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2 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

3 **February 22, 2012**

4 **NO. 33,386**

5  
6 **ANTONIO MAESTAS and**  
7 **BRIAN EGOLF, members of**  
8 **the New Mexico House of Representatives,**  
9 **and JUNE LORENZO, ALVIN WARREN,**  
10 **ELOISE GIFT and HENRY OCHOA,**

11 **Petitioners,**

12 **v.**

13 **HON. JAMES A. HALL, District Judge**  
14 **Pro Tempore of the First Judicial District**  
15 **Court,**

16 **Respondent,**

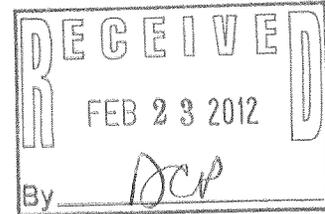
17 **and**

18 **SUSANA MARTINEZ, in her capacity as**  
19 **Governor of New Mexico, et al.,**

20 **Real Parties in Interest,**

21 **and**

22  
23 **MAURILIO CASTRO, BRIAN F. EGOLF, JR., MEL HOLGUIN, HAKIM**  
24 **BELLAMY and ROXANE SPRUCE BLY, PUEBLO OF LAGUNA,**  
25 **PUEBLO OF ACOMA, JICARILLA APACHE NATION, PUEBLO OF**  
26 **ZUNI, PUEBLO OF SANTA ANA, PUEBLO OF ISLETA, RICHARD**  
27 **LUARKIE, HARRY A. ANTONIO, JR., DAVID F. GARCIA, LEVI**  
28 **PESATA AND LEON REVAL, NAVAJO NATION, LORENZO BATES,**



*cc. LGS  
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clients*

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2 **DUANE H. YAZZIE, RODGER MARTINEZ, KIMMETH YAZZIE AND**  
3 **ANGELA BARNEY NEZ,**

4 Intervenor.

5 and

6 **NO. 33,387**

7  
8 **TIMOTHY Z. JENNINGS, in**  
9 **his official capacity as President**  
10 **Pro-Tempore of the New Mexico**  
11 **Senate, and BEN LUJAN, SR., in**  
12 **his official capacity as Speaker of**  
13 **the New Mexico House of Representatives,**

14 Petitioners,

15 v.

16 **THE NEW MEXICO COURT OF APPEALS,**

17 Respondent,

18 and

19 **DIANNA J. DURAN, in her official**  
20 **capacity as New Mexico Secretary of State,**  
21 **SUSANA MARTINEZ, in her capacity as**  
22 **New Mexico Governor, and JOHN A.**  
23 **SANCHEZ in his official capacity as New**  
24 **Mexico Lieutenant Governor and presiding**  
25 **officer of the New Mexico Senate,**

26 Real Parties in Interest,

27 and

1 JONATHAN SENA, DON BRATTON, CARROLL LEAVELL, GAY  
2 KERNAN, CONRAD JAMES, DEVON DAY, MARGE TEAGUE,  
3 MONICA YOUNGBLOOD, JUDY MCKINNEY, JOHN RYAN,  
4 MAURILIO CASTRO, BRIAN F. EGOLF, JR., MEL HOLGUIN, HAKIM  
5 BELLAMY AND ROXANE SPRUCE BLY, PUEBLO OF LAGUNA,  
6 PUEBLO OF ACOMA,  
7 JICARILLA APACHE NATION, PUEBLO OF ZUNI, PUEBLO OF  
8 SANTA ANA, PUEBLO OF ISLETA, RICHARD LUARKIE, HARRY A.  
9 ANTONIO, JR., DAVID F. GARCIA, LEVI PESATA AND LEON REVAL,  
10 NAVAJO NATION, LORENZO BATES, DUANE H. YAZZIE, RODGER  
11 MARTINEZ, KIMMETH YAZZIE AND ANGELA BARNEY NEZ,

