

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

UNITED STATES OF AMERICA, and	)	
STATE OF NEW MEXICO, ex rel. STATE	)	
ENGINEER,	)	
	)	
Plaintiffs,	)	
	)	
and	)	<b>No. 01cv00072-MV/WPL</b>
	)	
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ZUNI RIVER BASIN
	)	ADJUDICATION
Plaintiffs in Intervention	)	
	)	
v.	)	<b>Subfile No. ZRB-3-0022</b>
	)	
A & R PRODUCTIONS, et al.,	)	
	)	
Defendants	)	
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**RESPONSE IN OPPOSITION TO MOTION TO VACATE DEFAULT JUDGMENT  
FILED BY JOSEPH F. NEAS & SUSAN S. NEAS REVOCABLE TRUST**

Edward J. Bawolek and Suzan J. Bawolek (hereinafter the "Bawoleks"), defendants *pro se* in Subfile ZRB-2-0014 of the above-captioned matter, hereby responds in opposition to the March 5, 2014 *Motion to Vacate Default Judgment*, [Doc. 2934, hereinafter the "Neas Motion"]. The Neas Motion must be denied because it violates the Court's Orders, as well as the District of New Mexico Local Rules of Civil Procedure governing this action:

1. The Neas Motion states on pg. 1 that "The undersigned Joseph F. Neas & Susan S. Neas Revocable Trust ask that the court set aside the ORDER GRANTING DEFAULT JUDGMENT...", clearly establishing that the pleading is made on behalf of a trust.

2. The pleading is signed by Joseph F. Neas, without representation by legal counsel.

3. Pursuant to 28 U.S.C. § 1654, D.N.M.LR-Civ. 83.7, and N.M.S.A. 1978 §36-2-27, a trust is an artificial entity and are prohibited from making pleadings to the Court. [*See* also Doc. 151 in Subfile Proceeding 6:07-cv-00681-MV at 3.2]

4. Motion Practice established in this action [Doc. 191] also requires that movants inform the Court as to whether opposition counsel supports or opposes the motion. There is no mention in the Neas Motion as to whether the Plaintiffs support or oppose the motion.

### CONCLUSION

Granting the Neas Motion would prejudice other parties in this action, in particular those trusts, corporations, or other artificial entities which incurred the cost to retain counsel in compliance with the Court's orders and applicable law. For reasons articulated, the Bawoleks pray this Court to deny the Neas Motion to Vacate.

Dated March 12, 2014.

Respectfully submitted,

By: /s/ Edward J. Bawolek and /s/ Suzan J. Bawolek  
2200 West Sagebrush Court  
Chandler, AZ 85224  
(602) 376-1755  
bawolek@cox.net

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 12, 2014, I filed the foregoing RESPONSE IN OPPOSITION TO MOTION TO VACATE DEFAULT JUDGMENT FILED BY JOSEPH F. NEAS & SUSAN S. NEAS REVOCABLE TRUST electronically through the CM/ECF system, which caused CM/ECF participants 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 US Mail, Postage Pre-paid, with a Certificate of Mailing:**

JOSEPH F. NEAS & SUSAN S. NEAS  
566 Highway 165  
Placitas, NM 87043

/s/ Edward J. Bawolek  
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