

STATE OF NEW MEXICO
COUNTY OF SOCORRO
SEVENTH JUDICIAL DISTRICT

7TH JUDICIAL DISTRICT COURT
SOCORRO COUNTY NM
FILED IN MY OFFICE
6/4/2013 12:30:54 PM
VIRGINIA VIVIAN
DISTRICT COURT CLERK
/s/ Magdeli Dominguez 6/4/2013

KATHY TORRES,

Plaintiff,

v.

Case No. D 725-CV-2011-120

SOCORRO ELECTRIC COOPERATIVE, INC.,
PAUL BUSTAMANTE and CHARLES WAGNER,

Defendants.

**DEFENDANT SOCORRO ELECTRIC COOPERATIVE'S MOTION FOR
PROTECTIVE ORDER AS TO MARCH 2013 REPORT BY IRA BOLNICK**

Defendant Socorro Electric Cooperative ("SEC") hereby moves for an order under Rule 1-026(C) NMRA prohibiting the disclosure of the report dated March 27, 2013, regarding Trustee Charles Wagner prepared by an investigator hired by SEC's general counsel. The report is privileged, as set forth in the privilege log attached as Exhibit A. Discovery of the report is also not reasonably calculated to lead to the discovery of admissible evidence.

I. Background

In December 2012, SEC authorized its general counsel, Lorna Wiggins, to hire an investigator, Ira Bolnick, to scrutinize certain matters involving Trustee Charles Wagner so that Attorney Wiggins could give legal advice to her client about Trustee Wagner. A term of the engagement was that the investigation would be conducted under the direction of Attorney Wiggins and with the expectation that the investigator's work product would be subject to the attorney-client privilege and the work product doctrine.

On March 27, 2013, Mr. Bolnick completed a written report on his investigation, entitled “Investigative Report to Lorna Wiggins, Counsel for the Socorro Electric Cooperative” (“March Report”). At SEC’s regular Board meeting on March 27, Mr. Bolnick discussed portions of the March Report with the Board. In particular, Mr. Bolnick discussed the policies he considered to be at issue and his findings regarding various allegations by and against Trustee Wagner, but not including allegations of harassing and discriminatory behavior at issue in pending litigation.¹ In addition, Mr. Bolnick did not discuss his interviews of the people with whom he met during the course of his investigation. These witness interviews are described on pages five through twenty-five of the forty-three page March Report, and they were compiled in part in anticipation of litigation in the *Torres* and *Pineda* cases.

In accordance with an SEC by-law indicating that SEC voluntarily complies with the Open Meetings Act (“OMA”), *see* SEC By-Law art. VI, sec. 5, attached in relevant part as Ex. B, and in accordance with the OMA itself, Mr. Bolnick’s discussion with the Board of everything in the March Report except his witness interviews occurred during an open session of a regular Board meeting. Video of Mr. Bolnick’s presentation is available at www.informedcynic.com. Attorney Wiggins provided copies of the March Report to SEC’s management and Trustees immediately prior to Mr. Bolnick’s presentation and she collected the copies immediately afterwards. Although members of the public were present during the discussion, they were not given copies of the report. To this day, the March Report has been shown only to SEC’s management, Trustees, and their/SEC’s counsel. *See* Affidavits of Lorna Wiggins and Ira Bolnick, attached as Exs. C and D.

¹ The allegations against Trustee Wagner in pending litigation are part of a second report, prepared in April, that SEC’s Board has never discussed at anything other than a closed Board meeting. That report is clearly privileged and work product, and it is not the subject of this particular motion because there can be no allegation regarding waiver of any privileges with regard to the April report.

II. The Attorney-Client Privilege

The party asserting the privilege bears the burden of establishing that it applies. *Pina v. Espinoza*, 2001-NMCA-055, ¶24, 130 N.M. 661, 29 P.3d 1062. “A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client . . . between the client and the client's lawyer or his lawyer's representative[.]” Rule 11-503(B)(1) NMRA. A “representative,” as that term is used regarding the law of privileges, “is one employed to assist the lawyer in the rendition of professional legal services.” Rule 11-503(A)(3). A communication is considered “confidential” if not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication.” *Id.*

All of these elements are present and should be undisputed. Mr. Bolnick, the representative of Attorney Wiggins employed to assist her in rendering legal services to SEC, prepared the March Report for the purpose of facilitating advice that Attorney Wiggins would give to her client, SEC. The March Report, especially the portion regarding witness interviews, was not intended for disclosure beyond SEC's Board of Trustees, and it was in fact not provided to anyone other than SEC's Trustees and their counsel. The part regarding witness interviews has never been discussed publicly.

