

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

BRIAN F. EGOLF, JR., HAKIM)
BELLAMY, MEL HOLGUIN, MAURILIO)
CASTRO, and ROXANE SPRUCE BLY,)
)
Plaintiffs,)

v.)

NO. D-101-CV-2011-02942

DIANNA J. DURAN, in her official capacity)
as New Mexico Secretary of State, SUSANA)
MARTINEZ, in her official capacity s 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, SR., in his official)
capacity as Speaker of the New Mexico)
House of Representatives,)

CONSOLIDATED WITH:
D-101-CV-2011-02944
D-101-CV-2011-02945
D-101-CV-2011-03016
D-101-CV-2011-03099
D-101-CV-2011-03107
D-202-CV-2011-09600
D-506-CV-2011-00913

Defendants.

**LEGISLATIVE DEFENDANTS' RESPONSE TO SENA PLAINTIFFS' MOTION
TO RECONSIDER**

The Legislative Defendants respond to the Sena Plaintiffs' Motion to Reconsider for the purpose of addressing assertions or implication that the Legislative Defendants made misrepresentations or exaggerations to the Court in support of their Response to Motions to Appoint a Special Master.

In discussing the special master process in Nevada, the Legislative Defendants did not argue "that the special masters themselves had ... delayed providing their reports." (Sena Plaintiffs' Motion at 4, ¶15.) Instead, the Legislative Defendants explained that more than three months elapsed between the time the district court in Nevada indicated an intention to appoint special masters and the time at which the special masters issued their report. (Legislative

Defendants Response at 6-7.) As explained by the Legislative Defendants, this period included the time required to select and instruct the special masters and the time taken by the special masters in formulating and issuing their plans. (Legislative Defendants Response at 6-7.) This timeline was supported by the procedural history set forth in the Nevada Secretary of State's Petition for Mandamus which was attached to the Legislative Defendants' Response as Exhibit A.

Additionally, Legislative Defendants did not refer to collateral matters which arose concerning "unique [Nevada] state law issues" in support of their Response. (Sena Plaintiffs' Motion at 7.) Legislative Defendants stated that disputes arose over the propriety of the Nevada district court's decision to refer the matter to the special masters before the district court had resolved important legal issues. In support, the Legislative Defendants attached to their Response a copy of a Petition for Mandamus filed by the Nevada Secretary of State with the Nevada Supreme Court alleging that the district court had improperly referred the task of drawing maps to special masters before deciding important legal issues such as "[t]he correct population measure to use for determining whether the Voting Rights Act requires drawing majority-minority districts," the "meaning of 'representational fairness' and the extent to which the Special Masters may use it in drawing maps," and "whether the creation of additional majority-minority districts are required by the Voting Rights Act." (Petition for Mandamus attached as Exhibit A to Legislative Defendants' Response to Motions to Appoint Commissioners at 2-3). Such a challenge is not unique to litigation in Nevada, and thus it was appropriate for the Legislative Defendants to raise the possibility that such a challenge or a similar challenge might be raised in this litigation.

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CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2011, I caused a true and correct copy of **LEGISLATIVE DEFENDANTS' RESPONSE TO SENA PLAINTIFFS' MOTION TO RECONSIDER** to be e-mailed and mailed, postage-prepaid, to all parties or counsel of record and caused this Certificate of Service to be filed electronically through the Tyler Tech System, which caused all parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing to the following:

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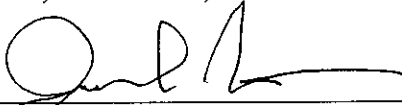
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