

**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. CV 08-702 JB/RHS

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the parties hereby jointly stipulate to the dismissal of this action without prejudice, upon terms and conditions as follows:

1. On September 21, 2010, the Secretary of State, Defendant in this action, promulgated a final rule amending the regulations implementing NMSA 1978, § 1-4-49. The amended regulations, which were published in the New Mexico Register on October 15, 2010 and are codified in the New Mexico Administrative Code, are incorporated herein and attached as Exhibit 1. As a result of the issuance of these amended regulations, the Plaintiffs agree to dismiss this case without prejudice. Pursuant to the terms as set forth below, Defendant consents to this joint stipulation of dismissal without prejudice.

2. The parties stipulate and agree that the Plaintiffs waive their right to bring a cause of action challenging NMSA 1978, § 1-4-49 in its current form (incorporated herein and attached as Exhibit 2), whether arising under federal or state law, unless and until the Defendant alters, amends, modifies, withdraws, or ceases to follow the amended regulations. The parties further stipulate and agree that if any of the Plaintiffs files a cause of action challenging NMSA 1978, § 1-4-49 in its current form, prior to such time as the Defendant alters, amends, modifies, withdraws, or ceases to follow the amended regulations, then the Defendant may invoke this stipulation as an absolute defense to such cause of action, which shall be precluded thereby.

4. The parties further stipulate and agree that Plaintiffs' agreement to this joint stipulation does not constitute a concession that NMSA 1978, § 1-4-49 in its current form, or the amended regulations are valid under applicable law.

5. All parties will bear their own costs and fees.

6. The respective attorneys, by their signatures below, represent and warrant that they have the consent of their respective clients, have discussed this Joint Stipulation of Dismissal Without Prejudice with them and have the authority to bind their respective clients.

Dated: November 12, 2010

Respectfully submitted,

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

/s/ Edward Ricco

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CERTIFICATE OF SERVICE

I certify that on November 12, 2010, I filed the foregoing 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