

UNITED STATES OF AMERICA) 06 NOV 20 AH 9: 01
and STATE OF NEW MEXICO, <i>ex rel</i> . STATE ENGINEER,) CLERK-ALBUQUERQUE
)
Plaintiffs,)
) No. 01cv00072 BB-ACE
and	
ZUNI INDIAN TRIBE, NAVAJO NATION,) ZUNI RIVER BASIN) ADJUDICATION
Plaintiffs in Intervention,) Subarcas 1, 2, and 3, 7, 9 & 10
v.)
A & R PRODUCTIONS, et al.	
Defendants	

NOTICE OF FILING WAIVERS OF SERVICE OF SUMMONS

The United States of America ("United States") hereby files with the Clerk of the Court the attached Waivers of Service of Summons for the defendants listed below in the abovelisted Subarea. The waivers, as executed by the Defendants, are consistent with the September 27, 2006, Order Granting Joint Motion to Amend Procedural and Scheduling Orders and Establish or Revise Deadlines for Defendants to Return Requests for Consultation and Submit Subfile Answers (Doc. #837).

> John L. Bandera Sally Jo Davis Nancy G. Iverson Robert L. Iverson Donnie Ray Bogart Lambden Lisa A. Rodriguez Tito S. Rodriguez Jr. Patricia E. Whitmore William R. Whitmore

í.

Respectfully submitted this 17^4 day of November 2006.

BRADLEY S. BRIDGEWATER U.S. Department of Justice 1961 Stout Street - 8th Floor Denver, CO 80294 (303) 844-1369

COUNSEL FOR THE UNITED STATES

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CERTIFICATE OF SERVICE

I hereby certify that on November <u>17</u>, 2006, a copy of the foregoing *Notice of*

Filing Waivers of Service of Summons, without attached waivers, was mailed to the following

persons:

-2 . .

Special Master Vickie L. Gabin U.S. District Court District of New Mexico P.O. Box 2384 Santa Fe, NM 87504-2384

Edward Bagley Office of the State Engineer, Legal Division P.O. Box 25102 Santa Fe, NM 87504

Bill. Binot

NOTICE OF FILING WAIVERS OF SERVICE OF SUMMONS, Page 3

UNITED STATES OF AMERICA, for Itself and as Trustee for the Zuni Indian Tribe, Navajo) United States a state of a control DISTRIG OF ALWINECCO
Nation and Ramah Band of Navajos and STATE OF NEW MEXICO, ex rel. STATE) 06 NOV 20 AM 9: 00
ENGINEER, Plaintiffs,) CLERK-ALBUQUERQUE
and) No. 01cv00072-BB
ZUNI INDIAN TRIBÉ, NAVAJO NATION, Plaintiffs in Intervention,) ZUNI RIVER BASIN) ADJUDICATION)
v .)
A & R PRODUCTIONS, et al., Defendants.	

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, Patricia E. Whitmore, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint on or before August 31, 2006. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not file and serve on you an Answer or motion under Rule 12 on or before August 31, 2006.

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Signature: tmpre Date: 10-30-06 E WHILMORE print or type name: PATRICIA

If you are signing on bchalf of the named party, please indicate the source of your authority here:

and print or type the full name and address of the party on whose behalf you are acting here:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street -8^{th} Floor, Denver, CO, 80294).

Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the party believes that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant.

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) USITED STUTES STUTES SALINGT COURT DISTINCT OF NEW MEXICO
06 NOV 20 AM 9: 00
CLERK-ALBUQUERQUE
) No. 01cv00072-BB
) ZUNI RIVER BASIN) ADJUDICATION
)
/))

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, William R. Whitmore, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

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Signature: 1) Thilmon Date: 10/30/06 print or type name: William R. Whitmore

If you are signing on behalf of the named party, please indicate the source of your authority here:

and print or type the full name and address of the party on whose behalf you are acting here:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street -8^{th} Floor, Denver, CO, 80294).

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	UNITED STATES OF AMERICA, for Itself)	
	and as Trustee for the Zuni Indian Tribe, Navajo)	
	Nation and Ramah Band of Navajos 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.)	