III. The March Report, or the Part Not Discussed Publicly, is Privileged.

SEC anticipates that Plaintiff's position will be that because sections of the March Report were discussed at the open part of the March 27, 2013, Board meeting with members of the press and general public in attendance, the entire March Report lost the protection of the attorney-client privilege under Rule 11-511 NMRA. If this is Plaintiff's position, Plaintiff is incorrect because no one is using the March Report in defense of the case so there cannot have been a waiver, nor was there a voluntary disclosure. The presentation at the March 27 meeting was compelled by SEC's by-laws and the OMA. Furthermore, even if Rule 11-511 does come into play, no "significant part" of the March Report was disclosed, *see* NMRA 11-511, and no one has ever even discussed any of the March Report's witness summaries in a public forum.

A. SEC Is Not Using the March Report.

First, this is not a case of waiver as that concept is used in New Mexico law regarding the attorney-client privilege. "To support a finding of waiver, New Mexico requires an offensive or direct use of privileged materials." *Santa Fe Pac. Gold Corp. v. United Nuclear Corp.*, 2007-NMCA-133, ¶ 31, 143 N.M. 215; 175 P.3d 309; *see also Public Service Co. v. Lyons*, 2000-NMCA-077, ¶ 22, 129 N.M. 487, 10 P.3d 166 (the approach in New Mexico "is to recognize waiver only where a party 'seeks to limit its liability by describing that advice and by asserting that he relied on that advice.'" (quoting *Rhone-Poulenc Rorer Inc. v. Home Indemnity Co.*, 32 F.3d 851, 863 (3d Cir. 1994))). In *Santa Fe Pacific Gold*, the issue was whether a witness named Killoran relied upon privileged materials in testifying against Travelers Insurance Company, one of the parties. There is no such issue in this case. No Defendant in this case will be making offensive or direct use of the March Report. No defense witness will rely on it to

testify. It will not be a trial exhibit for the defense. The March Report in fact has no relation to the case.

B. There Was Not a Voluntary Disclosure.

Furthermore, Rule 11-511 does not apply by its own terms. That rule is implicated only when the holder of the privilege “voluntarily discloses” privileged materials. The March Report has been considered privileged and treated accordingly to the greatest extent allowable. The March Report was discussed with the Board in an open session of a Board meeting simply because that was the only forum where the Trustees could legitimately discuss it as a group. *See Gary King, The Open Meetings Act, NMSA 1978, Chapter 10, Article 15: A Compliance Guide For New Mexico Public Officials and Citizens 28-29 (7th ed. 2010), available at <http://www.nmag.gov/consumer/publications/openmeetingsactcomplianceguide>.* The OMA does not force privilege holders to make the Hobson’s choice of complying with the OMA and waiving a privilege or maintaining the privilege while violating the OMA. *Cf. Regents of the Univ. of Cal. v. Superior Court*, 165 Cal. App. 4th 672, 675 (2008) (applying California Evidence Code Section 912 which is materially similar to Rule 11-511, holding that providing privileged documents to the Department of Justice was not a waiver of the privilege because it was not a voluntary act). As one court put it, requiring a privilege holder to risk violating the law in order to preserve the privilege “is rejected as exacting of the holder greater fortitude in the face of authority than ordinary individuals are likely to possess.” *In re 50-Off Stores, Inc.*, 213 B.R. 646, 657 (Bankr. W.D. Tex. 1997) (citation & internal quotation marks omitted) (compelled disclosure in bankruptcy case was not voluntary, so no waiver).

C. No “Significant Part” of the March Report Has Been Disclosed.

Additionally, under Rule 11-511 waiver occurs as to a matter or communication only if the holder “voluntarily discloses or consents to disclosure of any significant part of the matter or communication.” Not even a small part of the March Report itself was given to any third party at the March 27 meeting or any other time. The March 27 discussion of the March Report was public, but no one other than Trustees and counsel had the March Report, so there was no waiver.

