

Plaintiffs' Exhibit 19

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

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

Plaintiffs,)

CIVIL ACTION NO: 1:08-cv-00702

v.)

MARY HERRERA, in her capacity as)
Secretary of State,)

Defendant.)

**DEFENDANT’S OBJECTIONS AND ANSWERS TO
PLAINTIFFS’ FIRST SET OF INTERROGATORIES**

Defendant Mary Herrera hereby serves her Responses to Plaintiffs’ First Set of Interrogatories as required by Rule 33 of the Federal Rules of Civil Procedure. Defendant reserves the right to supplement these answers should such supplementation become necessary.

Interrogatory No. 1:

Provide all information concerning any and all non-governmental organizations, including but not limited to third party voter registration agents, who registered voters in New Mexico at any time between 1999 and the present, including but not limited to the following information:

- (a) Each organization’s or third party voter registration agent’s full name, present (or last known) home and business address, and affiliated organizations (if any);
- (b) The year(s) in which each organization or third party voter registration agent engaged in the registration of voters in New Mexico;
- (c) The number of voters each organization or third party voter registration agent registered on an annual basis; and
- (d) The number of forms the County Clerks provided each organization or third party voter registration agent on [an] annual basis.

Answer:

Defendant objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to subpart (c) of this interrogatory as a discrete subpart and will count it accordingly as a separate interrogatory. Defendant finally objects to the relevance of the time frame established by this interrogatory, and will answer only from 2005 to the present. Subject to and without waiving these objections, Defendant states that she does not have in her possession or control much of the information requested by subparts (b), (c), and (d) of this interrogatory. The names and addresses of third party voter registration agents that have registered with the Secretary of State since 2005 can be found in the registration forms those third party registration agents have filed. Those registration forms will be made available upon request.

Interrogatory No. 2:

Describe in detail any and all processes you have used for determining compliance with the Challenged Laws, from 2005 to the present, including but not limited to:

- (a) The process by which you, including any of your agents, determine whether a voter registration form is properly submitted to the State for voter certification, as well as any official or non-official guidance or direction for making this determination;
- (b) The process by which you, including any of your agents, determine whether a prospective third party voter registration agent has completed the requirements necessary to obtain certification to act as a third party voter registration agent, as well as any official or non-official guidance or direction for making this determination;
- (c) The process by which you, including any of your agents, determine whether a third party voter registration agent has “assist[ed]” a prospective voter within the meaning of the Challenged Laws, as well as any official or non-official guidance or direction for making this determination;
- (d) The process by which you, including any of your agents, determine whether a third party voter registration agent has submitted a completed certification of voter registration within forty-eight hours prescribed by the Challenged Laws, as well as any official or non-official guidance or direction for making this determination.

Answer:

Defendant objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as containing four discrete subparts and will count each subpart accordingly as a separate interrogatory. Subject to and without waiving these objections, Defendant answers this interrogatory as follows:

- (a) The process of determining whether a voter registration form is properly submitted for purposes of voter certification consists primarily of a review of the form itself. If the voter has provided all of the necessary information – name, address (if applicable), certification that the voter is at least 18 years old, and certification that the voter is a United States citizen – and the voter registration form does not raise any red flags that are obvious to the election official, the voter is registered to vote and his or her voter information is entered into the appropriate database. Election officials also require that a voter provide his or her state-issued identification for verification purposes.
- (b) The process of determining whether a prospective third party voter registration agent has completed the requirements necessary to obtain certification as a third party voter registration agent consists primarily of reviewing the third party voter registration agent form promulgated by the Secretary of State to ensure completeness.
- (c) The process of determining whether a third party voter registration agent has assisted a prospective voter is not, in the first instance, made by any New Mexico election official. That determination would be made in the course of any investigation stemming from suspected voter fraud or disenfranchisement, and would center on a common-sense meaning of the word “assist.”
- (d) The process of determining whether a third party voter registration agent has submitted a completed voter registration form within 48-hours consists primarily of verifying the date appearing on the completed voter registration form.

