

**STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT**

**BRIAN EGOLF, et al.**

**D-101-CV-2011-02942**

**Plaintiff-Petitioners,**

vs.

**DIANNA J. DURAN, et al.,**

**Defendant-Respondents.**

**SENA AND LEGISLATIVE PLAINTIFFS' REPLY BRIEF  
IN SUPPORT OF MOTION TO RECONSIDER APPOINTMENT  
OF A SPECIAL MASTER**

Plaintiffs Jonathan Sena, Minority Whip Don Bratton, Senator Carroll Leavell and Senator Gay Kernan (“Sena and Legislative Plaintiffs”), by counsel of record, Patrick J. Rogers, submit the following Reply in Support of Motion to Reconsider Appointment of a Special Master.

The Sena and Legislative Plaintiffs submitted the (final) Order Adopting and Appointing a Special Master’s Report and Redistricting Maps entered October 27, 2001. Guy v. Miller, No. 11 OC-0042-1B (1<sup>st</sup> Dist. Nv.). The purpose of the submission of the final Order was to address the speculation and exaggeration offered by opponents to the appointment of a Special Master. The Egolf Plaintiffs and the Jennings/Lujan Defendants cited the ongoing redistricting litigation in Nevada as a reason to deny a Special Master appointment. *See* Sena Plaintiffs Motion to Reconsider ¶¶ 10 – 15 (summarizing claims of Egolf and Jennings/Lujan Defendants concerning the Nevada litigation).

The Response in Opposition filed by attorneys representing the President Pro-Tempore of the New Mexico Senate and the Speaker of the House (“Jennings/Lujan Defendants”) does not

directly address the relevant points raised in the Motion for Reconsideration by the Sena and Legislative Plaintiffs. The Response Brief filed on their behalf, perhaps understandably, does not address the final order of the Court, which on its face establishes that the Nevada process was timely, efficient, and cost effective. The Egolf Plaintiffs simply, and also understandably, abandon all of their previous relevant assertions about the Nevada process. The Maestas Plaintiffs similarly avoid the arguments, the dire predictions and exaggerations about the Nevada process argued in earlier briefs in the effort to oppose the appointment.

As established in the Final Order, the Nevada redistricting proceedings are complete, the maps are finished. The final order in Nevada makes it clear that judicial economy in this case would be served by the appointment of a Special Master. For these reasons, (and based upon the final order) the Sena and Legislative Plaintiffs respectfully request the Court reconsider its decision and order denying the motion to appoint a special master. The final order entered in Nevada establishes that process as a prompt, fair and inexpensive resolution to redistricting disputes.

Respectfully submitted,  
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## CERTIFICATE OF SERVICE

I certify that on this 14<sup>th</sup> day of November, 2011, I caused a true and correct copy of the foregoing Reply to be electronically filed with the court, which caused all counsel of record to be served by electronic means. I further certify that a copy of this document was also transmitted by my office via e-mail to Judge Hall and to the following counsel of record:

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