

STATE OF NEW MEXICO  
COUNTY OF VALENCIA  
THIRTEENTH JUDICIAL DISTRICT COURT

No. D-1314-CV-2010-00849  
Judge: Albert J. Mitchell, Jr.

THE SOCORRO ELECTRIC COOPERATIVE INC.,

Plaintiff,

vs.

CHARLENE WEST, individually, and  
as a member of the Socorro Electric Cooperative, all  
UNNAMED MEMBER/OWNERS of the Socorro  
Electric Cooperative, Inc. individually, and as  
Members of the Socorro Electric Cooperative,  
The MOUNTAIN MAIL Newspaper, individually,  
and as a member of the Socorro Electric Cooperative,  
and the EL DEFENSOR CHIEFTAIN Newspaper,  
individually and as a member of the Socorro  
Electric Cooperative,

Defendants.

MOTION FOR WITHDRAWAL  
(DEFENDANTS FITCH AND TAUSCH  
AND FITCH & TAUSCH L.L.C.)

Defendants Fitch and Tausch, represented by Fitch & Tausch L.L.C., move this  
Honorable Court for permission to withdraw. In support of this motion, said Defendants  
set forth the following:

1. On June 29, 2010, 20 months ago, the Socorro Electric Cooperative (SEC)  
filed its complaint against Charlene West and all "unnamed member/owners" of the  
cooperative.

2. The SEC caused its suit to be filed in Valencia County with notice of the suit to be published in Socorro County and no personal service was made upon its "unknown member/owners."

3. These Defendants, Thomas G. Fitch and Polly Ann Tausch, are both licensed New Mexico Attorneys—members of Fitch & Tausch, LLC—who customarily read legal notices in their local newspaper. Having read the SEC's publication and identifying SEC's attempt to sue all of its members, the Defendants determined to defend the suit so that the so-called unnamed member/owners would not be defaulted.

4. On May 18, 2011 this Court heard arguments of the parties and thereafter on June 24, 2011 entered an Order resulting from the May 18, 2011 hearing.

5. The June 24, 2011 Order in essence denied the June 29, 2010 law suit filed by the Socorro Electric Cooperative (SEC) against Charlene West and all "unnamed member/owners" of the cooperative. The June 24, 2011 Order denied all relief requested by the SEC not granted by the Order.

6. On May 18, 2011 this Court awarded attorney's fees to various attorneys including Fitch & Tausch LLC.

7. While various defendants, including Charles Wagner, have filed certain proceedings other than those filed by the SEC, no such proceedings have been served upon Fitch and Tausch and they have not answered the same.

8. Except for the pending award to Fitch & Tausch LLC of attorney's fees, Tom Fitch and Polly Tausch are finished with this lawsuit and wish to withdraw.

WHEREFORE, Defendants Fitch and Tausch move this Honorable Court for an award directing SEC to pay our fees and costs as awarded by this Court; and permitting Thomas Fitch and Polly Tausch, together with Fitch & Tausch LLC, to withdraw from this law suit.

RESPECTFULLY SUBMITTED BY:

Fitch & Tausch, LLC

By: 

Thomas G. Fitch  
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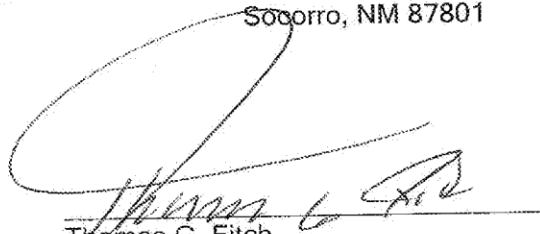
#### Service Certificate

I certify that I served a true copy of the foregoing Motion for Attorneys Fees and Costs upon Plaintiff's counsel and other parties of record by mail or electronic service as follows:

*Electronic Service*  
Paul J. Kennedy and  
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Attorneys for Defendants  
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and Hurst  
P.O. Drawer 389  
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on this 21<sup>st</sup> day of February, 2012.

  
Thomas G. Fitch