

**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,	)	Subfile No. ZRB-4-0046
	)	
v.	)	
	)	
A & R PRODUCTIONS, et al.	)	
	)	
Defendants.	)	
	)	

---

**MOTION TO VACATE DEFAULT JUDGMENT**

The Plaintiffs United States of America (“United States”) and State of New Mexico *ex rel.* State Engineer (“State”) hereby move the Court to vacate the *Order Granting Default Judgment* filed December 5, 2008 (Doc. No. 1994) concerning Subfile No. ZRB-4-0046 and the defendants Scott Bloch and Catherine Bloch. In support of this motion, Plaintiffs assert:

1. Following submission of the Plaintiffs’ November 17, 2008 *Motion for Default Judgment* concerning Subfile ZRB-4-0046 (Doc. No. 1969), Counsel for the United States was contacted by an attorney acting on behalf of the successor in interest for the subfile property, the Dominic J. Biava and Nina E. Biava Revocable Trust (“Biava Trust”), who indicated that the Trustee of the Biava Trust desired to consent to

the substantive terms of the consent order originally offered to Scott Bloch and Catherine Bloch. The Plaintiffs then provided a Consent Order in the name of the Biava Trust, and, on December 8, 2008, the United States received that Consent Order duly executed by the Trustee.

2. Plaintiffs assert that it will be in the best interests of all parties concerned for Subfile ZRB-4-0046 to be resolved by means of a Consent Order, and that the *Order Granting Default Judgment* for the Subfile should now be vacated.

3. Plaintiffs are contemporaneously moving the Court to substitute the Biava Trust as party defendant for Scott Bloch and Catherine Bloch and, if that motion is granted, will submit the Consent Order signed by the Trustee of the Biava Trust.

WHEREFORE, the Plaintiffs request the Court to vacate the Order Granting Default Judgment filed December 5, 2008 (Doc. No. 1994) concerning Subfile No. ZRB-4-0046 and the defendants Scott Bloch and Catherine Bloch.

Respectfully submitted,

/s/ Bradley S. Bridgewater  
BRADLEY S. BRIDGEWATER  
U.S. Department of Justice  
1961 Stout Street – 8th Floor  
Denver, CO 80294  
(303) 844-1359

COUNSEL FOR THE UNITED STATES

(approved 12/9/2008)

EDWARD BAGLEY

Office of the State Engineer, Legal Division

P.O. Box 25102

Santa Fe, NM 87504

(505) 827-6150

COUNSEL FOR THE STATE OF NEW  
MEXICO EX REL STATE ENGINEER

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on December 10, 2008, I filed the foregoing *Motion to Vacate Default Judgment* electronically through the CM/ECF system, which caused parties or counsel 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 U.S. Mail, Postage Pre-paid:**

Scott Bloch  
Catherine Bloch  
8408 Stockade Dr.  
Alexandria, VA 22308

Dominic J. Biava, Trustee  
Dominic J. Biava and Nina E. Biava  
Revocable Trust  
1905 Mariyana  
Gallup, NM 87301

James J. Mason, Esq.  
Mason & Isaacson, P.A.  
P.O. Box 1772  
Gallup, NM 87305-1772

\_\_\_\_\_/s/\_\_\_\_\_  
BRADLEY S. BRIDGEWATER