

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

UNITED STATES OF AMERICA	)	
and	)	
STATE OF NEW MEXICO, <i>ex rel.</i> STATE	)	
ENGINEER,	)	
	)	
Plaintiffs,	)	No. 01cv00072 MV/LAM
	)	
and	)	
	)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ADJUDICATION
	)	
Plaintiffs in Intervention,	)	Subfile No. ZRB-3-0175
	)	
v.	)	
	)	
A & R PRODUCTIONS, et al.	)	
	)	
Defendants.	)	
_____	)	

**MOTION TO SET ASIDE DEFAULT JUDGMENT**

The Plaintiffs United States of America (“United States”) and State of New Mexico *ex rel.* State Engineer (“State”) hereby move the Court to set aside the *Order Granting Default Judgment* filed November 22, 2011 (Doc. No. 2730) concerning Subfile No. ZRB-3-0175 and the Defendants David Swindle, Trustee, and Linda Swindle, Trustee. In support of this motion, Plaintiffs assert that the defendants have signed a consent order for this subfile which will be submitted to the Court if the default judgment is set aside.

Respectfully submitted,

/s/ Bradley S. Bridgewater  
BRADLEY S. BRIDGEWATER  
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COUNSEL FOR THE UNITED STATES

(approved 1/29/2014)  
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COUNSEL FOR THE STATE OF NEW  
MEXICO EX REL STATE ENGINEER

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on January 30, 2014, I filed the foregoing *Motion to Set Aside Default Judgment* electronically through the CM/ECF system, which caused parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Participants in the manner indicated:

**Via U.S. Mail, Postage Pre-paid:**

DAVID SWINDLE, TRUSTEE  
LINDA SWINDLE, TRUSTEE  
HC 60 Box 80  
FENCE LAKE, NM 87315

\_\_\_\_\_/s/\_\_\_\_\_  
BRADLEY S. BRIDGEWATER