

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

STATE OF NEW MEXICO on the	)	
relation of State Engineer,	)	
	)	
Plaintiff,	)	
	)	69cv07941-BB
-v-	)	
	)	RIO CHAMA STREAM SYSTEM
ROMAN ARAGON et al.,	)	
	)	Subfile No. CHCB-002-0012
Defendants.	)	
_____	)	

ORDER DENYING MOTION FOR DEFAULT JUDGMENT

THIS MATTER is before the Special Master on the Motion for Default Judgment (June 17, 2009, Doc. No. 9464) filed by the State of New Mexico, ex rel. State Engineer (“State”).

The State moved for an order granting default judgment against Defendants Juanita Sisneros and Alex Sisneros, based upon their failure to comply with the Order Setting Pretrial Scheduling Conference (April 17, 2009, No. 9440). The Order provided that the failure to appear at the May 18, 2009, pretrial scheduling conference might result in a default order incorporating the State’s proposed consent order(s). Defendants failed to appear. In their Answer to Motion for Default Judgment (June 30, 2009, No. 9469), however, they explain that their failure to appear was caused by Mrs. Sisneros’ illness, and their inability to get word to the court regarding their absence.

Being fully advised in the premises, I accept the Defendant’s reasons for non-appearance, and find that a default judgment should not be entered.

IT IS ORDERED, therefore, that the State’s Motion for Default is DENIED.

IT IS FURTHER ORDERED that Defendants Juanita and Alex Sisneros shall comply with all provisions of the Pretrial Order for Disputed Subfiles, entered June 5, 2009 (No. 9458). A copy of the Pretrial Order shall be mailed to them with this Order. Upon receipt of these pleadings, they

shall contact Mr. Gabriel Wade, counsel for the State, at (505) 827-7844, to discuss their compliance with the Pretrial Order.

IT IS SO ORDERED.

*Vickie L. Gabin*

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SPECIAL MASTER