

**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' SUBPOENA TO TAKE  
DEPOSITION OF LEGISLATIVE STAFFER LEANNE LEITH**

COME NOW the Legislative Defendants, by and through undersigned counsel, and hereby give notice that legislative staffer Leanne Leith will not appear at the deposition subpoenaed by Plaintiffs for September 12, 2023, at 8:00 a.m., at the offices of Harrison & Hart, LLC, 924 Park Avenue SW, Suite E, Albuquerque, NM 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. The Legislative Defendants are concurrently filing a *Motion to Quash Deposition Subpoena to Legislative Staffer and for Protective Order*.

Respectfully submitted:

**PEIFER, HANSON, MULLINS & BAKER, P.A.**

*/s/ Sara N. Sanchez*

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 5, 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.

PEIFER, HANSON, MULLINS & BAKER, P.A.

By: /s/ Sara N. Sanchez  
Sara N. Sanchez