

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' COMBINED OPPOSITION TO (1) NON-PARTY DOMINIC P. GABELLO'S MOTION TO QUASH SUBPOENA DUCES TECUM AND FOR PROTECTIVE ORDER; (2) NON-PARTY DOMINIC P. GABELLO'S MOTION TO QUASH DEPOSITION SUBPOENA (3) LEGISLATIVE DEFENDANTS' MOTION TO QUASH DEPOSITION SUBPOENA TO LEGISLATIVE STAFFER LEANNE LEITH AND FOR PROTECTIVE ORDER; AND (4) NON-PARTY SENATOR DANIEL IVEY-SOTO'S JOINDER IN LEGISLATIVE DEFENDANTS' MOTION TO QUASH SUBPOENAS FOR DEPOSITION AND FOR PROTECTIVE ORDER

Plaintiffs the Republican Party of New Mexico and a bipartisan group of New Mexico voters (collectively, "Plaintiffs") hereby file this Combined Opposition to (1) Non-Party Dominic P. Gabello's Motion To Quash Subpoena Duces Tecum And For Protective Order (Sept. 6, 2023) ("Gabello Mot."); (2) Non-Party Gabello's Motion To Quash Deposition Subpoena (Sept. 6, 2023) ("Gabello Dep.Mot."); (3) Legislative Defendants' Motion To Quash Deposition Subpoena To Legislative Staffer Leanne

Leith And For Protective Order (Sept. 5, 2023) (“Legis.Defs.Leith.Mot.”); and (4) Non-Party Senator Daniel Ivey-Soto’s Joinder In Legislative Defendants’ Motion To Quash Subpoenas For Deposition And For Protective Order (Aug. 28, 2023) (“Ivey-Soto Mot.”).

With each of these four Motions, Non-Party Gabello, Legislative Defendants, and Non-Party Ivey-Soto, respectively, join in the arguments against Plaintiffs’ discovery requests previously asserted by Legislative Defendants in their prior Motions To Quash. *See* Legis.Defs.Leith.Mot.2–4; Ivey-Soto Mot.1; *see* Gabello Mot.5; Gabello Dep.Mot.2. Accordingly, Plaintiffs oppose these Motions for the same reasons that Plaintiffs provided in their previously filed Motion To Compel Discovery (Aug. 14, 2023) and their Combined Opposition To The Motions To Quash (Aug. 17, 2023). Specifically, as Plaintiffs explained in their previous filings, Plaintiffs’ discovery requests and deposition notices seek to uncover highly relevant facts regarding Defendants’ impermissible partisan intent when drafting and enacting Senate Bill 1, and those requests are standard fare in partisan-gerrymandering litigation—including under the controlling test in this case, supplied by Justice Kagan’s dissenting opinion in *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019). Pls.’ Mot. To Compel Discovery 7–8, 11; Pls.’ Combined Opp. To Mots. To Quash 3, 5–7. And while Non-Party Gabello also briefly claims that the subpoenas issued to him are confusing, overbroad, and unduly burdensome, Gabello Mot.4–5; Gabello Dep.Mot.2, Plaintiffs have previously refuted those arguments as well, *see* Pls.’ Combined Opp. To Mots. To Quash 12–15.

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Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed and served via the State of New Mexico E-File & Serve System on September 7, 2023, which caused service on all parties.

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