

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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CLERK SANTA FE

UNITED STATES OF AMERICA)
and)
STATE OF NEW MEXICO, ex rel. STATE)
ENGINEER,)
)
Plaintiffs,)
)
and)
)
ZUNI INDIAN TRIBE, NAVAJO NATION,)
)
Plaintiffs in Intervention,)
)
v.)
)
A & R PRODUCTIONS, et al.,)
)
Defendants.)

No. 01cv00072 BB/WDS
ZUNI RIVER BASIN
ADJUDICATION

CLERK'S CERTIFICATE OF DEFAULT

I, Matthew J. Dykman, Clerk of the United States District Court, District of New Mexico, certify that the above-entitled cause was filed in the United States District Court at Santa Fe, State of New Mexico, and the records of my office indicate that service of process commanding the following defendants to appear and defend in this cause was made as follows:

<u>Defendant</u>	<u>Subfile No.</u>	<u>Proof of Service filed</u>
Fred Scott	ZRB-1-0128	December 5, 2008 (Doc. #1997)
James Thomas	ZRB-1-0187	December 5, 2008 (Doc. #1996)
Wanda Wallace	ZRB-1-0187	December 5, 2008 (Doc. #1996)
Den Glen, LLC	ZRB-3-0011	December 5, 2008 (Doc. #1997)
Norman W. Sabroe	ZRB-3-0114	December 11, 2008 (Doc. #2000)

Hazel J. Sabroe	ZRB-3-0114	December 11, 2008 (Doc. #2000)
Robert Coffee	ZRB-3-0156	October 7, 2008 (Doc. #1905)
Elverda Topliss	ZRB-3-0156	October 7, 2008 (Doc. #1905)
Marshall Robin	ZRB-3-0182	December 11, 2008 (Doc. #2000)
Sheryl Robin	ZRB-3-0182	December 11, 2008 (Doc. #2000)
Will M. Duncan	ZRB-4-0134	August 21, 2007 (Doc. #1223)
Barbara A. Duncan	ZRB-4-0134	August 21, 2007 (Doc. #1223)
Augustus Durante	ZRB-4-0135	August 21, 2007 (Doc. #1224)
Paublita Durante	ZRB-4-0135	September 17, 2008 (Doc. #1871)
Richard Eberly	ZRB-4-0138	September 16, 2008 (Doc. #1870)
Patricia K. Eberly	ZRB-4-0138	September 16, 2008 (Doc. #1870)
John E. Ellett	ZRB-4-0140	August 23, 2007 (Doc. #1228)
Karen Ellett	ZRB-4-0140	August 27, 2007 (Doc. #1232)
FBL Trust	ZRB-4-0149	August 23, 2007 (Doc. #1228)
Michael and Jeanne Fuhs Revocable Trust UTA, dated March 8, 2001, FBO Jeanne Fuhs	ZRB-4-0156	December 5, 2008 (Doc. #1996)

I, also certify, that the records of my office indicate the following defendants waived service of summons in this proceedings as follows:

<u>Defendant</u>	<u>Subfile No.</u>	<u>Waiver of Summons filed</u>
Joyce Dinapoli	ZRB-4-0125	May 13, 2005 (Doc. #362)
Joe M. Dominguez	ZRB-4-0129	May 13, 2005 (Doc. #362)
Russell S. Dyer	ZRB-4-0132	May 13, 2005 (Doc. #362)

Denise Z. Dryer	ZRB-4-0132	May 13, 2005 (Doc. #362)
Laura Dufresne	ZRB-4-0133	December 8, 2006 (Doc. #891)
John Duty	ZRB-4-0137	May 13, 2005 (Doc. #362)
Beverly Duty	ZRB-4-0137	November 22, 2006 (Doc. #873)
Cheryl A. Mothershed	ZRB-4-0142	February 6, 2007 (Doc. #974)
Robert H. Mothershed	ZRB-4-0142	February 6, 2007 (Doc. #974)
Oscar H. Etienne	ZRB-4-0144	December 13, 2006 (Doc. #909)
Alice L. Etienne	ZRB-4-0144	December 13, 2006 (Doc. #909)
Frieda Pettigrove	ZRB-4-0153	May 13, 2005 (Doc. #362)
Gabriel Gabilondo	ZRB-4-0157	November 22, 2006 (Doc. #873)
Kelly N. Gabilondo	ZRB-4-0157	November 22, 2006 (Doc. #873)

I further certify, that the records of my office indicate the following defendant was served process pursuant to Fed.R.Civ.P. 25(c), by certified mail (restricted delivery) of the Motion to Substitute Party (Doc. #1426) as follows:

<u>Defendant</u>	<u>Subfile No.</u>	<u>Proof of Receipt filed</u>
Susan Griffin	ZRB-4-0136	December 11, 2008 (Doc. #2002)


It appears on the record that the above-named defendants have failed to plead or otherwise defend in the indicated Subfiles as provided by the Federal Rules of Civil Procedure and the Procedural and Scheduling Orders entered in this case.

WHEREFORE, I hereby certify that the above-named defendants are in default.

DATED this 17 day of December, 2008.



MATTHEW J. DYKMAN
DISTRICT COURT CLERK

By: 
Deputy Clerk