

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.

CROSS CLAIM DEFENDANTS' NOTICE OF OPPOSITION

Cross Claim Defendants Socorro Electric Cooperative, Inc., *et al*, by and through their counsel of record, Kennedy & Han, P.C., hereby brings this **Notice of Opposition** so that they may prevent any untimely or improper action on the part of the Court in response to Motions recently filed by Cross Claim Plaintiff Charles Wagner.¹

On or about February 8, 2012 Cross Claim Plaintiff Wagner filed two Motions in the current matter: a Motion to Abate and a Motion to Extend Time to File Responses.

¹ By and through the filing of the current Notice, Cross Claim Defendant do not waive, and shall not be deemed to have waived, their right as provided by the New Mexico Rules of Civil Procedure to file a timely Response to Cross Claim Plaintiff's Motion.

Cross Claim Plaintiff did not file a Request for Hearing and Notice of Hearing as to his Motions, nor did he seek an expedited telephonic hearing to review either matter.

Instead, Cross Claim Plaintiff Wagner has inappropriately forwarded and delivered to the Court un-reviewed and unapproved proposed Orders as to both of his Motions. The obvious implication of this procedure is to encourage the Court to rule on the Motions before Cross Claim Defendants have had their opportunity to make any type of response, whether in writing or through oral argument.

Cross Claim Defendants' affirmatively notify the Court that they oppose both Motions, and they intend to file a full briefing as to both Motions.

Cross Claim Defendants' affirmatively notify the Court that they ***do not approve*** the form of the Orders presented to the Court in relation to Cross Claim Plaintiff's Motions.

To the extent that Cross Claim Plaintiff refuses to request a hearing as to his own Motions, Cross Claim Defendants will present such a request concurrently with the filing of their Responses to these Motions.

Respectfully submitted,

KENNEDY & HAN, P.C.

/s/ Darin M. Foster
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Darin M. Foster
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