

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

No. 33,239

BRIAN EGOLF, HAKIM BELLAMY, MEL HOLGUIN,
MAURILIO CASTRO, and ROXANE SPRUCE BLY,

Petitioners,

v.

DIANNA J. DURAN, in her official capacity as New Mexico Secretary of State,
SUSANA MARTINEZ, in her official capacity as New Mexico Governor,
JOHN A. SANCHEZ, in his official capacity as New Mexico Lieutenant
Governor and presiding officer of the New Mexico Senate,
TIMOTHY Z. JENNINGS, in his official capacity as President
Pro-Tempore of the New Mexico Senate, and
BEN LUJAN, JR., in his official capacity as Speaker of the
New Mexico House of Representatives,

Respondents,

and

JONATHAN SENA, DON BRATTON, CARROLL LEAVELL, GAY KERNAN,
REPRESENTATIVE CONRAD JAMES, DEVON DAY, MARGE TEAGUE,
MONICA YOUNGBLOOD, JUDY MCKINNEY, and SENATOR JOHN RYAN,

Real Parties in Interest,

and

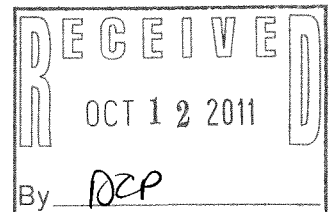
PUEBLO OF LAGUNA, RICHARD LUARKIE, and HARRY A. ANTONIO,
JR.

Intervenors.

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RESPONSE OF INTERVENORS, PUEBLO OF LAGUNA, RICHARD LUARKIE, AND HARRY A. ANTONIO, JR. TO PLAINTIFF-PETITIONERS' EMERGENCY PETITION FOR WRIT OF SUPERINTENDING CONTROL AND APPLICATION FOR RELIEF

Intervenors, by and through their attorneys, Nordhaus Law Firm, LLP, hereby state the following in response to Plaintiff-Petitioners' Emergency Petition for Writ of Superintending Control and Application for Relief¹:

Intervenors concur in Plaintiff-Petitioners' request for consolidation of all pending and future redistricting cases in a single forum.

It is the position of Intervenors that the appropriate forum to hear all the redistricting cases is the First Judicial District because venue is appropriate in this district. Santa Fe, New Mexico is the seat of government, and the headquarters for, the Secretary of State's office. Suits against the Secretary of State are properly brought in the state capital. NMSA 1978, § 38-3-1(G). The Governor of New Mexico, sued by Plaintiff-Petitioners and included as a defendant in both the *James v. Duran*, D202-CV-2011-09600, and *Sena v. Duran*, D506-CV-2011-00913, lawsuits, is likewise headquartered in New Mexico's state capital, Santa Fe.

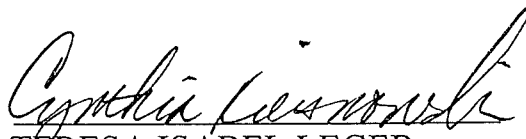
¹ Intervenors' position is as stated in their Motion to Intervene, which was filed with this Court on October 3, 2011. It is set out again here for the convenience of the Court and to assure that their position is stated specifically as a Response to Plaintiff-Petitioners' Emergency Petition for Writ of Superintending Control and Application for Relief.

Since the various plaintiffs in the existing and potential additional redistricting suits will reside in communities across New Mexico, it is convenient and logical to set the venue for the consolidated case in the state capital - where the defendants are headquartered. It would be unfair to the many of the plaintiffs in the existing and anticipated redistricting lawsuits if venue is located in the residence of one or two plaintiffs, forcing only the plaintiffs in other cities and towns to travel. Accordingly, using the Defendants' official offices to determine venue is the only fair method of dealing with the numerous plaintiffs from numerous different cities, villages and towns. In addition, the attorneys in the suits as filed to date all reside in either Santa Fe or Albuquerque, making Santa Fe a convenient location for the lawsuit.

This Response is timely filed because October 10, 2011, which was the date set by the Court to file responses, was a legal holiday. Rule 12-308(A) NMRA (2011).

Dated: October 11, 2011

Respectfully submitted,

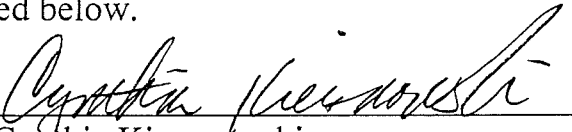
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **RESPONSE OF INTERVENORS, PUEBLO OF LAGUNA, RICHARD LUARKIE, AND HARRY A. ANTONIO, JR. TO PLAINTIFF-PETITIONERS' EMERGENCY PETITION FOR WRIT OF SUPERINTENDING CONTROL AND APPLICATION FOR RELIEF** was mailed via first-class U.S. mail, on this 11th day of October, 2011 to the parties listed below.


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