

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

JLH

Case No. D-101-CV-2011-01534

THE NEW MEXICO STATE INVESTMENT COUNCIL,  
As Trustee, Administrator and Custodian of the LAND :  
GRANT PERMANENT FUND, and the SEVERANCE  
TAX PERMANENT FUND,

Plaintiff,

vs.

GARY BLAND, *et al.*,

Defendants.

**ORDER GRANTING DEFENDANT DANIEL HEVESI'S MOTION TO DISMISS  
THE NEW MEXICO STATE INVESTMENT COUNCIL'S THIRD AMENDED  
COMPLAINT FOR LACK OF PERSONAL JURISDICTION AND FAILURE  
TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

**AND**

**ORDER DENYING PLAINTIFF'S MOTION TO HOLD PROCEEDINGS ON  
DEFENDANT HEVESI'S MOTION TO DISMISS IN ABEYANCE  
PENDING DISCOVERY**

THIS MATTER having come before the Court on October 4, 2012, on Defendants' Daniel Hevesi's Motion to Dismiss the New Mexico State Investment Council's Third Amended Complaint for Lack of Personal Jurisdiction and Failure to State a Claim Upon Which Relief Can Be Granted and Plaintiff's Motion to Hold Proceedings on the Motion to Dismiss in Abeyance; the Defendant Daniel Hevesi appearing by and through his counsel, Billy R. Blackburn; the Plaintiff appearing by and through Assistant Attorney General Scott Fuqua and Special Assistant Attorney General

Kenneth Ritt; the Court having reviewed said Motions and all briefing associated therewith and having reviewed the Court file; the Court having heard the argument of counsel on October 4, 2012;

THE COURT HEREBY FINDS that Plaintiff's Motion to Hold Proceedings on the Motion to Dismiss in Abeyance Pending Discovery is not well-taken and should be denied.

THE COURT FURTHER FINDS that Defendant Daniel Hevesi's Motion to Dismiss the Third Amended Complaint is well-taken and should be granted as to personal jurisdiction;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion to Hold Defendant Daniel Hevesi's Motion to Dismiss in Abeyance pending further discovery is hereby denied;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Daniel Hevesi's Motion to Dismiss the New Mexico State Investment Council's Third Amended Complaint for Lack of Personal Jurisdiction and For Failure to State a Claim Upon Which Relief Can Be Granted is hereby granted as to a lack of personal jurisdiction and all claims against Defendant Daniel Hevesi contained within the Third Amended Complaint are hereby dismissed for lack of personal jurisdiction. The Court does not address Defendant Daniel Hevesi's Motion to Dismiss as to failure to state a claim upon which relief can be granted because the matter is dismissed for lack of personal jurisdiction.

  
\_\_\_\_\_  
SARAH M. SINGLETON, DISTRICT JUDGE

Submitted:

*/s/ Billy R. Blackburn*

---

Billy R. Blackburn  
Counsel for Defendant Hevesi  
1011 Lomas Blvd. NW  
Albuquerque, New Mexico 87102  
(505) 242-1600

and

Simon & Partners, LLP  
Brian Waller  
Adam Katz  
The French Building  
551 Fifth Avenue  
New York, New York 10176  
(212) 332-8900

Approved as to form:

*via email 10/11/12*

---

Scott Fuqua  
Counsel for Plaintiffs  
New Mexico Attorney General's Office  
408 Galisteo Street  
Santa Fe, New Mexico 87501  
(505) 827-6000

and

Day Pitney, LLP  
Kenneth W. Ritt  
Clifford E. Nichols III  
Jeffrey Plotkin  
Matthew E. Smith  
One Canterbury Green  
201 Broad Street  
Stamford, Connecticut 06901  
(203) 977-7300