

STATE OF NEW MEXICO
THIRTEENTH JUDICIAL DISTRICT
COUNTY OF VALENCIA

THE SOCORRO ELECTRIC COOPERATIVE, INC.
Plaintiff,

v.

CHARLENE WEST, et al
Defendants.

Case No: D-1314-CV-2010-849
Judge: Albert J. Mitchell, Jr.

And

CHARLES WAGNER, individually and as
representative of the class of "unnamed
Defendants", being owner/members of the
Socorro Electric Cooperative, Inc.

Cross Claim Plaintiff,

v.

SOCORRO ELECTRIC COOPERATIVE, INC.,
et al.,

Cross Claim Defendants.

MOTION FOR LEAVE TO FILE AN AMENDED CROSS-CLAIM

COME NOW Carol Auffrey and Herbert Myers,¹ individually and as class
representatives, ("Defendants"), by and through their counsel of record, and move this
Court, pursuant to NMRA 1-015, for leave from the Court to amend Defendants cross-
claim, and state as follows:

1. Defendants request leave to amend their cross-claim to address matters
raised in Socorro Electric Cooperative, Inc., et. al.'s ("Plaintiffs" or "SEC") pending
dispositive motions filed January 25, 2012.

¹ Carol Auffrey and Herbert Myers file on behalf of the member/owners on the assumption that
the Court will grant Defendants' Motion for Leave to File an Amended Cross-Claim.

2. As this case has evolved, Defendants wish to amend to avoid any potential conflict between the originally named putative class representative and the members of the putative class. Defendants do not admit that a conflict existed or does exist; they wish to amend merely to avoid any possible conflicts in the future.


3. Counsel for Defendants has discussed this motion with Plaintiffs' counsel and Plaintiffs' counsel has given notice that Plaintiffs will oppose it.

4. Amending the cross-claim will not prejudice Plaintiffs in maintaining their defense upon the merits.

WHEREFORE, Defendants respectfully request this Honorable Court to allow Defendants leave to amend their cross-claim and that it grant such other and further relief in the premises as is consistent with the principles of law, equity, and good conscience.

Respectfully submitted,

IKARD WYNNE LLP
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A handwritten signature in black ink, appearing to read "William Ikard", written over a horizontal line.

William Ikard
State Bar No. 10385500
Carrie Helmcamp
State Bar No. 00784243
Kimberly Selinger
State Bar No. 24072333

ATTORNEYS FOR DEFENDANTS

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CERTIFICATE OF SERVICE

This is to certify that the foregoing was served on the persons identified below on the date and in the manner stated.

Via facsimile 505.842.0653

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Date: 2.23.12

Kenneth Foster