

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 DEE ANN KIMBRO, and  
PEARL GARCIA,

Plaintiffs,

v.

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

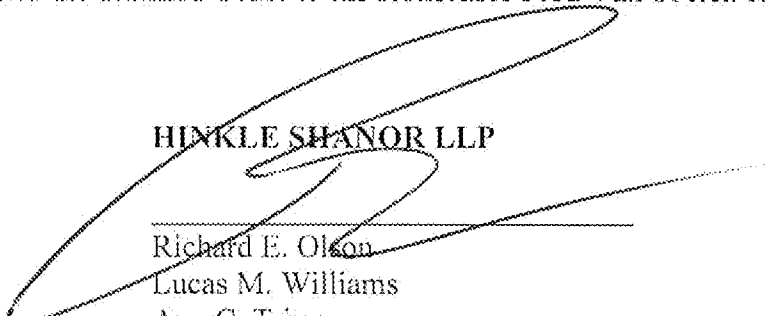
MAGGIE TOLOUSE OLIVER, in her official capacity as  
New Mexico Secretary of State, MICHELLE LUJAN  
GRISHAM, in her official capacity as Governor of New  
Mexico, HOWIE MORALES, in his official capacity as  
New Mexico Lieutenant Governor and President of the  
New Mexico Senate, MIMI STEWART, in her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

Defendants.

## NOTICE OF PRESENTMENT

COME NOW Rep. Javier Martinez, in his official capacity as Speaker of the House of Representatives of the State of New Mexico, and Senator Mimi Stewart, in her official capacity as President Pro-Tempore of the New Mexico Senate (together "Legislative Defendants"), and hereby give Notice that they have presented the attached Order to the Honorable Fred Van Soelen for review and entry.

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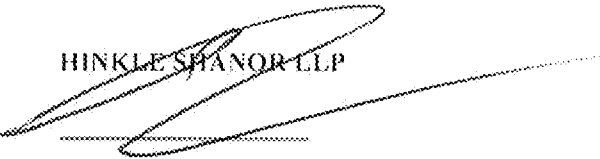
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 4, 2023, I caused the foregoing Notice 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.

  
HINKLE SHANOR LLP

**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 DEE ANN KIMBRO, and  
PEARL GARCIA,**

**Plaintiffs,**

**v.**

**Cause No. D-506-Cv-2022-00041**

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

**Defendants.**

**ORDER ON DISCOVERY GRANTED  
UNDER PLAINTIFFS' TRIAL SUBPOENAS**

THIS MATTER having come before the Court on the Motion of Mimi Stewart, in her official capacity as President Pro Tempore of the New Mexico Senate and Javier Matinez in his official capacity as Speaker of the New Mexico House of Representatives and Non-Party Legislators Senator Joseph Cervantes, Senator Peter Wirth and Former Speaker Brian Egolf regarding Trial Subpoenas served by Plaintiffs on September 20, 2023 to the following: Senator Mimi Stewart, Senator Peter Wirth, Former Speaker Brian Egolf, and Legislative staff Ms. Leanne Leith (hereinafter the "Trial Subpoenas"); and the Court having heard argument and being

otherwise fully advised in the premises, and having issued a Decision Letter dated September 26, 2023, hereby PARTIALLY GRANTS and PARTIALLY DENIES Legislative Defendants' *Emergency Motion to Quash Trial Subpoenas to Legislators and Staff and Motion for Protective Order* filed September 21, 2023, as follows:

A. To the extent the material requested by Plaintiffs in the Trial Subpoenas is addressed and considered by the Court's Decision Letter of September 26, 2023, as protected and prohibited from disclosure pursuant to the legislative privilege granted under Article V, Section 13 of the New Mexico Constitution, those portions of the Trial Subpoenas are hereby Quashed.

B. The recipients of the Trial Subpoenas will not be required to testify at the Trial of this matter.

C. Regarding all other areas of the Trial Subpoenas, the Legislative Defendants are ordered to produce the following written communications between the subjects of the Trial Subpoenas and third parties falling outside the scope of the legislative privilege as follows:

1. Time of search required: November 1, 2021 to December 18, 2021
2. Email search terms: Legislative Defendants shall search email communications from the accounts in the name of the Trial Subpoena subjects as to the following terms, using the format for search entry displayed below:

- |                   |                       |
|-------------------|-----------------------|
| a. "S.B. 1"       | i. "Senate Bill 1"    |
| b. "SB1"          | j. "Center for Civic" |
| c. "SB-1"         | k. "CD-2"             |
| d. "SB 1"         | l. "CD2"              |
| e. "Concept H"    | m. "CD 2"             |
| f. "Concept E"    | n. "congressional"    |
| g. "CCP Map"      | o. "gerrymander"      |
| h. "People's Map" | p. "Yvette"           |

q. "Herrell"

r. "DPI"

3. Text messages: Subjects of the Trial Subpoenas shall search, on their own, for text messages exchanged during the Time Period defined above, for communications between the Subjects of the Trial Subpoenas and third parties falling outside the legislative privilege as defined by the Court's September 26, 2023 Decision Letter. Of these messages or communications, if any, those communications referring to congressional redistricting shall be produced.
4. Privilege Log: For those statements or communications identified under the search methods above, Legislative Defendants shall prepare a privilege log for any documents withheld which identifies the Sender, Recipient, Date, and brief description of the document for which privilege is asserted.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Fred T. Van Soelen  
DISTRICT COURT JUDGE

Respectfully Submitted,

**HINKLE SHANOR LLP**

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**OFFICE OF THE NEW MEXICO SECRETARY OF STATE**

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Peter Auh

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