

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

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)
 and)
 STATE OF NEW MEXICO, ex rel. STATE)
 ENGINEER,)
)
 Plaintiffs,)
)
 And)
)
 ZUNI INDIAN TRIBE, NAVAJO NATION,)
)
 Plaintiffs in Intervention)
)
 v.)
)
 A & R PRODUCTIONS, et. al.)
)
 Defendants.)

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CLERK-ALBUQUERQUE

No. 01cv00072 BB/WDS

ZUNI RIVER BASIN
ADJUDICATION

Subfile No. ZRB-3-0090

RESPONSE IN OPPOSITION TO THE MOTION

FOR DEFAULT JUDGMENT

I am writing in response to Document 1690 – Motion for Default Judgment – in the above captioned case.

In May 2006 I received the service packet with a proposed settlement. In a timely manner I sent in my subfile answer in the prepaid return envelope. Unfortunately I did not request a return receipt. In my response I did not accept the proposed settlement as I felt it was inadequate, and I requested a consultation.

I was therefore surprised to learn in February 2008 (Document 1514) that a default motion was to be entered for failure to file. I contacted Mr. Bridgewater

requesting that the entry of default be set aside. He informed me that he would oppose this.

I am certain that I filed a response in a timely manner and feel that an error has occurred. I am therefore requesting that the motion for default judgment be denied.

Thank you.

A handwritten signature in black ink, appearing to be 'DK' or similar initials, written in a cursive style.

David Kessler

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Zuni, NM 87327