and Recommendation has been interposed, or when a decision is sought regarding a matter outside the scope of the Special Master's reference—*e.g.*, a request for an extension to file a statement of water user's claim (*see* Order of Reference) — the party shall request a decision and/or submit a proposed order as prescribed by Rules 7(g) and (j), U.R.Civ.Pro.

D. Filing Documents—Reciprocity and the Three-Number Set

62. Documents filed with the Clerk of the Court are deemed filed with the Special Master.

63. To facilitate browser-searching of the Court’s on-line docket, each pleading filed in connection with any Objection Proceeding subject to this Order shall include, in the title input into the Court’s Xchange or GreenFiling systems, an Objection Proceeding number consisting of a three-number set, the first number of which shall correspond to the two-digit number of the Proposed Determination Subdivision, the second number being the number of the book of the subject Proposed Determination, and the third number being the ordinal number assigned to the Objection in the State Engineer’s online listing of the objections for that Subdivision, under:

<http://nrwrt1.nr.state.ut.us/adjstatus/default.asp>

The three numbers in the three-number set shall be separated by hyphens—*viz.*, “XX-X-XX”—such that the Court’s on-line docket can be effectively searched for the three-number set employing search functions in commonly-used web browsers. The Objection Proceeding numbers will be assigned by order.

E. Appearing before the Special Master—Procedural Rules and Location of Hearings

64. Objection Proceedings before the Special Master will be conducted in conformity with the Utah Rules of Civil Procedure and the Utah Rules of Evidence.

65. All hearings before the Special Master will be held at the Washington County Courthouse, 206 West Tabernacle, St. George, Utah, unless otherwise ordered, and will in all instances be recorded.

66. Parties may request leave to appear telephonically at status conferences and scheduling conferences, and the Special Master shall freely grant leave for those proceedings. The Special Master may grant leave to appear telephonically at other hearings or proceedings, as may be appropriate in the judgment of the Special Master.

67. Any agency of the United States of America may appear telephonically in any status conference or scheduling conference, unless otherwise ordered. Counsel for the United States should email the District Judge's judicial assistant in advance of the hearing for a conference call-in number.

SO ORDERED, this 30th day of December, 2019.

By: /s/ Rick L. Knuth
Rick L. Knuth
Special Master