

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,

v.

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

Defendants.

PLAINTIFFS' OPPOSITION TO LEGISLATIVE DEFENDANTS'
EXPEDITED MOTION FOR ENTRY OF PRE-TRIAL ORDER

Plaintiffs the Republican Party of New Mexico and a bipartisan group of New Mexico voters (collectively, "Plaintiffs") hereby file this Opposition to Legislative Defendants' Expedited Motion For Entry Of Pre-Trial Order (Sept. 5, 2023).

Consistent with Plaintiffs' statements in their Emergency Motion To Compel Depositions And/Or Appoint A Special Master and their recently filed Reply in Support of that Motion, Plaintiffs agree that this Court's prompt intervention is very much needed, both as to the pending discovery disputes and as to the fast-approaching trial, including so that Plaintiffs may have the fair opportunity to present their case that the Supreme Court envisioned in its Superintending Order

and that this Court contemplated in its Scheduling Order. *See* Emergency Mot. Of Pls. To Compel Deps. And/Or Appoint A Special Master 3 (Aug. 3, 2023); Pls.’ Reply In Supp. Of Emergency Mot. Of Pls. To Compel Deps. And/Or Appoint A Special Master 3 (Sept. 5, 2023). Indeed, the time to resolve these critical disputes is quickly dwindling: the parties’ Annotated Findings Of Fact And Conclusions Of Law are due in one week, by September 15, 2023; the trial is set to begin at the end of this month, September 27–29; and the Supreme Court’s deadline for this Court’s final judgment is October 6, 2023. Scheduling Order 2 (July 24, 2023); Am. Order 3–4, *Grisham v. Van Soelen*, No. S-1-SC-39481 (N.M. Aug. 25, 2023). Further, while Legislative Defendants repeatedly complain about Plaintiffs’ proposed witnesses in their Expedited Motion, this Court’s pre-trial intervention could address those concerns by providing that the parties shall disclose reasonably in advance of the September 27, 2023 trial date lists of witnesses whom they will call at the trial and whom they may call at the trial. *See* Legis. Defs.’ Expedited Mot. For Entry Of Pre-Trial Order 1–2, 5.

Dated: September 11, 2023

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Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing will be served on all counsel via the e-filing system.

Dated: September 11, 2023

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