

STATE OF NEW MEXICO
COUNTY OF LEA
FIFTH JUDICIAL DISTRICT COURT

REPUBLICAN PARTY OF NEW MEXICO,
DAVID GALLEGOS, TIMOTHY JENNINGS,
DINAH VARGAS, MANUEL GONZALES,
JR., BOBBY AND DEE ANN KIMBRO, and
PEARL GARCIA,

Plaintiffs,

v.

MAGGIE TOULOUSE 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,

and

THE DEMOCRATIC PARTY OF NEW
MEXICO,

[Proposed] Intervenor-Defendant.

No. D-506-CV-2022-00041
Judge Fred T. Van Soelen

DEMOCRATIC PARTY OF NEW MEXICO'S
UNOPPOSED MOTION TO DISMISS APPEAL VOLUNTARILY

COMES NOW Proposed Intervenor-Defendant Democratic Party of New Mexico
("DPNM"), by and through counsel, and hereby moves to dismiss its pending appeal. As grounds
for this motion, DPNM states as follows.

On September 18, 2023, the Court entered an order denying DPNM's motion to intervene. DPNM filed a notice of appeal on September 22, 2023. The appeal has not yet been docketed in the Court of Appeals. Accordingly, DPNM moves this Court for voluntary dismissal of its appeal under Rule 12-401(A) NMRA.

Counsel for DPNM conferred with counsel for Plaintiffs and Defendants regarding their position on this motion as required by Rule 1-007.1 NMRA on October 19, 2023. The Secretary of State, the Legislative Defendants, and Plaintiffs do not object to the relief sought in this motion. The parties agree to bear their own costs and fees, if any, incurred in this appeal.

WHEREFORE, for the foregoing reasons, DPNM asks the Court to dismiss its pending undocketed appeal and order the Clerk of Court to advise the Court of Appeals in writing of the dismissal under Rule 12-401(A) NMRA.

Dated: October 25, 2023

Respectfully submitted,

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**Pro Hac Vice*

***Counsel for Proposed Intervenor Democratic
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing has been e-served to all counsel of record on the 25th day of October, 2023 via electronic service through the electronic filing system.

/s/Justin R. Kaufman

Justin R. Kaufman