

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

UNITED STATES OF AMERICA,)
ET AL.,)
)
 PLAINTIFFS,)
)
)
v.)
)
STATE OF NEW MEXICO)
COMMISSIONER OF PUBLIC)
LANDS, ET AL.,)
)
 DEFENDANTS.)
_____)

CIV NO. 01- 00072 BDB/WDS (ACE)
ZUNI RIVER BASIN ADJUDICATION

**DEFENDANTS RICHARD DAVIS MALLERY
ET AL.’S NOTICE OF COMPLETION OF MOTION PACKET
FOR DECEMBER 10, 2003 MOTION TO EXPUNGE**

Defendants Richard Davis Mallery *et al.*, members of the Western New Mexico Water Preservation Association (“WNMWPA”), by and through their undersigned attorneys, hereby provide notice pursuant to D.N.M.LR.- Civ. 7.3 that briefing is now complete on Defendant Richard Davis Mallery *et al.*’s Motion requesting that the Notice of *Lis Pendens* filed by the United States in the Counties of Colfax, Cibola, and McKinley be expunged for the reasons stated in the motion and supporting memorandum. [Doc. No. 289].

Counsel for the United States has informed counsel for Defendants Richard Davis Mallery *et al.* that the United States does not intend to file a responsive brief to the Motion to Expunge the Notice of *Lis Pendens*. Pursuant to D.N.M.LR - Civ. 7.1(b), the failure to serve a response to a motion within the time allowed constitutes consent to the granting of the Defendants’ Motion. Because the United States has consented to the granting of the Motion,


Defendants Richard Davis Mallery, *et al.*, respectfully submit a proposed form of order, attached hereto as Exhibit "A", for the Court's consideration.

Dated: January 13, 2004

Respectfully submitted,

LAW & RESOURCE PLANNING ASSOCIATES,
A Professional Corporation

By: _____



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel of record via first class mail on this 13th day of January 2004 as follows:

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