

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 correcting the name of the defendant specified below to read as follows:

FROM:	TO:
WALKER REV. LIVING TRUST	RAYMOND DOUGLAS WALKER AND MARY LOUISE LANDRUM WALKER REVOCABLE LIVING TRUST DATED FEBRUARY 3 RD , 1992

In support of this motion, the United States asserts:

1. Based on data obtained from McKinley County, the United States’ original January 19, 2001 Complaint in this action (Doc. No. 1) named, *inter alia*, the “Walker Rev. Living Trust” as a party defendant. Thereafter, on February 26, 2001, “Mary Lou Walker”

and “Ray D. Walker” waived service of a summons on behalf of the “Raymond D. & Mary Louise Landrum Walker Rev. Living Trust.” (See Doc. No. 362, filed May 13, 2005.)

2. The United States has obtained a copy of the deed for the property involved in Subfile ZRB-4-0399 in this action (submitted as Exhibit 1 to this motion) which indicates that the full correct name of the record owner of the property is the “RAYMOND DOUGLAS WALKER and MARY LOUISE LANDRUM WALKER REVOCABLE LIVING TRUST DATED FEBRUARY 3RD, 1992.”

3. On this record, it is reasonable to conclude that the RAYMOND DOUGLAS WALKER and MARY LOUISE LANDRUM WALKER REVOCABLE LIVING TRUST DATED FEBRUARY 3RD, 1992 is the same entity as the WALKER REV. LIVING TRUST joined by the United States’ original Complaint.

4. For the benefit of other parties, and by way of explanation, the United States asserts that motions to add additional defendants, dismiss defendants, correct defendants’ names, and take other corrective action, are parts of an on-going process made necessary by the hydrographic survey, defendants’ responses, and other kinds of new information received during the course of this adjudication. The United States advances such motions primarily for the purpose of ensuring that the Court’s records indicate as accurately as possible the persons or entities that are parties to this case.

WHEREFORE, the United States moves the Court to enter an order correcting the defendant’s name “WALKER REV. LIVING TRUST” to “RAYMOND DOUGLAS WALKER and MARY LOUISE LANDRUM WALKER REVOCABLE LIVING TRUST DATED FEBRUARY 3RD, 1992.”

Submitted: July 8, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER

U.S. Department of Justice

1961 Stout St., 8th Floor

Denver, CO 80294

(303) 844-1359

COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 8, 2008, I filed the foregoing *Motion To Correct Defendant's Name* 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 Regular Mail:

MARY LOUISE WALKER, TRUSTEE
RAYMOND DOUGLAS WALKER, TRUSTEE
RAYMOND DOUGLAS WALKER and MARY LOUISE LANDRUM WALKER
REVOCABLE LIVING TRUST DATED FEBRUARY 3RD, 1992
12705 EASTRIDGE TRL NE
ALBUQUERQUE, NM 87112

_____/s/_____
Bradley S. Bridgewater