

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AMERICAN ASSOCIATION OF PEOPLE
WITH DISABILITIES, FEDERATION OF
AMERICAN WOMEN’S CLUBS
OVERSEAS, INC., NEW MEXICO PUBLIC
INTEREST RESEARCH GROUP
EDUCATION FUND, and SOUTHWEST
ORGANIZING PROJECT,

Plaintiffs,

v.

MARY HERRERA, in her capacity as
Secretary of State,

Defendant.

No. CIV 08-00702 JOB

**DECLARATION OF CHARLES E. BORDEN
IN SUPPORT OF PLAINTIFFS’ MEMORANDUM OF POINTS AND AUTHORITIES
IN OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

I, Charles E. Borden, do hereby declare under penalty of perjury pursuant to
28 U.S.C. § 1746 the following:

1. As a member in good standing in the Bar of the District of Columbia, I
respectfully submit this declaration in connection with the Plaintiffs’ Opposition to Defendant’s
Motion for Summary Judgment in the above-captioned matter.

2. I am counsel at O’Melveny & Myers LLP, 1625 Eye Street, NW, Washington,
D.C. 20006, (202) 383-5300, and an attorney of record for Plaintiffs in the above-captioned
matter.

3. Attached hereto as Exhibit 1 is a true and correct copy of cited excerpts from the March 3, 2010 Deposition of Mary Herrera.

4. Attached hereto as Exhibit 2 is a true and correct copy of cited excerpts from the January 28, 2010 Deposition of Mario Jimenez.

5. Attached hereto as Exhibit 3 is a true and correct copy of cited excerpts from the January 12, 2010 Deposition of Don Francisco Trujillo.

6. Attached hereto as Exhibit 4 is a true and correct copy of cited excerpts from the January 11, 2010 Deposition of Larry Dominguez.

7. Attached hereto as Exhibit 5 is a true and correct copy of cited excerpts from the January 6, 2010 Deposition of Denise Lamb.

8. Attached hereto as Exhibit 6 is a true and correct copy of cited excerpts from the January 6, 2010 Deposition of Maria Elena Rodela.

9. Attached hereto as Exhibit 7 is a true and correct copy of the Declaration of Leighanne Cole, Field Director of New Mexico PIRG Education Fund, Inc. ("NMPIRG") and exhibit dated July 22, 2010 .

10. Attached hereto as Exhibit 8 is a true and correct copy of cited excerpts from the February 17, 2010 Deposition of Maggie Toulouse Oliver.

Executed this 23d day of July, 2010, at Washington, District of Columbia.



Charles E. Borden
O'Melveny & Myers LLP
1625 Eye Street N.W.
Washington, D.C. 20006-4001

I certify that on July 23, 2010, I filed the foregoing declaration and attached exhibits electronically through the CM/ECF system, which caused parties or counsel in this matter to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

s/ Edward Ricco

By _____
Edward Ricco