D. None of the Witness Summaries Have Been Disclosed.

It is correct that the investigator read sections of the March Report aloud during the March 27 Board meeting (and Plaintiff has unlimited access to the video recording of the presentation). But, the investigator deliberately did not read or summarize or even discuss a large swath of the March Report, namely, the section devoted to his witness interviews, which makes up approximately half of the report (twenty of forty-three pages). The analysis under Rule 11-511 is therefore that the “matter or communication” at issue is the summaries of the witness statements, and no “significant part” of those have ever been disclosed to anyone who is not privileged to have them. The witness interview section is also work product given that it contains information gathered in anticipation of the *Torres* and *Pineda* cases.

IV. The March Report Is Not Reasonably Calculated To Lead to the Discovery of Admissible Evidence.

Privilege is not the only basis for this Court to grant a protective order. Discovery must be “reasonably calculated to lead to the discovery of admissible evidence.” Rule 1-026(B)(1). This standard sets the bar low, but the March Report does not clear it. The March Report, not discussed publicly, is about matters such as Trustee Wagner’s claims for reimbursement of expenses as a Trustee, conflict of interest concerns in his role as a Trustee, and his own

retaliation allegation, but it does not include information regarding the allegations in this case. Even the portion of the March Report regarding Trustee Wagner's recording of executive sessions is irrelevant. The report deals with the extent of that practice and Trustee Wagner's reasons for it, but those questions are not at issue in this case. Plaintiff is simply casting a lure in the direction of the March Report in hopes of snagging a fish. The March Report not discussed in public relates wholly to SEC's internal affairs and not to this lawsuit. Its disclosure in discovery is not going to lead to the discovery of admissible evidence.

V. Conclusion

The March Report is privileged. That privilege has not been waived, especially as to the parts of the report (the investigator's remarks regarding his work product witness interviews) that have never been disclosed publicly. Discovery of the March Report is also not reasonably calculated to lead to the discovery of admissible evidence. SEC therefore requests that the Court grant a protective order as to the March Report.

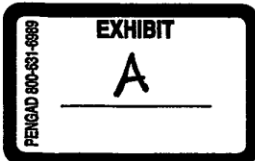
Respectfully submitted,
RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: /s/ Aaron C. Viets
Aaron C. Viets
P.O. Box 1888
Albuquerque, New Mexico 87103
Phone: (505) 765-5900
Fax: (505) 766-7527
*Attorneys for Defendants Socorro Electric Cooperative,
Inc. and Paul Bustamante*

I HEREBY CERTIFY that on the 4th day of June 2013
I filed the foregoing pleading electronically through the
electronic filing system of the Seventh Judicial District Court,
which caused counsel of record to be served by electronic
means, as more fully reflected on the Notice of Electronic Filing.

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

By: /s/ Aaron C. Viets
Aaron C. Viets



SEC's PRIVILEGE LOG re: BOLNICK REPORTS
Torres v. Socorro Electric Cooperative, Inc. et al. & Pineda v. Socorro Electric Cooperative, Inc. et al.

DOCUMENT	SUBJECT	COMMENTS	APPLICABLE PRIVILEGE
<p>"Investigative Report to Lorna Wiggins, Counsel for the Socorro Electric Cooperative" dated Mar. 27, 2013 & exhibits</p> <p>(all portions other than section entitled "witness summaries")</p>	<p>Trustee Charles Wagner's recording of executive sessions of Board meetings; contact with SEC vendor; claims for reimbursement of trustee expenses; conflict of interest; allegations of unprofessional (not discriminatory) conduct; and his retaliation allegation</p> <p>Witness comments to the investigator regarding Trustee Charles Wagner</p>	<p>This report was prepared at the request of general counsel for SEC, Wiggins, Williams and Wiggins, PC (Lorna Wiggins, Esq.) so that she could provide advice to her client regarding Trustee Wagner.</p> <p>The investigator verbally summarized these portions of the report at an open session of the Board meeting on March 27, 2013. Counsel distributed the report only to Board members and management, including Trustee Wagner, at the start of the March 27, 2013 meeting, and it was collected from them at the conclusion of that meeting.</p>	<p>Attorney-client privilege</p>
<p>"Investigative Report to Lorna Wiggins, Counsel for the Socorro Electric Cooperative" dated Mar. 27, 2013</p> <p>(section entitled "witness summaries")</p>	<p>Witness comments to the investigator regarding Trustee Charles Wagner</p>	<p>This report was prepared at the request of general counsel for SEC, Wiggins, Williams and Wiggins, PC (Lorna Wiggins, Esq.) so that she could provide advice to her client regarding Trustee Wagner.</p> <p>This portion of the report has never been discussed publicly and was compiled in anticipation of the <i>Torres & Pineda</i> cases. Counsel distributed the report only to Board members and management, including Trustee Wagner, at the start of the March 27, 2013 meeting, and it was collected from them at the conclusion of that meeting.</p>	<p>Attorney-client privilege</p> <p>Work product</p>

