

STATE OF NEW MEXICO
COUNTY OF LEA
FIFTH JUDICIAL DISTRICT COURT

DISTRICT COURT
LEA COUNTY
FILED WITH CLERK

2022 APR 13 AM 10:48

WELLYN BELLAR
DISTRICT COURT CLERK

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, ET AL.

INTERVENING PLAINTIFFS OBJECTION TO ORDER

Larry Marker (Intervenor) files this Objection to the Courts Order Denying Motion to Intervene. The subject Order was issued April 11th 2022. In response to that Order Intervenor pleads these specific Objections.

1-This Court has misapprehended the remedy requested by Intervenor.

2-Intervenor's requested remedy is clearly distinguishable from Plaintiffs.

3-Intervenors Complaint does provide general factual allegations sufficient in function to give fair notice of the claims asserted so as to enable the adverse party to answer and prepare for trial. Please see *Las Luminarias of N.M. Council of Blind v. Isengard, 1978-NMCA-117, 92 N.M. 2*

4-By rule the Motion to Intervene shall state the grounds for and shall be accompanied by a pleading setting forth the claim or for which intervention is sought. Intervenors Motion and accompanying Complaint does contain the required elements to meet this standard.

5-Adequate supporting evidence is not shown as being required when filing a Motion to intervene. Please see Rule 1-024 NMRA.

6-A denial of Intervenors Motion as such is both a violation of basic equal protection rights and access to the Courts on its face and in the instant matter as applied, considering the fact another less timely Intervening Party remains as a party to the instant case.

7-Intervenor in his replies filed upon the responsive pleadings of Defendants did inform this Court that the known financial difficulties incurred by Plaintiffs could force them to abandon the instant case. Obviously the possibility of Plaintiffs withdrawal does bring into question adequate representation.

8-Intervenor did file and have granted a Notice of Peremptory Excusal in this matter on March 8th 2022 this action would presumably preclude the Court from subsequent denial of Intervention.

9-Intervenor has in his Complaint has averred an additional claim unique to himself as a consequence of Defendants illegal map.

To conclude, Intervenor is requesting this Court review the subject Motion to Intervene accompanying Complaint and pleadings as filed then Rescind or Vacate the Courts Order Denying Motion to Intervene.

Respectfully Submitted:

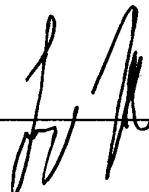
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Date 4-13-22
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