

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 DEFENDANTS' NAMES

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

FROM:	TO:
ROSIE CARROLL	ROSIE PEARL CARROLL JONES
SELTZER JONES	ANNIE MAY CARROLL SELTZER

In support of this motion, the United States asserts:

1. Based on data obtained from Cibola County, the United States, on March 31, 2006, moved the Court to join, *inter alia*, “ROSIE CARROLL” and “SELTZER JONES” as

parties defendant, with reference to Subfile ZRB-3-0086. (Doc. No. 615.) The Court granted the United States' motion on April 5, 2006 (Doc. No. 616).

2. The original service packet sent to the defendants in Subfile ZRB-3-0086 was returned by the Post Office marked "attempted – not known, return to sender." Subsequent inquiries to the County disclosed no change to the record names or address. However, a recent inquiry yielded a new record address and, upon obtaining a copy of the Warranty Deed for the subject property (attached hereto as Exhibit 1), the United States has determined that the County data set includes data entry errors with regard to the names of two of the owners of the property.

3. On this record, it is reasonable to conclude that the "ROSIE CARROLL" identified by the original County data is in fact the "ROSIE PEARL CARROLL JONES" listed on the Warranty Deed, and that the correct name of "SELTZER JONES" is "ANNIE MAY CARROLL SELTZER."

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 "ROSIE CARROLL" to "ROSIE PEARL CARROLL JONES" and the defendant's name "SELTZER JONES" to "ANNIE MAY CARROLL SELTZER."

Submitted: August 8, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER

U.S. Department of Justice

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