OG NOV 20 AH 9:00

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No. 01cv00072-BB

ZUNI RIVER BASIN ADJUDICATION CLERK-ALBUQUERQUE

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, LISA A. RODRIGUEZ, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. State <u>Engineer v. A & R Productions, et al.</u>, Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a *Request for Consultation* form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a *Notice That The Consultation Period Has Ended*.

Waiver of Service Page 1 LISA A. RODRIGUEZ

Signature:			
	G.	Roducius	Date: 11-9-06
· · · · / - ·	•	2 2	
		_	

print or type name: Lisa A. Ropriquez

If you are signing on behalf of the named party, please indicate the source of your authority here:

and print or type the full name and address of the party on whose behalf you are acting here:

<u>Upon agreeing to and completing this form, return one signed original in the pre-</u> addressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. _____ Department of Justice, 1961 Stout Street – 8th Floor, Denver, CO, 80294).

Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant.

Waiver of Service Page 2

) UNITED STATE DESTRICT COURT DESTRICT OF ALL MONTON
) 06 NOV 20 AM 9:00
) CLERK-ALBUQUERQUE
) No. 01cv00072-BB
) ZUNI RIVER BASIN) ADJUDICATION
)
)

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, TITO S. RODRIGUEZ JR., acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico, ex rel. State</u> <u>Engineer v. A & R Productions, et al.</u>, Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to mc.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a *Request for Consultation* form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a *Notice That The Consultation Period Has Ended*.

Waiver of Service Page 1

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TITO S. RODRIGUEZ JR.

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Signature: to A Rochigning Date: 11-09-06 print or type name: _____ TITO S RODRIGUEZ JR

If you are signing on behalf of the named party, please indicate the source of your authority here:

and print or type the full name and address of the party on whose behalf you are acting here:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8^{th} Floor, Denver, CO, 80294).

Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also \neg file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant.

UNITED STATES OF AMERICA, for Itself and as Trustec for the Zuni Indian Tribe, Navajo Nation and Ramah Band of Navajos and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs,	HILED POTED SIATS DEFINITION DEFINITION 06 NOV 20 AM 9:00 CLERK-ALBUQUERQUE
and) No. 01cv00072-BB
ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention,) ZUNI RIVER BASIN) ADJUDICATION
- V)
A & R PRODUCTIONS, et al., Defendants.)))

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, Nancy G. Iverson, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

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Signature: NANCY G IVERSON print or type name:

If you are signing on behalf of the named party, please indicate the source of your authority here:

and print or type the full name and address of the party on whose behalf you are acting here:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8th Floor, Denver, CO, 80294).

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served withinthis time, a default judgment may be taken against that defendant.

UNITED STATES OF AMERICA, for Itself) DISTRUCT OF MEN MENOD
and as Trustee for the Zuni Indian Tribe, Navajo Nation and Ramah Band of Navajos and	06 NOV 20 AH 9: 00
STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs,) CLERK-ALEUQUERQUE
and)) No. 01cv00072-BB
ZUNI INDIAN TRIBE, NAVAJO NATION,) ZUNI RIVER BASIN) ADJUDICATION
v .)
A & R PRODUCTIONS, et al., Defendants.	

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, Robert L. Iverson, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

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Waiver of Service Page 1 Robert L. Iverson

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ENDED STATES OF SPOT COLIEF.

l Chem Date: 11-06-06 Signature:)

print or type name: Robert L. Tukerson

If you are signing on behalf of the named party, please indicate the source of your authority here:

and print or type the full name and address of the party on whose behalf you are acting here:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8th Floor, Denver, CO, 80294).

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UNITED STATES OF AMERICA, for Itself)	DISTRICT OF CANNERGO
and as Trustee for the Zuni Indian Tribe, Navajo Nation and Ramah Band of Navajos and)	06 NOV 20 AM 9: 00
STATE OF NEW MEXICO, ex rel. STATE ENGINEER,)	CLERK-ALBUQUERQUE
Plaintiffs,)	
and) No. 01cv00072-BB	
ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention,) ZUNI RIVER BASIN) ADJUDICATION	
v.)	
A & R PRODUCTIONS, et al., Defendants.)))	

