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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

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DISTRICT OF NEW MEXICO

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\_\_\_\_\_  
United States,  
  
                                Plaintiff  
  
                  v.  
  
A & R Productions, et al.,  
  
                                Defendants  
  
\_\_\_\_\_

*Robert M. March*  
01CV00072BDB/WWD(ACE)  
ZUNI RIVER STREAM  
SYSTEM ADJUDICATION  
\* \* \* \* \*  
RE: MOTION TO DISMISS  
WATER RIGHTS ADJUDICATION  
\* \* \* \* \*  
UNITED STATES' MOTION FOR  
EXTENSION OF TIME TO RESPOND

Defendants Richard Davis Mallery, et al., and members of the Western New Mexico Water Preservation Association have moved to dismiss this lawsuit for failure to prosecute or stay the filing of *Lis Pendens*. The motion was served on October 3, 2003. On October 15, 2003, the United States filed a motion to extend its response until October 28, 2003 (Doc #263). The Court granted this motion on October 17, 2003 (Doc #266).

Mr. O'Connell suffered a minor heart attack on October 20, 2003, and he currently is in the hospital. We expect Mr. O'Connell to return to work by mid-November 2003. We therefore request another extension of an additional twenty-nine (29) days within which the United States may file its response to this motion to accommodate Mr. O'Connell and the United States. If this extension is granted, the United States' response would be filed on or before November 26, 2003.

Pursuant to Rule 7.4 of this Court's Administrative Order Establishing Motion Practice and Procedure, the undersigned advised counsel for Defendants Richard Davis Mallery, et al.,

270

and members of the Western New Mexico Water Preservation Association of this motion. Counsel for the Association had no objection as long as they receive seven (7) days after the United States responds to this motion to object to the Special Master's Report.

Dated this 21<sup>st</sup> day of October, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Pilar Thomas', written over a horizontal line.

Pilar Thomas  
Trial Attorney  
United States Department of Justice

**CERTIFICATE OF SERVICE**

I hereby certify that on or before this 21<sup>st</sup> day of October, 2003, a true and correct copy of the foregoing Motion for Extension of Time to Respond was served by United States Postal Service first class, postage pre-paid mail to the following:

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