

**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 PETER WIRTH**

COMES NOW Peter Wirth, by and through undersigned counsel, and hereby gives notice that he will not appear at the deposition noticed by Plaintiffs for August 28, 2023 at 9:00 a.m. MDT, in Harrison & Hart, LLC, 924 Park Avenue SW Suite E, Albuquerque, New Mexico 87102. 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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By: */s/ Ann Cox Tripp*
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