

**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 DEANN
KIMBRO, and PEARL GARCIA,

Plaintiffs,

v.

Cause No. D-506-CV-2022-00041

MAGGIE TOULOUSE OLIVER as New
Mexico Secretary of State, MICHELLE
LUJAN GRISHAM as Governor of New
Mexico, HOWIE MORALES as New Mexico
Lieutenant Governor and President of the
New Mexico Senate, MIMI STEWART as
President Pro Tempore of the New Mexico
Senate, and BRIAN EGOLF as Speaker of the
House of Representatives,

Defendants.

**UNOPPOSED MOTION FOR STAY OF PROCEEDINGS PENDING THE
NEW MEXICO SUPREME COURT'S CONSIDERATION OF DEFENDANTS'
PETITION FOR WRIT OF SUPERINTENDING CONTROL**

COME NOW Defendants Mimi Stewart, President Pro-Tempore of the New Mexico Senate, and Brian Egolf, Speaker of the New Mexico House of Representatives (the "Legislative Defendants") and respectfully move the Court for a stay of all proceedings in this matter pending the New Mexico Supreme Court's consideration of the Verified Petition for Writ of Superintending Control and Request for Stay that was jointly filed on July 22, 2022 by the Legislative Defendants and Defendants Michelle Lujan Grisham, Governor of New Mexico, and Howie Morales, Lieutenant Governor and President of the New Mexico Senate ("Executive Defendants"). In support of this motion, Legislative Defendants state as follows:

1. On July 11, 2022, the Court entered its Order denying the Motions to Dismiss filed by the Legislative Defendants and the Executive Defendants.

2. On July 22, 2022, the Legislative Defendants and Executive Defendants filed in the New Mexico Supreme Court a Verified Petition for Writ of Superintending Control and Request for Stay, pursuant to article VI, § 3 of the New Mexico Constitution and Rule 12-504 NMRA (hereafter, the “Writ Petition”).

3. The Writ Petition presents the following controlling legal issues:

- i. Whether Article II, Section 18 of the New Mexico Constitution provides a remedy for a claim of alleged partisan gerrymandering;
- ii. Whether the issue of alleged partisan gerrymandering is a justiciable issue; and if such a claim is justiciable under the New Mexico Constitution, what standards should the district court apply in resolving that claim in this case?

4. The Writ Petition also requests that the New Mexico Supreme Court stay the proceedings in this Court during the pendency of the Petition, on the grounds that a stay would not prejudice any of the parties and would promote efficiency and judicial economy, either by resolving threshold questions of law before the parties incur the costs of litigation or avoiding unnecessary litigation of a non-justiciable issue.

5. On August 17, 2022, the New Mexico Supreme Court issued an order directing the Real Parties in Interest to file a response to the Writ Petition no later than September 6, 2022.

6. So that the parties may avoid incurring potentially unnecessary costs of litigation, and to conserve the judicial resources of this Court, the Legislative Defendants respectfully request

that this Court stay these proceedings pending the New Mexico Supreme Court's consideration of the Writ Petition.

7. The Executive Defendants do not oppose the relief sought by this motion.

8. Defendant Maggie Toulouse Oliver, New Mexico Secretary of State, does not oppose the relief sought by this motion.

9. Plaintiffs do not oppose the relief sought in this motion.

WHEREFORE, the Legislative Defendants respectfully move the Court to enter an order staying all proceedings in this matter pending the New Mexico Supreme Court's consideration of the Verified Petition for Writ of Superintending Control and Request for Stay that was filed by Legislative Defendants and Executive Defendants.

Respectfully submitted,

PEIFER, HANSON, MULLINS & BAKER, P.A.

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CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2022, I caused the foregoing Response, along with this Certificate of Service, to be served and filed electronically through the Tyler Technologies Odyssey File & Serve electronic filing system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

PEIFER, HANSON, MULLINS & BAKER, P.A.

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