

**STATE OF NEW MEXICO
THIRTEENTH JUDICIAL DISTRICT
COUNTY OF VALENCIA**

**THE SOCORRO ELECTRIC
COOPERATIVE, INC.
Plaintiff,**

No. D1314-CV-2010-849

v.

CHARLENE WEST, et al.,

Defendants.

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

DECISION REGARDING APPLICABILITY OF RELIEF

This matter has come before the Court upon written briefs and motions of the parties. The Court has additionally heard oral arguments of all interested parties on February 25, 2011. The Court having reviewed the briefs, considered argument of counsel, and being otherwise fully informed of the applicable facts and law FINDS THAT:

1. New Mexico's Declaratory Judgment Act (NMSA 1978, §44-6-1, *et seq*), provides this Court with discretionary power "to declare rights, status, and other legal relations whether or not further relief is or could be claimed."

2. The Declaratory Judgment Act "was intended to be liberally construed and administered as a remedial measure." *San Juan County Water Commission v. Taxpayers and Water Users of San Juan County*, 116 N.M. 106, 109, 860 P.2d 748, 751 (1993).
3. Plaintiff's current request for declaratory relief raises issues of law which are common and of general interest to a large number of individuals. It would be impractical to bring this large number of individuals before this Court.
4. Based on the foregoing, any declaratory relief which may ultimately be granted in this suit will be generally binding on all interested individuals and entities, including those which are not represented before this Court.
5. Additionally, while the Court recognizes that non-parties are not generally bound by injunctive relief. However, the Court has determined that, under the particular circumstances of the current suit, injunctive relief as to the named Defendants, combined with declaratory relief binding on all members of the Cooperative, would potentially resolve all disputes raised in Plaintiff's Complaint.

WHEREFORE, it is hereby the ORDER of the Court that Plaintiff need not bring its claims in the form of a class action. Plaintiff's suit may proceed in its current form.

IT IS SO ORDERED.



Albert J. Mitchell, Jr.
District Court Judge

REVIEWED AND APPROVED AS TO FORM BY:telephonically approved 3/9/11

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