

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

STATE OF NEW MEXICO *ex rel.*
State Engineer, *et al.*,

Plaintiffs,

v.

69cv07941 BB
Rio Chama Adjudication

ROMAN ARAGON, *et al.*,

Defendants.

ORDER

THIS MATTER comes before the Court on the State of New Mexico's Motion To Adopt, in part, Special Master's Report Recommending Dismissal of Objections (Doc. No. 9978, filed November 9, 2010). For the reason stated below, the Court will **GRANT** the Motion.

The Court entered Notices and Orders to Show Cause requiring Colomex Oil and Gas Co. ("Colomex") and Lionel E. Martinez, II ("Martinez") to file an objection by July 31, 2010, if they disagreed with the State's proposed determination of priority dates. (*See* Doc. No. 9870, filed June 3, 2010; Doc. No. 9891, filed June 4, 2010). Colomex and Martinez filed objections. (*See* Doc. No. 9914, filed July 22, 2010; Doc. No. 9930, filed August 4, 2010).

The Special Master set a pretrial conference for September 27, 2010, to schedule the proceedings for resolving Colomex' and Martinez' objections. Her Order setting the pretrial scheduling conference stated:

Attendance at this pretrial conference is mandatory for defendants, their attorneys, if they have them, and counsel from the Office of the State Engineer. Failure to appear may result in a dismissal of the defendant's objection pursuant to the Order Granting Motion for Approval of Form of Notice and Orders to Show Cause, filed may 4, 2010 (No. 9707).

(Doc. No. 9948, filed September 1, 2020) (**bold** in original). Neither Colomex nor Martinez attended the pretrial conference. (Special Master Report Recommending Dismissal of Objections at 2-3, Doc. No. 9975, filed November 2, 2010).

The Special Master recommended that the Court dismiss Colomex' and Martinez' objections to the show cause orders on the ground that they failed to appear at the mandatory scheduling and pretrial conference. (*Id.*). Colomex and Martinez did not file objections to the Special Master's Report recommending dismissal of their objections.

The State of New Mexico filed a motion requesting that the Court adopt the Special Master's recommendation to dismiss Colomex' and Martinez' objections. (Doc. No. 9978, filed November 9, 2010). Colomex and Martinez did not file responses opposing the State's motion.

The Court will grant the State's Motion and dismiss Colomex' and Martinez' objections to the show cause orders because they failed to appear at the mandatory scheduling and pretrial conference.

IT IS SO ORDERED.



BRUCE D. BLACK
CHIEF UNITED STATES DISTRICT JUDGE