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, Donnie Ray Bogart Lambden, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

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Signature: Sonnie Ray Bogart Lambden Date: 11/03/06 print or type name: Donnie Ray Bogart Lambden

If you are signing on behalf of the named party, please indicate the source of your authority here:

and print or type the full name and address of the party on whose behalf you are acting here:

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UNITED STATES OF AMERICA, for Itself and as Trustee for the Zuni Indian Tribe, Navajo) UNRED SLACE LISTRICT COURT DISTRICT OF NEW MEXICO
Nation and Ramah Band of Navajos and STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs,)))))) CLERK-ALBUQUERQUE
and) No. 01cv00072-BB
ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention,) ZUNI RIVER BASIN) ADJUDICATION
ν.)
A & R PRODUCTIONS, et al., Defendants.)))

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, John L. Bandera, acknowledge receipt of your request that I waive service of summons in the action of the United States, State of New Mexico, ex rel. State Engineer v. A & R Productions, et al., Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

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I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a *Request for Consultation* form within 60 days, or if I fail to file and serve on you an Answer or motion under Rule 12 within 20 days after being sent a *Notice That The Consultation Period Has Ended*.

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h I Bendera Date: 10/31/2006 : John L. Bandera Signature:

print or type name:

If you are signing on behalf of the named party, please indicate the source of your authority here:

and print or type the full name and address of the party on whose behalf you are acting here:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street - 8th Floor, Denver, CO, 80294).

Keep one copy of this form for your records.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the party believes that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant.

UNITED STATES OF AMERICA, for Itself and as Trustee for the Zuni Indian Tribe, Navajo Nation and Ramah Band of Navajos and STATE OF NEW MEXICO, ex rel. STATE ENGINEER,	06 NOV 20 AM 9: 00 CLERK-ALBUQUERQUE
Plaintiffs,	
and)) No. 01cv00072-BB
ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention,) ZUNI RIVER BASIN) ADJUDICATION
v.)
A & R PRODUCTIONS, et al., Defendants.	_)

WAIVER OF SERVICE OF SUMMONS

TO: Bradley S. Bridgewater, Trial Attorney, U.S. Department of Justice

I, SALLY JO DAVIS, acknowledge receipt of your request that I waive service of summons in the civil action <u>United States and State of New Mexico</u>, ex rel. State Engineer v. A <u>& R Productions, et al.</u>, Civil Action No. 01cv00072 BB-ACE, in the Federal District Court for the District of New Mexico.

I also acknowledge that I have received a copy of the United States' Amended Complaint, two copies of this instrument (Waiver of Service of Summons), and a means by which I can return one copy of the signed waiver to the United States without cost to me.

I agree to avoid the cost of service of a summons and an additional copy of the United States' Amended Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process, in the manner provided by Rule 4 of the Federal Rules of Civil Procedure, as indicated in the Notice of Lawsuit and Request for Waiver of Summons that accompanied this form, and in the Duty to Avoid Unnecessary Costs of Service of Summons, attached to this form.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

I understand that I retain the right to file an Answer or motion under Rule 12 of the Federal Rules of Civil Procedure objecting to the sufficiency of the United States' Amended Complaint. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if I do not return a *Request for Consultation* form within 60 days, or if I fail to serve on you and file with the Court an Answer or motion under Rule 12 within 20 days after being sent a *Notice That The Consultation Period Has Ended*.

Waiver of Service Page 1 SALLY JO DAVIS

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Signature: alluph Date: 11/14/06 DAVIS print or type name:

If you are signing on bchalf of the named party, please indicate the source of your authority here:

and print or type the full name and address of the party on whose behalf you are acting here:

Upon agreeing to and completing this form, return one signed original in the preaddressed, postage-paid envelope provided (addressed to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout Street – 8th Floor, Denver, CO, 80294).

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