

FILED
5th JUDICIAL DISTRICT COURT
Lea County
8/10/2023 3:22 PM
NELDA CUELLAR
CLERK OF THE COURT
Cory Hagedoorn

STATE OF NEW MEXICO
COUNTY OF LEA
FIFTH JUDICIAL DISTRICT COURT

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

Plaintiffs,

vs.

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 BRIAN EGOLF in his official
capacity as Speaker of the New Mexico House of
Representatives,

Defendants

CERTIFICATE OF SERVICE

Plaintiffs, by and through their undersigned counsel, certify that on August 10, 2023, Notices of Deposition for Joseph Cervantes, Brian Egolf, Mimi Stewart, The Center for Civic Policy, and Research & Polling, Inc., attached as Exhibit A, were served by email, on the following counsel, along with a copy of this Certificate of Service:

Sara N. Sanchez
Mark T. Baker
PEIFER, HANSON, MULLINS
& BAKER P.A.
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ssanchez@peiferlaw.com
Counsel for Legislative Defendants

Luis G. Stelzner
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3521 Campbell Ct. NW
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Attorneys for Legislative Defendants

Richard E. Olson
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Counsel for Legislative Defendants

Professor Michael B. Browde
751 Adobe Road NW
Albuquerque, NM 87107
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mbrowde@me.com
Attorneys for Legislative Defendants

Respectfully submitted,

/s/ Carter B. Harrison IV

Carter B. Harrison IV
HARRISON & HART, LLC
924 Park Ave SW, Suite E
Albuquerque, NM 87102
(505) 295-3261
carter@harrisonhartlaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that the foregoing was electronically filed and served via the State of New Mexico's Tyler/Odyssey E-File & Serve System on August 10, 2023, which caused service upon all parties through counsel of record.

/s/ Carter B. Harrison IV

Carter B. Harrison IV

STATE OF NEW MEXICO
COUNTY OF LEA
FIFTH JUDICIAL DISTRICT COURT

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

Plaintiffs,

vs.

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.

NOTICE TO TAKE VIDEOTAPED DEPOSITION

TO: **Joseph Cervantes**

c/o Sara N. Sanchez
Mark T. Baker
PEIFER, HANSON, MULLINS
& BAKER P.A.
mbaker@peiferlaw.com
ssanchez@peiferlaw.com

Luis G. Stelzner
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Richard E. Olson
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lwilliams@hinklelawfirm.com
atripp@hinklelawfirm.com

Professor Michael B. Browde
mbrowde@me.com

PLEASE TAKE NOTICE that Plaintiffs, by and through undersigned counsel, will take the deposition upon oral examination of Joseph Cervantes, by a certified court reporter and videographer, on Monday, August 21, 2023, beginning at 9:00 a.m., at the offices of Mesilla Legal Center, 1799 Avenida De Mesilla, Las Cruces, NM 88005, and continuing until complete before a certified court reporter. This deposition may be conducted via Zoom, and the information necessary for joining the deposition will be provided to all parties by the court reporter.

Notice is further given that Pursuant to Rule 1-032(A)(3)(c) NMRA, the Plaintiffs intend to use this deposition at trial.

Respectfully submitted,

/s/ Carter B. Harrison IV

Carter B. Harrison IV
HARRISON & HART, LLC
924 Park Ave SW, Suite E
Albuquerque, NM 87102
(505) 295-3261
carter@harrisonhartlaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that the foregoing was as electronically filed and served via the State of New Mexico's Tyler/Odyssey E-File & Serve System on August 10, 2023, which caused service upon all parties through counsel of record.

/s/ Carter B. Harrison IV
Carter B. Harrison IV

STATE OF NEW MEXICO
COUNTY OF LEA
FIFTH JUDICIAL DISTRICT COURT

REPUBLICAN PARTY OF NEW MEXICO,
DAVID GALLEGOS, TIMOTHY JENNINGS,
DINAH VARGAS, MANUEL GONZALES,
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PEARL GARCIA,

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vs.

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.

NOTICE TO TAKE VIDEOTAPED DEPOSITION

TO: **Brian Egolf**

c/o Sara N. Sanchez
Mark T. Baker
PEIFER, HANSON, MULLINS
& BAKER P.A.
mbaker@peiferlaw.com
ssanchez@peiferlaw.com

Luis G. Stelzner
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atripp@hinklelawfirm.com

Professor Michael B. Browde
mbrowde@me.com

PLEASE TAKE NOTICE that Plaintiffs, by and through undersigned counsel, will take the deposition upon oral examination of Brian Egolf, by a certified court reporter and videographer, on Monday, August 22, 2023, beginning at 9:00 a.m., at the offices of Harrison & Hart, LLC, 924 Park Avenue SW, Suite E, Albuquerque, NM, 87102, and continuing until complete before a certified court reporter. This deposition may be conducted via Zoom, and the information necessary for joining the deposition will be provided to all parties by the court reporter.

