



## TENTH JUDICIAL DISTRICT COURT

**Albert J. Mitchell, Jr.**  
District Judge

De Baca, Harding and Quay Counties  
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May 1, 2013

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Re: Socorro Electric vs. Charlene West  
D-1314-CV-2010-00849  
Request for emergency hearing

Dear Counsel:

I have reviewed the request for an emergency hearing as well as the response that was filed on the 22<sup>nd</sup> of April, 2013. You should have received a fax from my office dated the 24<sup>th</sup> denying the request for an emergency hearing.

As correctly pointed out by the Co-op's counsel, I did not receive a verified request setting forth some true emergency. The by-laws clearly allow for special meetings, and if after due consideration such a special meeting is required, clearly the court could order one.

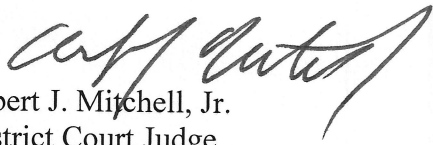
While the court disagrees with the Co-op's premise regarding what the court has authority to do or not do, in this case the court believes the petitioner is in the wrong forum. The court was requested at the original hearing regarding the Open Meetings Act and Public Records Compliance to take on the task of acting as a supervisor over the Co-op. At that time the court declined to do so. I believe I made it clear on the record that any further actions to force compliance by the Co-op with appropriate rules, regulations, by-laws, statutes, etc., would be a new action which would go through the normal judges being assigned, etc. This case will not be converted into a water law adjudication.

Therefore, the court does not believe there is a valid issue before the court in the pending litigation. The court will not allow the pleadings to be amended to take up this new issue.

The court makes it explicit that I have not ruled on the merits of either the original request or the response.

Mr. Foster, please prepare an appropriate order consistent with this decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Albert J. Mitchell, Jr.", written in a cursive style.

Albert J. Mitchell, Jr.  
District Court Judge