

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

FILED
5th JUDICIAL DISTRICT COURT
Lea County
9/12/2023 12:39 PM
NELDA CUELLAR
CLERK OF THE COURT
Cory Hagedoorn

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.

**REPLY IN SUPPORT OF LEGISLATIVE DEFENDANTS' EXPEDITED MOTION FOR
ENTRY OF PRE-TRIAL ORDER TO PREVENT TRIAL BY AMBUSH**

Plaintiffs label their response to Legislative Defendants' Expedited Motion for Entry of Pre-Trial Order to Prevent Trial by Ambush (the "Motion") as an "Opposition"—yet they agree with the relief sought by the Motion, and they do not dispute any of the facts or arguments presented in the Motion. There being no opposition to the Motion, the Legislative Defendants respectfully move the Court expeditiously to enter a pre-trial order which:

- (1) requires that, at least seven days before trial, the parties exchange (a) lists of witnesses whom they intend to call at trial, ranked in order of priority and with each witness's contact information and a brief summary of each witness's anticipated

- testimony and (b) any exhibits they intend to introduce at trial which have not previously been included with the parties' written submissions to the Court;
- (2) excludes from trial any witness not listed on that pre-trial disclosure; and
 - (3) splits the three-day trial time evenly between Plaintiffs and Defendants (1.5 days each).

Respectfully submitted,

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Attorneys for the Legislative Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2023 I caused the foregoing Motion, 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.

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

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