Notice is further given that Pursuant to Rule 1-032(A)(3)(c) NMRA, the Plaintiffs intend to use this deposition at trial.

Respectfully submitted,

/s/ Carter B. Harrison IV

Carter B. Harrison IV
HARRISON & HART, LLC
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Albuquerque, NM 87102
(505) 295-3261
carter@harrisonhartlaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that the foregoing was as electronically filed and served via the State of New Mexico's Tyler/Odyssey E-File & Serve System on August 10, 2023, which caused service upon all parties through counsel of record.

/s/ Carter B. Harrison IV
Carter B. Harrison IV

STATE OF NEW MEXICO
COUNTY OF LEA
FIFTH JUDICIAL DISTRICT COURT

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

Plaintiffs,

vs.

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.

NOTICE TO TAKE VIDEOTAPED DEPOSITION

TO: **Mimi Stewart**

c/o Sara N. Sanchez
Mark T. Baker
PEIFER, HANSON, MULLINS
& BAKER P.A.
mbaker@peiferlaw.com
ssanchez@peiferlaw.com

Luis G. Stelzner
STELZNER, LLC
pstelzner@aol.com

Richard E. Olson
Lucas M. Williams
Ann C. Tripp
HINKLE SHANOR LLP
rolson@hinklelawfirm.com
lwilliams@hinklelawfirm.com
atripp@hinklelawfirm.com

Professor Michael B. Browde
mbrowde@me.com

PLEASE TAKE NOTICE that Plaintiffs, by and through undersigned counsel, will take the deposition upon oral examination of Mimi Stewart, by a certified court reporter and videographer, on Monday, August 23, 2023, beginning at 9:00 a.m., at the offices of Harrison & Hart, LLC, 924 Park Avenue SW, Suite E, Albuquerque, NM, 87102, and continuing until complete before a certified court reporter. This deposition may be conducted via Zoom, and the information necessary for joining the deposition will be provided to all parties by the court reporter.

Notice is further given that Pursuant to Rule 1-032(A)(3)(c) NMRA, the Plaintiffs intend to use this deposition at trial.

Respectfully submitted,

/s/ Carter B. Harrison IV

Carter B. Harrison IV
HARRISON & HART, LLC
924 Park Ave SW, Suite E
Albuquerque, NM 87102
(505) 295-3261
carter@harrisonhartlaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that the foregoing was as electronically filed and served via the State of New Mexico's Tyler/Odyssey E-File & Serve System on August 10, 2023, which caused service upon all parties through counsel of record.

/s/ Carter B. Harrison IV
Carter B. Harrison IV

STATE OF NEW MEXICO
COUNTY OF LEA
FIFTH JUDICIAL DISTRICT COURT

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

Plaintiffs,

vs.

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.

(ADDITIONAL) NOTICE OF VIDEOTAPED RULE 1-030(B)(6) DEPOSITION

TO: **The Center for Civic Policy**

c/o Sara N. Sanchez
Mark T. Baker
PEIFER, HANSON, MULLINS
& BAKER P.A.
mbaker@peiferlaw.com
ssanchez@peiferlaw.com

Richard E. Olson
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Luis G. Stelzner
STELZNER, LLC
pstelzner@aol.com

Professor Michael B. Browde
mbrowde@me.com

PLEASE TAKE NOTICE that Plaintiffs, by and through undersigned counsel, will take the deposition upon oral examination of a person or persons designated by The Center for Civic Policy (“CCP”) to testify, pursuant to Rule 1-030(B)(6) NMRA, on the matters regarding the topics on Exhibit A, attached hereto.

The deposition will be taken before a certified court reporter on Monday, August 25, 2023, beginning at 12:30 p.m., at the offices of Harrison & Hart, LLC, 924 Park Avenue SW, Suite E, Albuquerque, NM, 87102, and continuing until complete before a certified court reporter. This deposition may be conducted via Zoom, and the information necessary for joining the deposition will be provided to all parties by the court reporter.

Notice is further given that Pursuant to Rule 1-032(A)(3)(c) NMRA, the Plaintiffs intend to use this deposition at trial.

Respectfully submitted,

/s/ Carter B. Harrison IV

Carter B. Harrison IV
HARRISON & HART, LLC
924 Park Ave SW, Suite E
Albuquerque, NM 87102
(505) 295-3261
carter@harrisonhartlaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that the foregoing was as electronically filed and served via the State of New Mexico’s Tyler/Odyssey E-File & Serve System on August 10, 2023, which caused service upon all parties through counsel of record.