Interrogatory No. 3:

Provide all information concerning any training session you, including any of your agents, provided to any prospective third party voter registration agents relating to the Challenged Laws or any voter registration statute or regulation from 2005 to the present, including but not limited to:

- (a) The name and present (or last known) home and business address of the person who conducted the training session;
- (b) The names and present (or last known) home and business address of the person(s) who attended the training session and whether the person(s) attended the training session remotely (*i.e.* not in person);
- (c) The content and length of the training;
- (d) Whether the training session was mandatory; and
- (e) The county where the training session occurred and the frequency of such trainings in that county.

Answer:

Defendant objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, Defendant states that neither the Secretary of State nor the County Clerks log the training sessions they provide and the answer to this interrogatory represents the best recollection of the Secretary of State and the County Clerks regarding the training sessions they provide. Defendant further states that training sessions have been conducted by: the Bernalillo and Santa Fe County Clerks (and their staff) and by staff at the Secretary of State's Office. The Secretary of State's Office provided training in 2008 in Santa Fe County to volunteers with the Barack Obama campaign. The Bernalillo County Clerk provided training to several groups, including ACORN. Upon information and belief, the Santa Fe County Clerk also provided training to some groups. Each training session lasted between twenty minutes and three hours, depending on the size of the group, and covered the responsibilities of third party voter registration agents, including: the requirement that those agents submit completed voter registration forms within 48-hours of their completion; the information that must appear on a voter registration form in order for that form to be processed, and; additional information about the contents of the form and likely questions from potential voters regarding that form. The training also discussed the 50-form limit and the fact that special dispensation can be (and is) made to allow the distribution of additional forms.

Interrogatory No. 4:

For each training session identified in your response to Interrogatory No. 3, describe in detail any and all involvement by Defendant, excluding any actions or activities undertaken by County Clerks, including but not limited to official or non-official guidance or direction.

Answer:

Defendant states that the Secretary of State's Office directly provided some of the training identified in the Answer to Interrogatory No. 3. In addition, the Secretary of State's Office provides each County Clerk with a manual regarding the third party voter registration agent process, and to the best of Defendant's knowledge, that manual was used or distributed in each of the other training sessions identified in the Answer to Interrogatory No. 3.

Interrogatory No. 5:

Provide all information concerning each request by any prospective third party voter registration agent for a training session at a different time and/or place from a County Clerk's regularly scheduled third party voter registration agent training session ("special training session") from 2005 to the present, including but not limited to:

- (a) The name and present (or last known) home and business address of the person who requested a special training session;
- (b) The name and present (or last known) home and business address of the person who responded to the request for a special training session;

- (c) Whether the request for a special training session was granted, and if not, the basis for denying the request;
- (d) If the special training session was conducted, provide the name of the person who conducted the training session, as well as the date, time and location of the training session; and
- (e) Whether the person requesting the special training session was required to undergo such training before being certified to act as a third party voter registration agent.

Answer:

Defendant objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, Defendant states that that neither the Secretary of State nor the County Clerks log the training sessions they provide and the answer to this interrogatory represents the best recollection of the Secretary of State and the County Clerks regarding the training sessions they provide. Defendant further states that the Secretary of State provided training to the Barack Obama campaign at a location other than the Secretary of State's office.

Interrogatory No. 6:

Describe each instance from 1999 to the present where a County Clerk was asked to provide more than fifty voter registration forms at one time to any third party voter registration agent, including but not limited to:

- (a) The name and present (or last known) home and business address of the third party voter registration agent who requested more than fifty voter registration forms at one time;
- (b) The date of that request;
- (c) The name and present (or last known) home and business address of the person who responded to the request;
- (d) Whether the request was granted, and if not, the reason for the denial of the request;
- (e) Any requests for a standing agreement for a County Clerk to provide more than fifty forms to any member or volunteer of any particular third party voter registration agent organization, including the name and present (or last known) home and business address of the third party voter registration agent who made the request, whether the request was granted, and if not, the reason for the denial of the request.
- (f) For each request granted, whether the grant was pursuant to a standing agreement as discussed in subpart (e) above;

- (g) Any official or non-official guidance or direction provided to County Clerks for exercising discretion under the Challenged Laws to grant more than fifty forms at one time to any third party voter registration agent.

