

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-ACE
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	Subfile No. ZRB-3-0034
)	
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
ALICE K. COHO	ALICE JAMES

The United States further moves the Court to order that the United States may submit to the Special Master, for her review and Court approval, a Consent Order issued to Ray K. Coho and Alice K. Coho, but bearing the signatures of Ray K. Coho and Alice James. In support of this motion, the United States asserts:

1. “Coho, Ray K. & Alice K.” were named as defendants in the United States original Complaint in this action. [Doc. No. 1]

2. Based on name information contained in Cibola County property records, the United States has mailed (1) Waiver Of Service Of Summons forms, (2) a Request For Consultation form, and (3) a proposed Consent Order bearing the printed names of Ray K. Coho and Alice K. Coho to P.O. Box 245, Pinehill, NM 87357. As indicated by the Exhibits submitted with this motion, each of these documents has been returned bearing the signatures of Ray K. Coho and Alice James (in two instances, “Alice K. James”).¹ The first name and middle initial (where provided) of Ms. James’ signature on these documents are the same as that provided by Cibola County records, and by her signing of the documents in question, she appears to hold herself out to be the co-owner, with Defendant Ray K. Coho, of the property, including water rights, involved in Subfile ZRB-3-0034.

3. The “Form A” *Change of Address or Ownership Form*, dated June 10, 2006 and submitted herewith as Exhibit 5, is signed by Ray K. Coho and Alice James and indicates that the former defendant’s address “Alice K. Coho, POB 245, Pinehill, NM 87357” should be changed to Alice James, POB 186, Pinehill, NM.”

4. Counsel for the United States otherwise has no reason to doubt that Alice James is the correct name of the defendant in question.


WHEREFORE, the United States moves the Court to enter an order (1) correcting the defendant’s name “ALICE K. COHO” to “ALICE JAMES”, and (2) permitting the United States to submit to the Special Master, for her review and Court approval, a Consent Order

¹ The Waivers of Service of Process attached as Exhibits 1 and 2 were filed of record on May 13, 2005 [Doc. No. 362].

issued to Ray K. Coho and Alice K. Coho, but bearing the signatures of Ray K. Coho and Alice James.

Dated: October 4, 2006

Respectfully submitted,



BRADLEY S. BRIDGEWATER

U.S. Department of Justice

1961 Stout St., 8th Floor

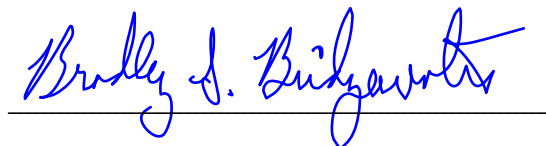
Denver, CO 80294

(303) 844-1359

COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I hereby certify that, on October 4, 2006, a copy of the foregoing *Motion To Correct Defendant's Name* was mailed to the following persons.



Special Master Vickie L. Gabin
U.S. District Court
District of New Mexico
P.O. Box 2384
Santa Fe, NM 87504-2384

Edward Bagley
Office of the State Engineer
Legal Division
P.O. Box 25102
Santa Fe, NM 87504

Ray K. Coho
P.O. Box 245
Pinehill, NM 87357

Alice James
P.O. Box 186
Pinehill, NM 87357