<p>“Investigative Report to Lorna Wiggins, Counsel for the Socorro Electric Cooperative” dated Apr. 24, 2013</p>	<p>Allegations of discrimination against Charlie Wagner that are the subject of the <i>Torres & Pineda</i> cases</p>	<p>This report was prepared at the request of general counsel for SEC, Wiggins, Williams and Wiggins, PC (Lorna Wiggins, Esq.) so that she could provide advice to her client regarding Trustee Wagner. It was prepared in connection with, and in anticipation of, the <i>Torres & Pineda</i> cases. It was presented to the Board, not including Trustee Wagner, only in executive session of the Board at its April 2013 meeting. All trustees other than Mr. Wagner were provided with copies during that meeting, which were collected at the conclusion of the meeting.</p>	<p>Attorney-client privilege Work product Executive session privilege/immunity (see NMSA 1978, § 10-15-1(H); <i>Romero v. City of Santa Fe</i>, 2006-NMSC-028, 139 N.M. 671, 137 P.3d 611.)</p>
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It shall be the aim of THE SOCORRO ELECTRIC COOPERATIVE, INC. to make electric energy available to its members at the lowest cost consistent with sound economy and good management

**BY-LAWS
of
THE SOCORRO ELECTRIC COOPERATIVE, INC.
Socorro, New Mexico**

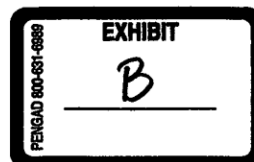
**ARTICLE I
Membership**

Section 1. Requirements for Membership. Any person, firm, limited liability company, partnerships, sole proprietorship, association, corporation, or body politic or subdivision thereof may become a member in **The Socorro Electric Cooperative, Inc.** (hereinafter called the "Cooperative") by,

- (a) filing a written application or statement for membership therein;
- (b) agreeing to purchase from the Cooperative electric energy as herein specified;
- (c) agreeing to comply with and be bound by the Articles of Incorporation and By-Laws of the Cooperative and any rules and regulations adopted by the Board of Trustees provided, however, that no person, firm, association, corporation or body politic or subdivision thereof shall become a member unless and until he/she or it has been accepted for membership by the Board of Trustees or the members. No membership in the Cooperative shall be transferable, except as provided by these By-Laws.

Section 2. Membership Certificates. The Cooperative may issue membership certificates to Members in a manner, method, and form determined by the Board. Membership in the Cooperative may be evidenced by a membership certificate or membership application signed by applicant/member which, may be in such form and shall contain such provisions as may be determined by the Board of Trustees. In case a certificate is lost, destroyed or mutilated, a new certificate may be issued therefore upon such uniform terms and indemnity to the Cooperative as the Board of Trustees may prescribe.

Section 3. Joint Membership. A husband and wife shall be considered a joint Membership. Other persons residing at the same address and listed on the member account will be considered a joint membership entitled to only one vote upon registering (except as otherwise provided in Section 1), and subject to their compliance with the requirements set forth in Section 1 of this Article, may be accepted for such membership. The term "member" and any provisions relating to the rights and liabilities of membership shall apply equally with respect to the holders of a joint membership. Without limiting the generality of the foregoing, the effect of the hereinafter specified actions by or in respect of the holders of a joint membership shall be as follows:



Section 2. Special Meetings. Special meetings of the Board of Trustees may be called by the President or any three trustees, and it shall thereupon be the duty of the Secretary to cause notice of such meeting to be given as hereinafter provided. The President or the trustees calling the meeting shall fix the time and place (which shall be in Socorro, Socorro County, New Mexico), for the holding of the meeting.

Section 3. Notice of Trustees' Special Meeting. Written notice of the time, place and purpose of any special meeting of the Board of Trustees shall be delivered to each trustee not less than five days previous thereto, either personally or by mail, by or at the direction of the Secretary, or upon default in duty by the Secretary, by the President or trustees calling the meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States Mail addressed to the trustee at his/her address as it appears on the records of the Cooperative with postage thereon prepaid.

Section 4. Quorum. A majority of the Board of Trustees shall constitute a quorum, provided, that if less than such majority of the trustees is present at said meeting, a majority of the trustees present may adjourn the meeting from time to time; and provided further, that the Secretary shall notify any absent trustee of the time and place of such adjourned meeting. The act of the majority of the trustees present at a meeting at which a quorum is present shall be the act of the Board of Trustees.

Section 5. Open Meeting to Members. The SEC voluntarily agrees to abide by the Open Meetings Act and Inspection of Public Records Act.

ARTICLE VII Officers

Section 1. Number. The officers of the Cooperative shall be a president, vice president, secretary, treasurer, and such other officers as may be determined by the Board of Trustees from time to time. The offices of secretary and of treasurer may be held by the same person.

Section 2. Election and Term of Office. The officers shall be elected by ballot annually by and from the Board of Trustees at the meeting of the Board of Trustees held the first Tuesday after the first day of each year. If the election of officers shall not be held at such time, such election shall be held as soon thereafter as conveniently may be. Each officer shall hold office until his/her successor shall have been elected and shall have qualified. A vacancy in any office shall be filled by the Board of Trustees for the unexpired portion of the term.

Section 3. Removal of Officers and Agents by Trustees. Any officer or agent elected or appointed by the Board of Trustees may be removed by the Board of Trustees whenever in its judgment the best interests of the cooperative will be served thereby. In addition, any member of the Cooperative may bring charges against an officer, and by filing with the Secretary such charges in writing together with a petition signed by ten per centum of the members, may request the removal of such officer.

AFFIDAVIT OF LORNA WIGGINS

1. My name is Lorna Wiggins. I am making this affidavit in connection with a motion for protective order my client Socorro Electric Cooperative, Inc., is filing in the cases of *Torres v. Socorro Electric Cooperative, Inc. et al.*, Case No. D 725-CV-2011-120, and *Pineda v. Socorro Electric Cooperative, Inc. et al.*, Case No. D-202-CV-2011-11975. I am over eighteen years of age. I have personal knowledge of the facts set forth in this affidavit.

2. Through my law firm, Wiggins, Williams & Wiggins, P.C., I am general counsel for Socorro Electric Cooperative, Inc. ("SEC") and have been since prior to December 2012.

3. In December 2012, a majority of SEC's Board of Trustees directed me to commission an investigation of Trustee Charles Wagner so that I could advise SEC regarding Trustee Wagner. To that end, I hired Ira Bolnick, Esq., to conduct the investigation. At all times during the investigation, Mr. Bolnick worked under my direction and under the auspices of my firm. It was always my intent that Mr. Bolnick's work would be subject to the attorney-client privilege and the work product doctrine to the greatest extent possible. A copy of my engagement letter to Mr. Bolnick is attached hereto as Exhibit 1.

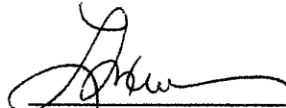
4. On March 27, 2013, Mr. Bolnick presented to the Board a report entitled "Investigative Report to Lorna Wiggins, Counsel for the Socorro Electric Cooperative." The report is dated March 27, 2013 and is referred to here as the "March Report." Mr. Bolnick marked the March Report "CONFIDENTIAL, ATTORNEY-CLIENT COMMUNICATION" and "ATTORNEY WORK PRODUCT."



5. After Mr. Bolnick gave the March Report to me, I provided individually marked copies to each of the Trustees and SEC's general manager immediately before the presentation to the Board at the March 27, 2013 meeting. Immediately after Mr. Bolnick's presentation, I collected every copy of the March Report. Members of the public and press were present at the March 27 Board meeting, but they were not given a copy of the March Report and I have not ever shared it with anyone who is not an SEC manager, an SEC Trustee, or an attorney for SEC or an SEC Trustee.

6. To the best of my knowledge, the March Report to this day has not been shown to anyone who is not an SEC manager, an SEC Trustee, or an attorney for SEC or an SEC Trustee.

FURTHER affiant sayeth naught.

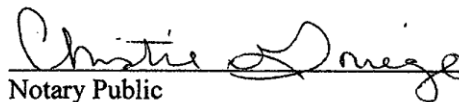


LORNA WIGGINS, ESQ.

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

ss.

SUBSCRIBED AND SWORN TO before me this 30th day of May, 2013, by
Lorna Wiggins.


Notary Public

My Commission Expires:

4/7/2017

WIGGINS, WILLIAMS & WIGGINS
A PROFESSIONAL CORPORATION
LAWYERS

TELEPHONE (505) 764-8400
FACSIMILE (505) 764-8585

1803 RIO GRANDE, NW
ALBUQUERQUE, NEW MEXICO 87104

MAILING ADDRESS:
P.O. BOX 1308
ALBUQUERQUE, NM 87103-1308

December 28, 2012

VIA EMAIL

Ira Bolnick, Esq.
4641 Sutton NW
Albuquerque, NM 87114

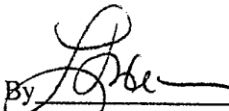
ATTORNEY-CLIENT WORK
PRODUCT COMMUNICATION
Socorro Electric Cooperative, Inc.

Dear Ira:

This will confirm you have agreed to accept the assignment of investigating certain matters involving Mr. Charles Wagner, a trustee of Socorro Electric Cooperative, Inc. You have agreed to do so at my direction and under the auspices of Wiggins, Williams and Wiggins, a Professional Corporation. Your work product will be subject to the attorney-client privilege and work product rule. To that end, kindly forward your invoices to me and we will ensure your invoices are timely paid. Thank you.

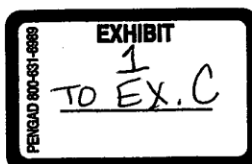
Very truly yours,

WIGGINS, WILLIAMS & WIGGINS
A Professional Corporation

By  _____
Lorna M. Wiggins

LMW:cag

G:\LMW\CLIENT\3015-SEC\009-Outside General Counsel\Correspondence\Bolnick ltr 1 re retention.wpd



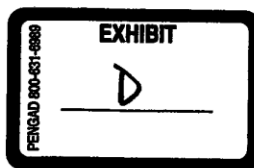
AFFIDAVIT OF IRA BOLNICK

1. My name is Ira Bolnick. I have personal knowledge of the facts set forth in this affidavit.

2. Through the law firm, Wiggins, Williams & Wiggins, P.C., (Lorna Wiggins), Socorro Electric Cooperative, Inc. ("SEC") hired me to investigate Trustee Charles Wagner. My investigation resulted in two reports. One of those relates wholly to allegations of discrimination against Trustee Wagner that are the subject of the lawsuits noted above against SEC and Trustee Wagner by Leopoldo Pineda and Kathy Torres. I presented that report to the Board of Trustees, not including Trustee Wagner, at a closed meeting on April 24, 2013. The only others in attendance for that presentation were SEC counsel and management.

3. The other written report I created is entitled "Investigative Report to Lorna Wiggins, Counsel for the Socorro Electric Cooperative." The report is dated March 27, 2013 and is referred to here as the "March Report." I marked the March Report "CONFIDENTIAL, ATTORNEY-CLIENT COMMUNICATION" and "ATTORNEY WORK PRODUCT." The subjects of the March Report are as follows: Trustee Charles Wagner's recording of executive sessions of Board meetings; his contact with an SEC vendor; claims by Trustee Wagner for reimbursement of trustee expenses; a conflict of interest allegation against him in his capacity as Trustee; allegations of unprofessional (not discriminatory) conduct against Trustee Wagner, and his own retaliation allegation.

4. The only people to whom I have ever given the March Report are lawyers for SEC. It has always been my intent that the March Report, plus the report regarding

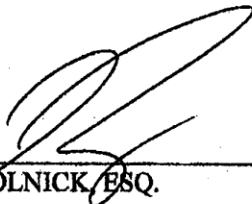


the allegations in the *Torres* and *Pineda* cases, would be treated as privileged, confidential, and attorney work product to the greatest extent possible.

5. On March 27, 2013, I verbally presented part of the March Report to the Board at a regular Board meeting. In particular, I discussed with the Board all parts of the March Report EXCEPT the witness summaries described on pages five through twenty-five of the report.

6. To the best of my knowledge, the March Report to this day has not been shown to anyone who is not an SEC manager, an SEC Trustee, or an attorney for SEC or an SEC Trustee.

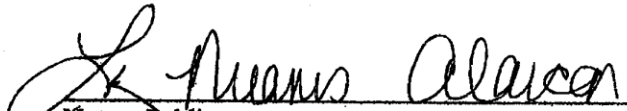
FURTHER affiant sayeth naught.



IRA BOLNICK, ESQ.

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO) ss.

SUBSCRIBED AND SWORN TO before me this 3rd day of June, 2013, by
Ira Bolnick.



Notary Public

My Commission Expires:
October 6, 2013



OFFICIAL SEAL
LIZ NUANES ALARCON
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires October 6, 2013