

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

STATE OF NEW MEXICO, *ex rel.*  
State Engineer,  
Plaintiff,

v.

No. Civ. 66-06639 WJ/WPL

R. LEE AAMODT *et al.*  
Defendants,

and

Subfile RG-56923

UNITED STATES OF AMERICA,  
PUEBLO DE NAMBÉ,  
PUEBLO DE POJOAQUE,  
PUEBLO DE SAN ILDEFONSO,  
and PUEBLO DE TESUQUE,  
Plaintiffs-in-Intervention.

**ORDER DENYING UNOPPOSED MOTION TO WITHDRAW AS COUNSEL  
[DOC. NO. 11215]**

**THIS MATTER** is before the Special Master on attorney Peter B. Shoenfeld's Unopposed Motion to Withdraw as Counsel, filed January 5, 2017 [Doc. No. 11215]. This matter is within the Order of Reference [Doc. No. 6336], as amended.

Local Rule D.N.M. LR-Civ. 83.8 controls withdrawals of appearances. The Rule specifically states that a motion to withdraw must indicate consent of the client and must contain 1) notice of appointment of substitute attorney, or 2) a statement of the client's intention to appear *pro se* and the client's address and telephone number, or, 3) if the client is a corporation, partnership or business entity other than a natural person, the client's address and telephone number. In addition, for Oso Loco Tract D Trust, Subfile RG-56923,

A motion to withdraw from representation of a corporation, partnership or business entity other than a natural person must include a notice that the corporation, partnership or business entity other than a natural person can appear only with an attorney. Absent entry of appearance by a new attorney, any filings made by the corporation, partnership or business entity other than a natural person may be stricken and default judgment or other sanctions imposed.

D.N.M. LR-Civ. 83.8(c).

The present motion, while noting that the Trust does not oppose the withdrawal, does not affirm that the client consents. Further, no notice of substitute attorney is included in the motion, and no contact information for the Trust is included in the motion. While the motion states that the Trust no longer has an interest in the subfile at issue, the motion does not indicate whether, or how, the Trust has been dismissed from this litigation for the subfile.

Moreover, upon review of the motion, the Special Master requested that attorney Shoenfeld arrange a telephonic conference. *See* e-mail of January 13, 2017, attached hereto as Exhibit "1." This request was made to the e-mail of record for attorney Shoenfeld. As of the filing of this order, attorney Shoenfeld has not communicated with the Special Master.

For these reasons, the motion is not well taken and will be **denied**.

Further, attorney Shoenfeld is hereby ordered to arrange a telephonic conference call with the Special Master and Plaintiff the State of New Mexico to occur no later than **Friday, January 20, 2017**.

**THE PARTIES ARE NOTIFIED THAT WITHIN 14 DAYS OF SERVICE [Doc. No. 10791] of a copy of this order, report, or recommendation, they may file written objections with the Clerk of the Court pursuant to Federal Rule of Civil Procedure 53(f)(2). A party may file any objections with the Clerk of Court within the fourteen day period if that party wants the District Court to hear their objections. If no objections are filed within the fourteen day period, the District Judge may adopt the order, report or recommendation in whole.**

IT IS SO ORDERED.



\_\_\_\_\_  
Pierre Levy, Special Master

January 18, 2017

**CERTIFICATE OF SERVICE**

I hereby certify that on the date of filing I caused the foregoing to be filed electronically through the CM/ECF system which caused the parties on the electronic service list as of the time of filing, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.



\_\_\_\_\_  
Pierre Levy

**Pierre Levy**

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**From:** Pierre Levy  
**Sent:** Friday, January 13, 2017 2:12 PM  
**To:** Peter Shoenfeld (petershoenfeld@qwestoffice.net)  
**Cc:** 'Bagley, Edward C., OSE (edward.bagley@state.nm.us)'  
**Subject:** Oso Loco Tract D, Subfile RG-56923

**Importance:** High

Mr. Shoenfeld:

Thank you for your response [Doc. No. 11214] to the Order to Show Cause [Doc. No. 11212]. I consider the matter closed. With respect to your motion to withdraw [Doc. No. 11215], I would like a telephone conference call with you and the State. Can you coordinate with Mr. Bagley to arrange such a call in the near future?

Thank you.

Pierre Levy

Pierre Levy, Esq.  
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