

**STATE OF NEW MEXICO  
COUNTY OF LEA  
FIFTH JUDICIAL DISTRICT**

REPUBLICAN PARTY OF NEW MEXICO,  
DAVID GALLEGOS, TIMOTHY  
JENNINGS, DINAH VARGAS, MANUEL  
GONZALES, JR., BOBBY AND DEANN  
KIMBRO, and PEARL GARCIA,

Plaintiffs,

v.

Cause No. D-506-CV-2022-00041

MAGGIE TOULOUSE OLIVER as New  
Mexico Secretary of State, MICHELLE  
LUJAN GRISHAM as Governor of New  
Mexico, HOWIE MORALES as New Mexico  
Lieutenant Governor and President of the  
New Mexico Senate, MIMI STEWART as  
President Pro Tempore of the New Mexico  
Senate, and JAVIER MARTINEZ as Speaker  
of the House of Representatives,

Defendants.

**NOTICE OF NON-APPEARANCE REGARDING PLAINTIFFS' NOTICE TO TAKE  
DEPOSITION OF JOSEPH CERVANTES**

**COMES NOW** Senator Joseph Cervantes, by and through undersigned counsel, and hereby gives notice that he will not appear at the deposition noticed by Plaintiffs for August 21, 2023 at 9:00 a.m. MDT, in the offices of Mesilla Legal Center, 1799 Avenida De Mesilla, Las Cruces, New Mexico 88005. This Notice of Non-Appearance is served pursuant to Rule 1-030(G)(3) NMRA so that no counsel will incur any unnecessary costs or attorneys' fees in connection with the deposition. A Motion for Protective Order is filed concurrently herewith and incorporated herein by reference.

Respectfully submitted:

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*Attorneys for Non-Party Legislators pursuant  
to Limited Entry of Appearance*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 16, 2023, I caused the foregoing *Notice of Non-Appearance*, along with this Certificate of Service, to be served and filed electronically through the Tyler Technologies Odyssey File & Serve electronic filing system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing, and a true and correct copy of the same to be emailed to the following:

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