Answer:

Defendant objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to subparts (e) through (g) of this interrogatory as discrete subparts and will count them accordingly as separate interrogatories. Defendant finally objects to the relevance of the time frame established by this interrogatory, and will answer only from 2005 to the present. Subject to and without waiving these objections, Defendant states that Defendant states that neither the Secretary of State nor the County Clerks log the training sessions they provide and the answer to this interrogatory represents the best recollection of the Secretary of State and the Count Clerks regarding the training sessions they provide. Defendant further states that the Barack Obama campaign volunteers described above requested more than fifty forms and that request was refused because of the number of volunteers making the request and the cost of the forms. Each of the approximately eighty agents was told that he or she could acquire fifty forms and that more would be made available in the event an agent needed additional forms.

Interrogatory No. 7:

Describe each known, alleged or suspected violation of any New Mexico voter fraud statute from 1999 to the present, including but not limited to:

- (a) The provision of law that was violated or was alleged or suspected to have been violated;
- (b) The conduct underlying the alleged, suspected or actual violation;
- (c) The name and present (or last known) home and business address of the person who violated or was alleged or suspected to have violated the voter fraud statute;
- (d) The name(s) and present (or last known) home and business address(es) of any prospective voter(s) affected by the known, alleged, [or] suspected violation of the voter fraud statute, and the extent to which the known, alleged or suspected violation affected the prospective voter's ability to vote in New Mexico;
- (e) The harm that resulted from the alleged, suspected or actual violation;
- (f) Any investigation into the known, alleged or suspected violation of the voter fraud statute and the outcome of the investigation; and
- (g) Any action taken against the person known, alleged or suspected to have violated the voter fraud statute, including but not limited to any prosecution or administrative proceedings instituted against the person, and the outcome of the prosecution or administrative proceeding, including any penalties imposed.

Answer:

Defendant objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to subparts (f) and (g) of this interrogatory as discrete subparts and will count them accordingly as separate interrogatories. Defendant finally objects to the relevance of the time frame established by this interrogatory, and will answer only from 2005 to the present. Subject to and without waiving these objections, and without limiting Defendant's right to amend this Answer upon gathering additional information, Defendant states that several forms submitted by ACORN agents raised red flags in the 2008 election cycle. Specifically, the registration forms: (1) used the name of an already registered voter, but with a different Social Security Number and/or birthdate; (2) used addresses that did not exist; (3) were completely illegible; or (4) used names similar to those of already registered voters (*i.e.* "Smith John" instead of "John Smith") with a different Social Security Number and/or birthdate than the already registered voter. This conduct presumptively violated NMSA 1978, § 1-20-3 and, to the extent the forms were submitted by a third party voter registration agent, NMSA 1978, § 1-4-49. The Bernalillo County Clerk submitted the problematic forms to the Bernalillo County District Attorney, the New Mexico Attorney General, and the United States Attorney for the District of New Mexico. Defendant has no information regarding any investigation of those forms or the results of any such investigation.

Interrogatory No. 8:

Describe each of the incidents detailed on page 26 of Def.'s Opp'n, specifically the incidents involving the Libertarian Party, the Democratic Party, and ACORN, including but not limited to:

- (a) The provision of law that was violated or was alleged or suspected to have been violated;
- (b) The conduct underlying the alleged, suspected or actual violation;
- (c) The name and present (or last known) home and business address of the person who violated or was alleged or suspected to have violated the voter fraud statute;
- (d) The names and present (or last known) home and business address(es) of any prospective voter(s) affected by the known, alleged, [or] suspected violation of the voter fraud statute, and the extent to which the known, alleged or suspected violation affected the prospective voter's ability to vote in New Mexico;
- (e) The harm that resulted from the alleged, suspected or actual violation;
- (f) Any investigation into the known, alleged or suspected violation of the voter fraud statute and the outcome of the investigation; and
- (g) Any action taken against the person known, alleged or suspected to have violated the voter fraud statute, including but not limited to any prosecution or administrative proceedings instituted against the person, and the outcome of the prosecution or administrative proceeding, including any penalties imposed.

