

FILED
5th JUDICIAL DISTRICT COURT
Lea County
9/7/2023 11:04 AM
NELDA CUELLAR
CLERK OF THE COURT
Cory Hagedoorn

**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,

vs.

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 MARTÍNEZ, in his official capacity as
Speaker of the New Mexico House of Representatives,**

Defendants.

**NON-PARTY SCOTT C. FORRESTER'S
NOTICE OF NON-APPEARANCE REGARDING
PLAINTIFFS' SUBPOENA TO TAKE DEPOSITION**

COMES NOW non-party Scott C. Forrester, by and through counsel, Kate Ferlic and Ben Osborn of Egolf + Ferlic + Martinez + Harwood, LLC, and hereby gives notice that he will not appear at the deposition subpoenaed and noticed by Plaintiffs on September 6, 2023, for September 11, 2023, at 8:00 a.m. via Zoom. This Notice of Non-Appearance is served in accordance with the assertions in Mr. Forrester's Motion to Quash Subpoena Duces Tecum, filed August 16, 2023, and pursuant to Rule 1-030(G)(3) NMRA so that counsel will not incur any unnecessary costs or attorneys' fees in connection with the deposition. Mr. Forrester will also file a separate motion to quash Plaintiff's deposition subpoena.

Respectfully submitted,

EGOLF + FERLIC +
MARTINEZ + HARWOOD, LLC

/s/ Kate Ferlic

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CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2023, I filed the foregoing through the Court's Electronic Filing System, which caused all counsel of record to be served by electronic means. I have additionally emailed a copy of the foregoing to the following counsel of record per this Court's scheduling order:

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