

SEVENTH JUDICIAL DISTRICT  
STATE OF NEW MEXICO  
COUNTY OF SOCORRO

KATHY TORRES,

Plaintiff,

v.

Cause No. D-725-CV-2011-120

SOCORRO ELECTRIC COOPERATIVE, INC.;  
PAUL BUSTAMANTE AND CHARLES WAGNER,

Defendants.

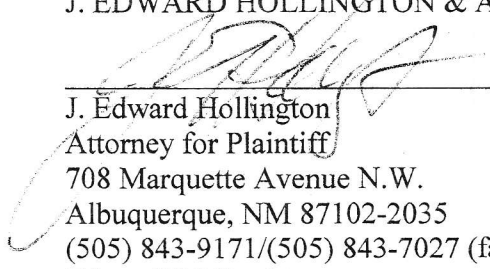
**AMENDED NOTICE OF DEPOSITION DUCES TECUM**

**TO: James Cherry  
The Informed Cynic  
805 Kelly Road  
Magdalena, NM 87815**

YOU ARE HEREBY NOTIFIED that Plaintiff, by and through her attorney of record, J. Edward Hollington, J. Edward Hollington & Associates, P.A., will take the deposition upon oral examination of James Cherry, **Wednesday, August 21, 2013 beginning at 9:00 a.m.**, at the Seventh Judicial District Socorro County at 200 Church St, Socorro, NM 87801 before a notary public and court reporter. Pursuant to 1-032 NMRA, the undersigned may use this deposition at trial for any and all purposes permitted by the New Mexico Rules of Civil Procedure.

Respectfully submitted,

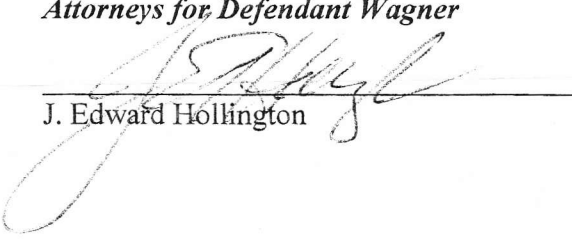
J. EDWARD HOLLINGTON & ASSOCIATES, P.A.

  
\_\_\_\_\_  
J. Edward Hollington  
Attorney for Plaintiff  
708 Marquette Avenue N.W.  
Albuquerque, NM 87102-2035  
(505) 843-9171/(505) 843-7027 (fax)  
[Edward708@aol.com](mailto:Edward708@aol.com)

I hereby certify that a true and correct copy of this Notice was e-mailed on this 9th day of July, 2013 to attorneys for Defendants:

Aaron C. Viets – AViets@rodey.com  
Krystle Thomas – KThomas@rodey.com  
Rodey, Dickason, Sloan, Akin & Robb PA  
*Attorneys for Defendants SEC and Bustamante*

Agnes Fuentevilla Padilla - afpadilla@btblaw.com  
Monica Garcia – mrgarcia@btblaw.com  
Butt, Thornton & Baehr, PC  
*Attorneys for Defendant Wagner*



J. Edward Hollington

SEVENTH JUDICIAL DISTRICT  
STATE OF NEW MEXICO  
COUNTY OF SOCORRO

KATHY TORRES,

Plaintiff,

vs.

Case No. D 725-CV-2011-120

SOCORRO ELECTRIC COOPERATIVE, INC.,  
PAUL BUSTAMANTE AND CHARLES WAGNER,  
Defendants.

**SUBPOENA DUCES TECUM**

**SUBPOENA FOR APPEARANCE OF PERSON FOR<sup>1</sup>**  
**[ XX] DEPOSITION[ ] TRIAL**

**TO: James Cherry**  
**The Informed Cynic**  
**805 Kelly Road**  
**Magdalena, NM 87815**

YOU ARE HEREBY COMMANDED TO APPEAR as follows:

**PLACE: Seventh Judicial District**  
**Socorro County Court House**  
**200 Church St**  
**Socorro, NM 87801**

**DATE: August 21, 2013 TIME: 9:00 a.m.**

**[XX] testify at the taking of a deposition in the above case.**  
**[ ] testify at trial**

**YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):**

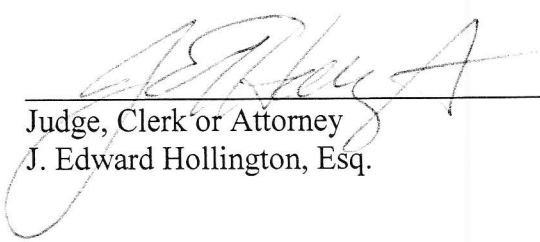
**The anonymous note published on Informed Cynic on August 2, 2010, and any documents, writings and/or correspondence relating to the termination of employment of Leopoldo Pineda and Kathy Torres for Socorro Electric Co-Op (SEC).**

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<sup>1</sup> A command to produce evidence or to permit inspection may be joined with a command to appear for a deposition or trial.

IF YOU DO NOT COMPLY WITH THIS SUBPOENA you may be held in contempt of court and punished by fine or imprisonment.

Date:

  
\_\_\_\_\_  
Judge, Clerk or Attorney  
J. Edward Hollington, Esq.

\_\_\_\_\_  
Judge, clerk or attorney

**RETURN FOR COMPLETION BY SHERIFF OR DEPUTY**

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in \_\_\_\_\_ County, I served this subpoena on \_\_\_\_\_ by delivering to the person named a copy of the subpoena and a fee of \$ \_\_\_\_\_ (insert the amount of fee tendered or, if no fee is tendered, "none")<sup>3</sup>.

\_\_\_\_\_  
Deputy sheriff

**RETURN FOR COMPLETION BY OTHER PERSON  
MAKING SERVICE**

I, being duly sworn, on oath say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in \_\_\_\_\_ County, I served this subpoena on \_\_\_\_\_ by delivering to the person named a copy of the subpoena and a fee of \$ \_\_\_\_\_ (insert the amount of fee tendered or, if no fee is tendered, "none")<sup>3</sup>.

\_\_\_\_\_  
Person making service

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_ (date).

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

THIS SUBPOENA issued by or at request of:

**J. Edward Hollington, Esq.**

Name of attorney of party

**708 Marquette N.W., Albuquerque, NM 87102**

Address

**(505) 843-9171**

Telephone

**CERTIFICATE OF SERVICE BY ATTORNEY**

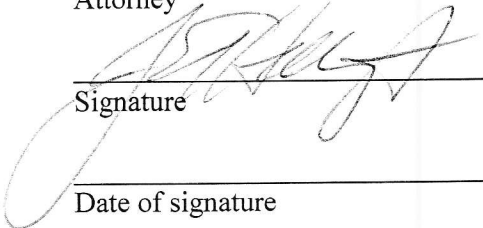
I certify that I caused a copy of this subpoena to be served on the following persons or entities by mail on this 9th day of July, 2013.  
TO:

Aaron C. Viets  
Rodey, Dickason, Sloan, Akin & Robb PA  
PO Box 1888  
Albuquerque, NM 87103

Agnes Fuentevilla Padilla  
Butt, Thornton & Baehr, P.C.  
PO Box 3170  
Albuquerque, NM 87190-3170

J. Edward Hollington, Esq.

Attorney

  
Signature

Date of signature

**PROTECTION OF PERSONS SUBJECT TO SUBPOENAS**

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

Subject to Subparagraph (2) of Paragraph D below, a person commanded to produce and permit inspection and copying may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if such time is less than fourteen (14) days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises or within fourteen (14) days after service of the subpoena may file a motion to quash the subpoena and serve the motion on all parties to the action. If an objection is served or a motion to quash is filed and served on the parties, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (1) fails to allow reasonable time for compliance,
- (2) requires a person who is not a party or an officer of a party to travel to a place more than one hundred miles from the place where that person resides, is employed or regularly transacts business in person, except as provided below, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (3) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(4) subjects a person to undue burden.

If a subpoena:

(1) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(2) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(3) requires a person who is not a party or an officer of a party to incur substantial expense to travel,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

#### **DUTIES IN RESPONDING TO SUBPOENA**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.