

STATE OF NEW MEXICO
COUNTY OF LEA
FIFTH JUDICIAL DISTRICT COURT

REPUBLICAN PARTY OF NEW MEXICO, DAVID
GALLEGOS, TIMOTHY JENNINGS, DINAH VARGAS,
MANUEL GONZALES, JR., BOBBY AND DEE ANN
KIMBRO, and PEARL GARCIA,

Plaintiffs,

v.

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 the New Mexico
Senate, MIMI STEWART in her official capacity as President
Pro Tempore of the New Mexico Senate, and JAVIER
MARTINEZ in his official capacity as Speaker of the New
Mexico House of Representatives,

Defendants.

No. D-506-CV-202200041
Judge Fred T. Van Soelen

NOTICE OF APPEAL

COMES NOW Proposed Intervenor-Appellant the Democratic Party of New Mexico (“DPNM”), by and through its counsel of record, Elias Law Group LLP and Durham, Pittard & Spalding, LLP, and hereby appeals to the New Mexico Court of Appeals the Order Denying Motion to Intervene by the Democratic Party of New Mexico, entered on September 18, 2023, which is the relevant final order. A copy of the order appealed from is attached as Exhibit A.

This appeal is taken against Plaintiffs-Appellees Republican Party of New Mexico, David Gallegos, Timothy Jennings, Dinah Vargas, Manuel Gonzales, Jr., Bobby and Dee Ann Kimbro, and Pearl Garcia.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September 2023, I filed and served by electronic means the foregoing notice of appeal on all parties and counsel of record via the Odyssey File and Serve System. I further certify that I caused to be delivered a true and correct copy on the following via first class U.S. mail, postage prepaid, or via email as indicated:

Mark Reynolds, Chief Clerk [U.S. mail]
New Mexico Court of Appeals
Post Office Box 2008
Santa Fe, New Mexico 87504-2008

Office of the Honorable Fred Van Soelen [email]
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/s/ Justin R. Kaufman
Justin R. Kaufman

Exhibit A

FILED
5th JUDICIAL DISTRICT COURT
Lea County
9/18/2023 1:28 PM
NELDA CUELLAR
CLERK OF THE COURT
Cory Hagedoorn

STATE OF NEW MEXICO
COUNTY OF LEA
FIFTH JUDICIAL DISTRICT COURT

REPUBLICAN PARTY OF
NEW MEXICO, ET AL.,
Plaintiffs,

v.

MAGGIE TOULOUSE OLIVER, ET AL.,
Defendants.

No. D-506-CV-202200041

**ORDER DENYING MOTION TO INTERVENE
BY THE DEMOCRATIC PARTY OF NEW MEXICO**

THIS MATTER having come before the Court on the Democratic Party of New Mexico's Expedited Motion to Intervene as a Defendant ("Motion") filed on July 17, 2023, and the Court having reviewed the pleadings and being sufficiently advised, I am unpersuaded by the movant's arguments regarding timeliness and the movant's status as either intervenors of right or permissive intervenors, and hereby deny the Motion.

IT IS SO ORDERED.



HON. FRED VAN SOELEN
DISTRICT JUDGE, DIVISION III