

STATE OF NEW MEXICO
THIRTEENTH JUDICIAL DISTRICT
COUNTY OF VALENCIA

THE SOCORRO ELECTRIC COOPERATIVE, INC.
Plaintiff,

v.

CHARLENE WEST, et al
Defendants.
And

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

CHARLES WAGNER, individually and as
Class representative, etc.,

Cross Claim Plaintiff,

v.

SOCORRO ELECTRIC COOPERATIVE, INC.,
et al.,

Cross Claim Defendants.

MOTION TO WITHDRAW DEFENDANTS' AMENDED
MOTION TO ABATE RESPONSE TO
PLAINTIFFS' JANUARY 25, 2012, DISPOSITIVE MOTIONS

TO THE HONORABLE JUDGE ALBERT J. MITCHELL, JR.:

Carol Auffrey and Herbert Myers,¹ individually and as class representatives, (“Defendants”), file this motion to withdraw their previously-filed Defendants’ Amended Motion to Abate Response to Plaintiffs’ January 25, 2012, Dispositive Motions (the “Motion”).

1. On Thursday, February 9, 2012, Defendants filed the pending Motion with the Court. A Motion to Abate Response to Plaintiffs’ January 25, 2012, Dispositive Motions was

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.

filed on Wednesday, February 8, 2012, the day before the amended Motion was filed with the Court.

2. On Wednesday, February 8, 2012, Plaintiffs' counsel, Darin Foster, filed a Cross-Claim Defendants' Notice of Opposition (the "Notice"). On Thursday, February 9, 2012, Mr. Foster filed a Request for Hearing on the Motion and Notice for February 27, 2012, at 9:30 a.m.

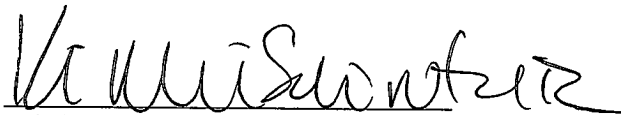
3. After discussing these matters with opposing counsel, Defendants have agreed to withdraw their Motion.

4. Accordingly, Defendants seek to withdraw their Motion and agree to pass the February 27, 2012, hearing on the Motion and Notice.

WHEREFORE, Defendants request that the Court grant their Motion to Withdraw Defendants' Amended Motion to Abate Response to Plaintiffs' January 25, 2012, Dispositive Motions and grant such other and further relief to which Defendants may be justly entitled.

Respectfully submitted,

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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.

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