

STATE OF NEW MEXICO  
COUNTY OF LEA  
FIFTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO COURT  
LEA COUNTY  
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REPUBLICAN PARTY OF NEW MEXICO  
DAVID GALLEGOS, TIMOTHY JENNINGS,  
DINAH VARGAS, MANUAL GONZALES JR,  
BOBBY AND DEE ANN KIMBRO,  
And PEARL GONZALES

Plaintiffs.

LARRY MARKER

Intervening Plaintiff.

Vs.

Case No. D-506-CV-202200041

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 New Mexico  
Senate, MIMI STEWART in her official capacity  
As President Pro Tempore of the New Mexico  
Senate and BRIAN EGOLF in his official capacity  
As Speaker of the New Mexico House of  
Representatives.

Defendants.

**REPLY TO PRESIDENT PRO TEMPORE OF THE SENATE  
MIMI STEWARTS AND SPEAKER OF THE HOUSE  
REPRESENTATIVE BRIAN EGOLFS RESPONSE TO  
LARRY MARKERS MOTION TO INTERVENE**

In reply to Defendants response Larry Marker (Intervener) files the reply.

Intervener in his Motion to Intervene is presenting a unique to himself claim and is also requesting a remedy distinguishable from original Plaintiffs.

**Interveners Additional Claim:**

1-Intervener in his Complaint clearly averred an additional claim unique to himself.

2-Intervener has claimed an additional violation of his constitutionally protected rights in relation to Article 2 Section 8, Plaintiffs have only claimed a violation of Article 2 Section 18. Please see Interveners Complaint filed January 31<sup>st</sup> 2022.

**Interveners Requested Remedy Distinguishable:**

3-Intervener in his Complaint requested relief that does intersect Plaintiffs requested relief, even so Interveners request in the alternative is clearly distinguishable.

4-Original Plaintiff does in fact ask the Court declare Senate Bill 1 (Exhibit A Interveners Complaint) map illegal adopt a specific map known as concept E Justice Chaves Map (Exhibit C Interveners Complaint).

5-Intervener is requesting alternative relief distinguishable by simply requesting the Court find the Senate Bill 1 map illegal and return the matter of redistricting to the Legislature. The relief requested by Intervener allows for Judicial Economy and further avoids the issue of separation of powers.

6-Relief as requested by Plaintiff would require the Court to choose a specific new map from two of the maps presented by the redistricting Committee.

7-Intervener does support Plaintiffs request nonetheless as expressed prior concerns of separation of powers and judicial economy are considered in Interveners alternative requested relief. Please see paragraph 20 page 7 of Interveners complaint.

8-Additionally Interveners Relief request when granted allows the Court to provide a ruling that expedites this matter while not hindering the current election process.

**General relative facts:**

9-Intervener is the only Plaintiff in the instant matter that was removed completely from his community of common interest.

10-Intervener did make a request to Plaintiff that he and his unique interest be included in this matter. That request was obviously ignored by Plaintiff.

11-The president of the Republican Party did in fact on February 26<sup>th</sup> 2022 make the statement while addressing the recent preprimary convention the fact that the Republican Party would dismiss their complaint if fund raising goals were not met.

12-The Court does not make rulings on hypothetical events, nevertheless the fact that the balance of Plaintiffs legal fund is approximately \$150,000.00 short of the \$200,000.00 goal is relevant to Interveners adequate representation.

13-The previous Congressional District map is still well within population deviation and applicable Federal laws should it be reinstated.

14-Intervener and Plaintiffs do have in common a question of law and fact that being stated Interveners claims and requested remedy are clearly distinguishable, either set of facts do establish grounds for Intervention by right or permission.

**Conclusion:**

Intervening Plaintiff did file his Motion to Intervene under NMRA 1-024 A,2 with this reply Intervener is filing a Request that in the Alternative this Court consider NMRA 1-024 B,2. "Permissive Intervention". Intervening Plaintiff is Requesting this Court Deny Defendants request that would prevent Intervening Plaintiff from exercising his right to adequate representation, redress and due process in this matter. A denial of Intervention would further violate Interveners rights as protected by Article II Section 18 of the Constitution of the State of New Mexico.

Respectfully Submitted:  
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 Date 3-8-23

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