

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

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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.)

No. 01cv00072 BB/WDS
ZUNI RIVER BASIN
ADJUDICATION

CLERK'S CERTIFICATE OF DEFAULT

I, Matthew J. Dykman, Clerk of the United States District Court, District of New Mexico, certify that the above-entitled cause was filed in the United States District Court at Santa Fe, State of New Mexico, and the records of my office indicate that service of process commanding the following defendants to appear and defend in this cause was made as follows:

<u>Defendant</u>	<u>Subfile No.</u>	<u>Proof of Service filed</u>
Leyton J. Cougar	ZRB-3-0041	January 16, 2009 (Doc. #2060)
Lester C. Fetty	ZRB-4-0151	October 15, 2008 (Doc. #1911)
Rita Fetty	ZRB-4-0151	October 15, 2008 (Doc. #1911)
J.H. Wallace	ZRB-4-0253	August 22, 2007 (Doc. # 1225)
Gabe Anast	ZRB-4-0260	September 15, 2008 (Doc. #1860)

Rebekah Anast	ZRB-4-0260	September 15, 2008 (Doc. #1860)
Sheri Lee Mitchell	ZRB-4-0272	October 7, 2007 (Doc. #1905)
Pasqual Nicasio Rev. Trust	ZRB-4-0297	September 5, 2007 (Doc. #1257)
Doreen E. Forlow	ZRB-4-0301	September 15, 2008 (Doc. #1861)
Stuart A. Dutcher	ZRB-4-0304	September 23, 2008 (Doc. #1885)
Sandra J. Dutcher	ZRB-4-0304	September 23, 2008 (Doc. #1885)
Calvin Quimayousie	ZRB-4-0319	September 5, 2007 (Doc. #1257)
Cheryl Quimayousie	ZRB-4-0319	August 27, 2007 (Doc. #1232)

I, also certify, that the records of my office indicate the following defendants waived service of summons in this proceedings as follows:

<u>Defendant</u>	<u>Subfile No.</u>	<u>Waiver of Summons filed</u>
M. Alan Lewis	ZRB-4-0242	May 13, 2005 (Doc. #362)
Elizabeth A. Lewis	ZRB-4-0242	May 13, 2005 (Doc. #362)
Stanley D. Lewis	ZRB-4-0242	May 13, 2005 (Doc. #362)
Kathleen Manhart	ZRB-4-0253	January 18, 2007 (Doc. #958)
Francisco X. Martinez	ZRB-4-0255	June 26, 2007 (Doc. #1146)
Anastasia R. Martinez	ZRB-4-0255	June 26, 2007 (Doc. #1146)
Christine Kurtz McGarry Trust	ZRB-4-0261	May 13, 2005 (Doc. #362)
Junious O. McSpadden	ZRB-4-0264	May 13, 2005 (Doc. #362)
Dixie A. McSpadden	ZRB-4-0264	May 13, 2005 (Doc. #362)
MORC Limited Partnership	ZRB-4-0279	May 13, 2005 (Doc. #362)
Diana E. Morrow	ZRB-4-0281	May 13, 2005 (Doc. #362)

Larry L. McGuire	ZRB-4-0287	July 25, 2008 (Doc. #1818)
Judith M. McGuire	ZRB-4-0287	July 25, 2008 (Doc. #1818)

I further certify, that the records of my office indicate that the following defendants made a voluntary appearance via an Entry of Appearance filed in this proceedings as follows:

<u>Defendant</u>	<u>Subfile No.</u>	<u>Voluntary Appearance</u>
Theodore Broderick	ZRB-4-0290	November 1, 2007 (Doc. #1367)
Joel L. Nicoll	ZRB-4-0298	June 24, 2003 (Doc. #211)
Kent Nicoll	ZRB-4-0299	June 24, 2003 (Doc. #211)
Vivian Nicoll	ZRB-4-0299	June 24, 2003 (Doc. #211)

It appears on the record that the above-named defendants have failed to plead or otherwise defend in the indicated Subfiles as provided by the Federal Rules of Civil Procedure and the Procedural and Scheduling Orders entered in this case.

WHEREFORE, I hereby certify that the above-named defendants are in default.

DATED this 13 day of February, 2009.



MATTHEW J. DYKMAN
DISTRICT COURT CLERK

By: 
Deputy Clerk