

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

PUEBLO OF ZUNI, on behalf of itself
and all others similarly situated,

Plaintiff,

v.

Civil No. 01-1046 LH-LFG

UNITED STATES OF AMERICA;
TOMMY THOMPSON, Secretary of the
United States Department of Health and
Human Services; et al,

MEMORANDUM OPINION AND ORDER


THIS MATTER comes before the Court following a hearing upon Defendants' Motion for Order Regarding Objections to the Magistrate Judge's Memorandum Opinion and Protective Order, filed June 2, 2006 (**Doc. 279**). For the reasons stated on the record, the Court finds that the Magistrate Judge Memorandum Opinion and Order which was entered on May 5, 2006 (Doc. 247) is not clearly erroneous, nor contrary to law. The Court's ultimate finding is that the Magistrate Judge's analysis and conclusion regarding the standard to follow under New Mexico's rule regarding ex parte contact with represented parties, N.M. Rule of Professional Conduct Rule 16-402 is not inconsistent with Tenth Circuit law Weeks v. Indep. Sch. Dist. No. I-89, 230 F.3d 1201, 1208-09 (10th Cir. 2000), nor with the language of the Rule itself.

The Court understands the parties' concern that the Protective Order be followed consistently, and not be inadvertently violated without further discussion on which of Defendants' employees are covered under the standard set forth in the Protective Order. At the hearing, the

parties were encourage to present this matter to Magistrate Judge Lynch for further deliberation and recommendations.

Therefore, for reasons stated on the record, Defendants' objections are OVERRULED.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE