



TENTH JUDICIAL DISTRICT COURT

De Baca, Harding, and Quay Counties

P.O. Box 1067

Tucumcari, New Mexico 88401-1067

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Albert J. Mitchell, Jr.

District Judge

Marion Payton

Trial Court Administrative Assistant

August 14, 2012

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Re: Socorro Electric Cooperative, Inc. vs. Charlene West, et al.
D-1314-CV-2010-00849

Dear Counsel:

I am glad you are making progress in this litigation.

Please provide me with some citations and arguments addressing the issue of what power the Court has to "fix" faulty government of a utility. Clearly, state and federal law set out certain standards that should be met by the Co-op. However, I am not locating anything that tells me what the appropriate remedy is. Is it removal of the Board, do we ask a jury what the correct decision would have been for the Board on numerous issues that are complained of, or does the Court simply issue an order and treat the Co-op Board as a child, unable to follow simple instructions and statutes?

This litigation will not be used to second guess Board decisions or to put the Court in the place of being an overseer of Co-op operations. In the same manner, some of the allegations, if proven, are extraordinarily serious and address significant governance issues.

Since I am requesting this information as background and educational, please simultaneously file your input within sixty days. If you need more time, let me know.

If you believe the other side's filings are inappropriate in some manner, you may file respond within twenty days after service of one party's education and argument on this issue with a response of up to four pages in length.

Sincerely,

A handwritten signature in black ink, appearing to read "Albert J. Mitchell, Jr.", written in a cursive style.

Albert J. Mitchell, Jr.
District Court Judge