12 Intervenor.

### 13 SUPPLEMENTAL SCHEDULING ORDER

14 WHEREAS, this Court issued an order on February 10, 2012, remanding  
15 this matter to the district court (Hon. James Hall, Judge pro tem) to draw a  
16 redistricting map reapportioning the House of Representatives with the  
17 assistance of an expert under Rule 11-706 NMRA;

18 WHEREAS, in that order this Court urged the district court "to make  
19 every effort to conclude this matter expeditiously, no later than February 27th,  
20 2012, or otherwise advise this Court";

21 WHEREAS, this Court also has a standing Order which provides that "the  
22 Governor's public proclamation calling a primary election for the State House  
23 of Representatives is hereby stayed until further order of the Court";

24 WHEREAS, the district court entered an Order dated February 13, 2012,  
25  
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1 setting forth deadlines to comply with this Court's remand order;  
2

3 WHEREAS, the district court ordered the parties to submit any objections  
4 to a court-drawn redistricting map on or before 5:00 p.m., February 23, 2012;  
5

6 WHEREAS, the district court in its Order also indicated its intent to file  
7 its judgment adopting a House redistricting map no later than February 27, 2012;  
8

9 WHEREAS, the Governor may file an amended proclamation regarding  
10 the upcoming primary election on March 6, 2012, pursuant to NMSA 1978, § 1-  
11 8-16;  
12

13 WHEREAS, primary-election candidates for the House of Representatives  
14 must file their declarations of candidacy and nominating petitions on March 20,  
15 2012, pursuant to NMSA 1978 § 1-8-26(B);  
16

17 WHEREAS, the statutory deadlines that govern the 2012 primary election  
18 make time of the essence;  
19

20 WHEREAS, the extremely unusual circumstances of this election case and  
21 the short deadlines in which the June primary election is to take place make the  
22 ordinary remedy of appeal substantially inadequate;  
23

24 WHEREAS, the Court neglected to specify any shortened time periods  
25 from which parties may appeal any judgment of the district court; and  
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27 WHEREAS, the Court recognizes the need for an expedited schedule to  
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1  
2 accommodate any such appeals of the district court judgment, and upon its own  
3 motion and being sufficiently advised, Justice Patricio M. Serna, Justice Petra  
4 Jimenez Maes, Justice Richard C. Bosson, Justice Edward L. Chavez, and Judge  
5 Jonathan B. Sutin concurring;  
6

7 NOW, THEREFORE, IT IS ORDERED that:  
8

9 1. If the parties do not intend to appeal the judgment of the district court  
10 reapportioning the House of Representatives the parties shall forthwith notify the  
11 Court by stipulation so that this Court may enter an order lifting the stay;  
12

13 2. Any appeal of the judgment of the district court reapportioning the  
14 House of Representatives shall be to this Court by Petition for Writ of  
15 Superintending Control and not to the Court of Appeals;  
16

17 3. Any such petition must be filed on or before February 29, 2012, with  
18 simultaneous briefs of the parties filed on or before March 2, 2012. Oral  
19 argument, if any, will occur March 5, 2012, at 1:30 p.m., and the Court will  
20 attempt to expeditiously rule on the merits of any appeal; and  
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22 4. The Secretary of State should supplement her brief in support of her  
23 Emergency Motion to Lift Stay dated January 24, 2012, so as to notify this Court  
24 of any impending deadlines that will have to be extended by this Court pending  
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a final disposition of this matter.

IT IS SO ORDERED.

WITNESS, Honorable Patricio M. Serna, Acting  
Chief Justice of the Supreme Court of the State of  
New Mexico, and the seal of said Court this 22nd day  
of February, 2012.

(SEAL)

  
\_\_\_\_\_  
Joey D. Moya, Chief Clerk of the Supreme Court  
of the State of New Mexico

ATTEST: A TRUE COPY  
Joey D. Moya  
Chief Clerk of the Supreme  
Court of the State of New Mexico