Answer:

Defendant objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to subparts (f) and (g) of this interrogatory as discrete subparts and will count them accordingly as separate interrogatories. Subject to and without waiving these objections, Defendant states that the allegations related to the Libertarian Party concerned a potential violation of NMSA 1978, § 1-20-3(B), and would have also have potentially violated NMSA 1978, § 1-4-49 had the statute been in operation in 1999. The Libertarian Party's conduct is described in paragraphs 4 and 5 of the Affidavit of Denise Lamb ("the Lamb Affidavit"), attached to Defendant's Memorandum of Points and Authorities in Opposition to Plaintiffs' Application for Preliminary Injunction. Defendant does not have any information responsive to subparts (c) and (d) of this interrogatory regarding the Libertarian Party's conduct. The harm resulting from that conduct, as described in paragraph 5 of the Lamb Affidavit, was that several voters were unable to vote in their rightful party's primary. Defendant does not have any information responsive to subparts (f) and (g) of this interrogatory regarding the Libertarian Party's conduct. The allegations regarding the conduct of the Democratic Party in the 2000 election would have presumptively violated NMSA 1978, § 1-4-49 had the statute been in operation in 2000. The Democratic Party's conduct is described in paragraph 6 of the Lamb Affidavit, and consisted in failing to return approximately 200 completed voter registration forms to the appropriate election official. Defendant does not have any information responsive to subparts (c) and (d) of this interrogatory regarding the Democratic Party's conduct. The harm resulting from that conduct, as described in paragraph 6 of the Lamb Affidavit, is that approximately 200 citizens who believed they were registered to vote in the 2000 election were unable to do so. Defendant does not have any information responsive to subparts (f) and (g) of this interrogatory regarding the Democratic Party's conduct. In the 2004 election, an organization named Rock the Vote failed to turn in several completed voter registration cards before the election. This conduct would have violated NMSA 1978, § 1-4-49 had the statute been in operation in 2004. Defendant does not have any information responsive to subparts (c) and (d) of this interrogatory regarding Rock the Vote's conduct. The harm resulting from that conduct, as described in paragraph 7 of the Lamb Affidavit, is that approximately 60 or 70 young voters were turned away from the polls after believing they had been registered to vote. Defendant does not have any information responsive to subparts (f) and (g) of this interrogatory regarding Rock the Vote's conduct. Also in the 2004 election, ACORN engaged in conduct that resulted in a lawsuit between the Republican Party of New Mexico and the New Mexico Secretary of State. That conduct, described in paragraph 8 of the Lamb Affidavit, consisted of allegedly registering a 14-year old to vote in Bernalillo County. That conduct would have violated NMSA 1978, § 1-20-3(A), and would have presumptively violated NMSA 1978, § 1-4-49 had the statute been in operation in 2004. Defendant does not have any information responsive to subparts (c) and (d) of this interrogatory regarding ACORN's conduct. The harm resulting from that alleged conduct was the fraudulent registration of a citizen who was not a qualified elector of the State of New Mexico. The allegedly fraudulent voter registration form was stricken from the voter rolls. Defendant does not have any information responsive to subparts (f) and (g) of this interrogatory regarding ACORN's conduct.

Interrogatory No. 9:

Provide all information concerning each instance from 1999 to the present where due to the actions of a state agency or a third party voter registration agent, a prospective voter who completed a voter registration form with the assistance of a state agency or third party voter registration agent was not registered to vote in New Mexico, including but not limited to:

- (a) The name and present (or last known) home and business address of the prospective voter;
- (b) The name and present (or last known) home and business address of the third party voter registration agent or state agency that provided or was alleged to have provided assistance to the prospective voter;
- (c) The alleged conduct that led to the prospective voter not being registered to vote;
- (d) The date of the alleged conduct that led to the prospective voter not being registered to vote; and
- (e) Whether or not the prospective voter was able to vote in the New Mexico election following his or her attempted voter registration.

