

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 BB/WDS
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	
)	
v.)	
)	
A&R PRODUCTIONS, et al.)	
)	
Defendants.)	
_____)	

MOTION TO CORRECT DEFENDANT’S NAME

COMES NOW the Plaintiff United States of America (“United States”) and moves the Court to issue its order (1) correcting the name of the defendant specified below to read as follows:

FROM	TO
SCOTT CURTIS	SCOTT BLOOM

The United States further moves the Court to order (2) that the United States may submit as a valid waiver of service of summons by Scott Bloom a Waiver of Service of Summons form issued to Scott Curtis, but bearing the signature of “Scott C. Bloom” and hand-printed name “Scott Curtis Bloom,” and (3) that the United States may submit to the Special Master, for her review and Court approval, a Consent Order for Subfile ZRB-4-0049 issued to Stanton Bloom,

Lois Bloom, & Scott Curtis, but bearing the signatures of Stanton Bloom, Lois Ann Bloom, and Scott C. Bloom. In support of this motion, the United States asserts:

1. Stanton Bloom, Lois Bloom, and Scott Curtis were joined as defendants in this action by the Court's October 31, 2006 *Order Granting Motion to Join Additional Parties Defendant* [Doc. No. 857].

2. Based on name and address information contained in Cibola County property records, the United States mailed a Waiver Of Service Of Summons form and a proposed Consent Order for Subfile ZRB-4-0049 bearing the printed name of Scott Curtis to P.O. Box 1101, Hayesville, NC 28904. As indicated by the Exhibits submitted with this motion, each of these documents was returned bearing the signature of Scott C. Bloom. The Waiver of Service of Summons submitted herewith as Exhibit A also bears the hand-printed name, under the signature line, of "Scott Curtis Bloom." The Consent Order signature page submitted herewith as Exhibit B also provides a hand-printed address – 97 S. Cascades Dr., Nebo, NC 28761 – that differs from the address provided by Cibola County records.

3. On January 12, 2007, counsel for the United States sent a letter to Scott Curtis Bloom, explaining that a motion to correct defendant's name appeared necessary, and requesting that he fill out the Change of Address portion of an enclosed Zuni River Basin Adjudication *Change of Address or Ownership Form*. The letter was addressed to the Nebo, North Carolina address printed on the returned Consent Order signature page, with a carbon copy addressed to the original Hayesville, North Carolina address provided by Cibola County records. The United States has received no response to the January 12, 2007 letter.

4. Counsel for the United States has no reason to doubt that Scott Bloom is the correct name of the defendant in question. The original truncation of the defendants' name

appears to be due to an ambiguity in the data received from Cibola County. Notwithstanding the lack of a response to the January 12, 2007 letter, it is clear that all defendants in Subfile ZRB-4-0049 intended to accept the Consent Order offered by the United States and Co-Plaintiff State of New Mexico ex rel. State Engineer (“State”).

5. Counsel for the United States has discussed the present motion with Counsel for the State, Edward Bagley, who has no objection.

WHEREFORE, the United States moves the Court to enter an order (1) correcting the defendant’s name “SCOTT CURTIS” to “SCOTT BLOOM”, (2) permitting the United States to submit as a valid waiver of service of summons by Scott Bloom a Waiver of Service of Summons form issued to Scott Curtis, but bearing the signature of “Scott C. Bloom” and hand-printed name “Scott Curtis Bloom,” and (3) permitting the United States to submit to the Special Master, for her review and Court approval, a Consent Order for Subfile ZRB-4-0049 issued to Stanton Bloom, Lois Bloom, & Scott Curtis, but bearing the signatures of Stanton Bloom, Lois Ann Bloom, and Scott C. Bloom.

Dated: September 4, 2007

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER
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COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 4, 2007, I filed the foregoing *Motion To Correct Defendant's Name* electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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