/s/ Carter B. Harrison IV
Carter B. Harrison IV

EXHIBIT A

YOU ARE ALSO COMMANDED, pursuant to Rule 1-030(B)(6) NMRA, to designate and fully prepare one or more persons (who consent to testify on your office's behalf) to testify as to all information known or reasonably available to the Center for Civic Policy ("CCP") as a whole on the following matters:

- (1) All communications — including emails, text messages, phone calls, and in-person conversations — that took place in the year 2021 *between*
 - (a) any CCP executive, director, official, employee, and/or volunteer, on the one hand, *and*
 - (b) any individual who was at the time a member of, or a staffer to a member of, either the New Mexico Legislature or New Mexico's congressional delegation, on the other, and

that relates to congressional redistricting, the Congressional Concept H map, and/or the partisan breakdown of New Mexico's congressional delegation.

- (2) The CCP's 2021 efforts to recruit, mobilize, and/or support individuals giving testimony or written input to either the Citizen Redistricting Committee ("CRC") or the Legislature (including individual committees and/or members thereof) on the subject of redistricting, including any incentives or financial stipends offered and/or paid.
- (3) The process by which the CCP designed Congressional Concept H, and any individuals or groups whose feedback/input on the map was solicited before its submission to the CRC — including specifically any mapping or demographic professionals, experts, or consultants.
- (4) The processes by which you prepared your designee(s) to testify about the topics above, the process by which CCP collected and produced the documents requested below, and the factual bases for any objections interposed (including, for burden-based objections, detailed information regarding the costs and/or time that given record-collection step would have required).

If your office elects to prepare and produce multiple designees to give testimony, you must be prepared to state the matters on which each person will testify.

STATE OF NEW MEXICO
COUNTY OF LEA
FIFTH JUDICIAL DISTRICT COURT

REPUBLICAN PARTY OF NEW MEXICO,
DAVID GALLEGOS, TIMOTHY JENNINGS,
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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.

(ADDITIONAL) NOTICE OF VIDEOTAPED RULE 1-030(B)(6) DEPOSITION

TO: **Research & Polling, Inc.**

c/o Sara N. Sanchez
Mark T. Baker
PEIFER, HANSON, MULLINS
& BAKER P.A.
mbaker@peiferlaw.com
ssanchez@peiferlaw.com

Richard E. Olson
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Luis G. Stelzner
STELZNER, LLC
pstelzner@aol.com

Professor Michael B. Browde
mbrowde@me.com

PLEASE TAKE NOTICE that Plaintiffs, by and through undersigned counsel, will take the deposition upon oral examination of a person or persons designated by Research & Polling, Inc. (“R&P”) to testify, pursuant to Rule 1-030(B)(6) NMRA, on the matters regarding the topics on Exhibit A, attached hereto.

The deposition will be taken before a certified court reporter on Monday, August 25, 2023, beginning at 8:00 a.m., at the offices of Harrison & Hart, LLC, 924 Park Avenue SW, Suite E, Albuquerque, NM, 87102, and continuing until complete before a certified court reporter. This deposition may be conducted via Zoom, and the information necessary for joining the deposition will be provided to all parties by the court reporter.

Notice is further given that Pursuant to Rule 1-032(A)(3)(c) NMRA, the Plaintiffs intend to use this deposition at trial.

Respectfully submitted,

/s/ Carter B. Harrison IV

Carter B. Harrison IV
HARRISON & HART, LLC
924 Park Ave SW, Suite E
Albuquerque, NM 87102
(505) 295-3261
carter@harrisonhartlaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

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/s/ Carter B. Harrison IV
Carter B. Harrison IV

EXHIBIT A

YOU ARE ALSO COMMANDED, pursuant to Rule 1-030(B)(6) NMRA, to designate and fully prepare one or more persons (who consent to testify on your office's behalf) to testify as to all information known or reasonably available to Research & Polling, Inc. ("R&P") as a whole on the following matters:

- (1) R&P's role, if any, in designing or assisting in the design of the 2021 congressional-redistricting law (S.B. 1), including specifically the ways in which the Citizen Redistricting Committee's ("CRC's") Congressional Concept H was modified to create the originally introduced S.B. 1 bill, and the ways in which the originally introduced S.B. 1 was modified to create the Senate Judiciary Committee Substitute, which was eventually enacted into law.

- (2) All communications (including emails, text messages, phone calls, and in-person conversations) that R&P personnel had with state legislators on the subject of redistricting — including congressional redistricting specifically, and redistricting generally, but you may exclude communications that relate specifically and exclusively to the state House and Senate maps — in the following time periods (tracking, to the extent possible, what communications took place in what time periods):
 - (a) from the beginning of July to the end of October 2021 (this loosely corresponds to the CRC process);

 - (b) from the beginning of November to the end of December 6, 2021 (this is the period between the CRC process and the legislative redistricting session); and

 - (c) from December 6 to 11, 2021 (this is the legislative redistricting session itself).

- (3) The processes by which you prepared your designee(s) to testify about the topics above; the process by which R&P collected and produced the documents requested; and the factual bases for any objections interposed (including, for burden-based objections, detailed information regarding the costs and/or time that a given record-collection step would have required).

If your office elects to prepare and produce multiple designees to give testimony, you must be prepared to state the matters on which each person will testify.