

STATE OF NEW MEXICO
SEVENTH JUDICIAL DISTRICT
COUNTY OF SOCORRO

Case No. D-725-CV-2012-89
Judge: Matthew G. Reynolds

CHARLENE WEST,
CAROL PITTMAN, and
SARA ROBINSON,
Petitioners,

v.

PROPOSED

SOCORRO ELECTRIC COOPERATIVE, Inc., a
New Mexico Non Profit Corporation, and
Its BOARD OF TRUSTEES, COLLECTIVELY, and
JOSEPH HERRERA, in his capacity as its MANAGER,
Respondents.

ORDER ON WRIT OF MANDAMUS

This matter coming on for hearing upon notice, Plaintiffs having appeared with counsel Deschamps & Kortemeier Law Offices, P.C. and Defendants Socorro Electric Co-op (hereinafter SEC) having appeared with counsel, evidence and argument having been presented, and the Court being fully advised in the premises, does hereby FIND:

1. Petitioners Carol Pittman and Sara Robinson lack standing to bring the within action and are dismissed from these proceedings because Trustee Wagner is required to be a party for standing on the issue of his treatment as a Trustee.

2. The Writ should be dismissed as to the issues raised by them, without prejudice to Mr. Wagner's right to litigate those issues.
3. The Inspection of Public Records Act does not directly apply to SEC, since one can't voluntarily submit to a Statute.
4. While the Court does not find that Socorro Electric Co-op is directly under the Non-Profit Corporation Act, the Act gives such access to the members of Non-Profits in order to facilitate the members' right of initiative with regard to the running of such corporations.
5. The New Mexico Rural Electric Co-Operative Act, NMSA 62-15-17 provides for that same right of initiative in the membership of the Co-Ops.
6. The right of initiative in the members requires that the Books and Records of the Socorro Electric Cooperative should be open to the members.
7. The intention of the By-Laws enacted at the 2010 Annual Meeting of the SEC is to expand and broaden the access of members to Socorro Electric Co-op's books and records, including the names and addresses of the members, for any lawful purpose.
8. The parties have stipulated in open court that Charlene West has a lawful and proper purpose in requesting the names and addresses of the members.

9. The only issue before the court for enforcement is Charlene West's request that SEC furnish her a copy of the names and addresses of the members.

THEREFORE, IT IS HEREBY ORDERED THAT:

A.) The Socorro Electric Co-operative forthwith shall furnish to Charlene West a list of the member's names and addresses as she requested.

B.) Plaintiffs Carol Pittman and Sara Robinson have no standing to seek enforcement of trustee Wagner's rights as an SEC Trustee and their claims are hereby dismissed for want of subject matter jurisdiction.

PROPOSED_____

The Hon. Matthew G. Reynolds, District Court Judge