

**STATE OF NEW MEXICO
THIRTEENTH JUDICIAL DISTRICT
COUNTY OF VALENCIA**

SOCORRO ELECTRIC COOPERATIVE, INC.,

Plaintiff,

v.

CHARLENE WEST, et al.,

No. D1314-CV-2010-0849

Judge: Mitchell

Defendants,

And

**CHARLES WAGNER, individually and
on behalf of those similarly situated, et al.,
Cross Claim Plaintiff,**

v.

**SOCORRO ELECTRIC COOPERATIVE, INC.,
et al.,**

Cross Claim Defendants.

**ORDER DENYING AMENDED MOTION FOR LEAVE TO FILE FIRST
AMENDED CROSS-CLAIM**

THIS MATTER comes before the Court on the Amended Motion for Leave to File First Amended Cross-Claim, filed by Ms. Carol Auffrey and Mr. Herbert Myers on or about March 12, 2012. Having reviewed said Motion and the responsive submissions filed by the parties, having heard oral argument as to various matters of law, and otherwise being fully informed of all relevant matters, the Court hereby states as follows:

- 1) At a hearing held on or about June 21, 2012 the Court heard the arguments of counsel and considered the substantive and procedural requirements established by New Mexico statute in regards to litigation brought against a New Mexico rural electric cooperative by one or

more of its members. At that time, the Court determined that neither the named Plaintiff in this matter, Mr. Charles Wagner, nor Ms. Auffrey nor Mr. Myers had complied with the statutory requirements necessary to bring the current suit. However, taking into account the interest of all members of the Socorro Electric Cooperative in the good governance of said Cooperative, the Court ordered Ms. Carol Auffrey and Mr. Herbert Myers to present their issues and concerns directly to the Cooperative's Board of Directors at a special Board Meeting and to allow the Cooperative reasonable time to investigate and address these concerns.

2) Pending these actions, the Court held in abeyance a final determination on the Auffrey/Myers Amended Motion.

3) Based on representations of Counsel for all parties, all sides have worked together since June 2012 to resolve many of the issues and concerns raised by Ms. Carol Auffrey and Mr. Herbert Myers at a special Board Meeting held in July 2012. The Court finds that many matters, including issues related to member voting rights and voting districts, have been amicably and reasonably resolved by action of the Cooperative's Board of Directors.

WHEREFORE, the Court FINDS that the Amended Motion for Leave to File First Amended Cross-Claim filed by Ms. Auffrey and Mr. Myers was untimely when filed on or about March 12, 2012.

Based on the foregoing, the Court hereby DENIES the Amended Motion for Leave to File First Amended Cross-Claim filed by Ms. Auffrey and Mr. Myers.



Albert Mitchell
District Judge

SUBMITTED AND AGREED TO BY:

/s/ William Ikard (via telephonic approval 9/4/13)
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