

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,
and
STATE OF NEW MEXICO, ex rel.
STATE ENGINEER,**

Plaintiffs,

and

NO. 01CV00072 BB

**ZUNI INDIAN TRIBE and
NAVAJO NATION,**

Plaintiffs-in-Intervention,

vs.

A & R PRODUCTIONS, et. al.,

Defendants.

MOTION TO DISMISS DECEASED AND DEFUNCT PARTIES

NOW ENTERING COURT is William G. Stripp, Attorney at Law, pursuant to the Special Master's Order of October 10, 2007 requiring all counsel of record to amend their entries of appearance (Document 1300).

1. On September 30, 2003, Mr. Stripp filed his entry of appearance on behalf of the following individuals and entities who are now either deceased or no longer in existence (Document 249):

1.1. **JoAnn V. Davis, deceased.** On September 30, 2003, Mr. Stripp filed the Statement of Fact of Death of JoAnn V. Davis (Document 250). The late JoAnn V. Davis should be dismissed as a party to this matter.

1.2. **Paul Davis and JoAnn V. Davis Revocable Trust dated May 10,**

1991. As a consequence of Mrs. Davis's death, the Paul Davis and JoAnn V. Davis Revocable Trust dated May 10, 1991 was split into two trusts: the Paul Davis Survivor's Trust dated July 28, 2003, P.O. Box 399, Ramah, NM 87321, and the JoAnn V. Davis Residual Trust dated July 28, 2003, P.O. Box 399, Ramah, NM 87321. Mr. Stripp has entered his appearance on behalf of the two new trusts. The Paul Davis and JoAnn V. Davis Revocable Trust dated May 10, 1991 should be dismissed as a party to this matter.

1.3. **The Davis Ltd. Partnership.** The Davis Ltd. Partnership has been

dissolved. Any water rights that The Davis Ltd. Partnership held were transferred to Paul Davis; the Paul Davis Survivor's Trust dated July 28, 2003; the JoAnn V. Davis Residual Trust dated July 28, 2003; Pamela Kay Davis; Sage Grae Merrill; Kristi Davis; and Anita Davis Schafer. Mr. Stripp has filed appearances on behalf of all of the successors in interest to The Davis Ltd. Partnership. The Davis Ltd. Partnership should be dismissed as a party to this matter.

WHEREFORE, defense counsel requests that the late JoAnn V. Davis, the Paul Davis and JoAnn V. Davis Revocable Trust dated May 10, 1991, and The Davis Ltd. Partnership be dismissed as parties to this matter.

Date: October 31, 2007

Respectfully submitted,
---signed electronically-----
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Certificate of Service

I HEREBY CERTIFY that on October 31, 2007, I filed the foregoing electronically through the CM/ECF system, which caused counsel and parties pro se who have entered an appearance to be served by electronic means.

----signed electronically by William G. Stripp, Attorney at Law----