Answer:

Defendant objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible information. Defendant further objects to the relevance of the time frame established by this interrogatory, and will answer only from 2005 to the present. Defendant finally objects to the phrase “New Mexico election” as vague and ambiguous, and will answer subpart (e) of this interrogatory to include both State and federal elections. Subject to and without waiving these objections, Defendant states that the conduct of the Democratic Party and Rock the Vote described in response to Interrogatory No. 8 deprived prospective voters of the ability to vote, the conduct of the Libertarian Party described in response to Interrogatory No. 8 deprived registered voters of the ability to vote in their chosen primary election, and that the conduct of third party voter registration agents in Doña Ana County deprived two prospective voters of the ability to vote in the 2008 election cycle.

Interrogatory No. 11:¹

Provide all information regarding any official or non-official guidance or direction provided to County Clerks relating to the review, handling or processing of voter registrations using the National Mail Voter Registration Form from 1999 to the present.

Answer:

Defendant objects to the relevance of the time frame established by this interrogatory, and will answer only from 2005 to the present. Subject to and without waiving this objection, Defendant states that the training given to County Clerks before both the primary and general elections

¹ Plaintiffs’ First Set of Interrogatories does not contain an interrogatory numbered “10.”

includes information about the National Mail Voter Registration Form, including the fact that the County Clerks must accept the form.

Interrogatory No. 12:

Provide all information relating to any known, alleged or suspected instance where a County Clerk has rejected or discouraged in any way the use of the National Mail Voter Registration Form from 2005 to the present, including but not limited to:

- (a) The name and present (or last known) home and business address of the County Clerk who rejected/discouraged or was alleged or suspected to have rejected/discouraged the use of the National Mail Voter Registration Form;
- (b) The name(s) and present (or last known) home and business address(es) of the prospective voter(s) or third party voter registration agent(s) affected by the known, alleged or suspected rejection/discouragement of the use of the National Mail Voter Registration Form;
- (c) The date of the known, alleged or suspected rejection/discouragement of the use of the National Mail Voter Registration Form;
- (d) The conduct underlying the alleged, suspected or actual rejection/discouragement of the use of the National Mail Voter Registration Form;
- (e) Whether or not despite the discouragement the National Mail Voter Registration Form was submitted to the County Clerk;
- (f) Whether or not the prospective voter using the National Mail Voter Registration Form was able to vote in the New Mexico election following his or her attempted voter registration.

Answer:

Defendant objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects that the phrase “discouraged in any way” is vague and ambiguous. Subject to and without waiving these objections, Defendant states that she is unaware of any instance in which any New Mexico County Clerk has either rejected or discouraged the use, by third party voter registration agents or otherwise, of the National Mail Voter Registration Form.

Interrogatory No. 13:

Describe in detail all bases for your contention that New Mexico state agencies that routinely receive voter registration forms have been “thoroughly vetted as voter registration agents.” *See* Def.’s Opp.’n at 25.

Answer:

Defendant states that those agencies have been thoroughly vetted as voter registration agents by virtue of the fact that they have been tasked by statute with the handling and processing of voter registration forms and have performed those duties for several years. The Secretary of State's Office and the 33 County Clerks do not merely "routinely receive voter registration forms;" those entities are, in fact, principally tasked with reviewing, handling, and processing voter registration forms. The New Mexico Motor Vehicle Department and Human Services Division receive voter registration forms in compliance with the so-called "motor voter" provisions of the National Voting Rights Act, passed in 1993. Those agencies, as well as the County Clerks, have received training in the obligations that both State and federal law place on them regarding voter registration forms. Moreover, none of these State entities or agencies affirmatively seek to register voters; instead, they receive completed voter registration forms from prospective voters who have affirmatively chosen to register to vote.

Interrogatory No. 14:

Describe in detail all bases for your contention that "[m]any organizations that seek to assist in voter registration have not" been "thoroughly vetted as voter registration agents," and "indeed, many have proven incompetent in completing the task." *See* Def,'s Opp', at 25.

Answer:

Defendant states that third party voter registration agents other than those made the subject of Interrogatory No. 13 have not been engaged in the voter registration process as long and do not dedicate the time or resources to voter registration that do those agencies made the subject of Interrogatory No. 13. Moreover, private third party voter registration agents may operate with a political agenda that potentially affects their diligence in performing their obligations as third party voter registration agents. In further response to this interrogatory, Defendant directs Plaintiffs to the objections and answer to Interrogatory Nos. 7, 8, and 9.

