

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

UNITED STATES OF AMERICA,)	07-cv-00681-BB
ET AL.,)	
)	
PLAINTIFFS,)	
)	
)	ZUNI RIVER BASIN
)	ADJUDICATION
v.)	
)	
)	
STATE OF NEW MEXICO)	
COMMISSIONER OF PUBLIC)	
LANDS, ET AL.,)	
)	Subproceeding 1
DEFENDANTS.)	Zuni Indian Claims
)	

MOTION TO INTERVENE

COMES NOW, Broe Land Acquisitions, III, LLC (“Broe”), Defendant in the lead case, 01-cv-00072 BB, by and through its counsel of record, Law & Resource Planning Associates, P.C., and hereby files this Motion to Intervene in the member case, 07-cv-00681 BB (“Zuni Subproceeding”), pursuant to Fed. R. Civ. P. 24(a) and (b).

As grounds therefore, Broe states as follows:

1. Broe is a defendant in the underlying Zuni Basin Adjudication and as a defendant, was entitled to file a Notice of Intent to Participate in the Zuni Subproceeding;
2. Notices of Intent to participate in the Zuni Subproceeding needed to be filed by October 26, 2007 pursuant to the Court’s Preliminary Procedural and Scheduling Order (Doc. 3, 07-cv-00681);
3. Broe did not timely file its Notice of Intent to participate in the Zuni Subproceeding due to confusion regarding the status of the proceeding;

4. Broe mistakenly believed that proceedings in the adjudication were on hold pending negotiations of its individual subfile;

5. Broe has also been in the process of changing counsel, which may have contributed to the confusion;

6. Broe claims an interest in the Zuni Subproceeding and is so situated that the disposition of this action may as a practical matter impair or impede its ability to protect that interest;

7. Broe's interests in the Zuni Subproceeding are not adequately represented by existing parties;

8. Broe's interests in the main proceeding and in the Zuni Subproceeding have common questions of law or fact;

9. No party will be prejudiced by allowing Broe to participate in the Zuni Subproceeding, as the Subproceeding has only recently been commenced and allowing Broe to participate will not result in any delays;


10. No pleading showing the claim or defense of Broe is attached because Broe is already a defendant in the lead case and no answers can yet be filed in the member case.

11. Opposing counsel and pro se parties have been contacted. The following parties do not object to this Motion: United States of America, Pueblo of Zuni, Navajo Nation, Ronald and Marzell Porath, and Daniel G. Cordova. No other party responded to the request for concurrence. No party expressed any objection. A proposed Order is not attached as required by D.N.M.LR-Civ. 7.2 because most parties did not respond to the request for concurrence.

WHEREFORE, Broe respectfully requests that the Court enter an Order allowing Broe to participate in the Zuni Subproceeding.

Respectfully submitted,

LAW & RESOURCE PLANNING ASSOCIATES,
A Professional Corporation

By: 

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that, on December 20th, 2007, I filed the foregoing Motion to Intervene electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Filing to be served by electronic means. In addition, the following pro se parties were served by first class mail:

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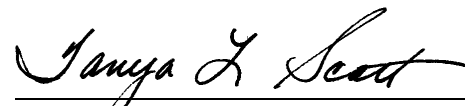
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