Interrogatory No. 15:

Describe in detail all bases for your contention that "the reason for the fifty-form limit is principally financial," *see* Def's Mot. at 3, including any specific information or analysis concerning the cost savings from the fifty-form limit, as well as all any [sic] additional reasons for the fifty-form limit.

Answer:

Defendant states that the cost of printing New Mexico voter registration forms is born entirely by the State. In 2008, the State spent \$156,571.62 printing voter registration forms. The fifty-form limit proactively avoids the costs associated with providing an unreasonable number of blank voter registration forms to a third party voter registration agent without any basis for believing that the voter registration agent will, in fact, return those forms, either completed or unused. The limitation also helps ensure that the Secretary of State and the County Clerks have a sufficient volume of forms on hand during peak registration periods.

Interrogatory No. 16:

Describe in detail all bases for your contention that the “*de facto* training requirements imposed by various Court Clerks on third party registration agents . . . do[] not substantially burden their First and Fourteenth Amendment rights.” *See* Def.’s Mot. at 3.

Answer:

Defendant states that the training requirements are easily met. The training is short and informational and does not require any significant expenditure of resources (fiscal or more broadly economic) by those being trained. Training is not only offered at regular times by the County Clerks who have performed such training, but is also made available at times and places convenient to the third party registration agents being trained when a request for a special training session is made. The training requirements do not make it more difficult to become a third party voter registration agent in any way that prevents putative agents from exercising their First and Fourteenth Amendment freedoms.

Interrogatory No. 17:

Describe in detail all bases for your contention that none of the requirements under the Challenged Laws “place a substantial burden on Plaintiffs’ voter registration efforts or, accordingly, their protected speech interests.” *See* Def.’s Mot. at 13.

Answer:

Defendant directs Plaintiffs to Defendant’s Memorandum of Points and Authorities in Opposition to Plaintiffs’ Application for Preliminary Injunction, particularly pages 8 through 23 of that filing, and to Defendant’s Response to Plaintiffs’ Supplemental Memorandum in Support of Plaintiffs’ Motion for Preliminary Injunction, particularly pages 10 through 13 of that filing.

Interrogatory No. 18:

Provide all information regarding the requirement under the Challenged Laws that a potential third party voter registration agent must list an organization on the prescribed form, including but not limited to:

- (a) Whether all prospective third party voter registration agents are required to list an organization on the prescribed form before they can be certified to act as a third party voter registration agent in New Mexico;
- (b) If it is not a requirement, under what circumstances will a prospective third party voter registration agent be permitted to be certified to act as a third party voter registration agent in New Mexico despite failing to list an organization on the prescribed form;
- (c) The reasons for requiring that a potential third party voter registration [agent] list an organization on the prescribed form; and

- (d) Describe how a third party voter registration agent that is not affiliated with an organization should complete the “organization” portion of the prescribed form.

Answer:

Defendant objects to the phrase “must list an organization on the prescribed form” as vague and ambiguous. Subject to and without waiving this objection, Defendant states that an individual third party voter registration agent must only list an organization on the registration form if that individual is acting as a third party voter registration agent as a member or representative of an organization. If an individual third party voter registration agent is registering as an individual, no such identification is necessary (or possible). Under such circumstances, the individual third party voter registration agent should input “self” or something similar in the “organization” portion of the prescribed form.”

DATED: December 11, 2009

Respectfully submitted,

GARY K. KING
NEW MEXICO ATTORNEY GENERAL

/s/ Scott Fuqua
Scott Fuqua
Assistant Attorney General
New Mexico Attorney General’s Office
408 Galisteo Street
Santa Fe, NM 87501
(505)827-6920 – Telephone
(505)827-6036 – Facsimile

Attorney for Defendant
Mary Herrera

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing on Plaintiffs’ counsel of record via email on December 11, 2009.

/s/ Scott Fuqua
Scott Fuqua