

STATE OF NEW MEXICO
COUNTY OF VALENCIA
IN THE THIRTEENTH JUDICIAL DISTRICT COURT

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

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.

RESPONSE TO MOTION TO RECONSIDER
ORDER AWARDING ATTORNEY'S FEES

COMES NOW Fitch & Tausch LLC, Attorneys at Law, for Polly Ann Tausch and
Thomas G. Fitch, "unnamed member/owners," and asks this Honorable Court to strike
Plaintiff's Motion to Reconsider Order Awarding Attorney's Fees, and as grounds
therefor states:

1. On April 17, 2010 at their annual meeting, the members of the Socorro Electric
Cooperative voted to change numerous by-laws.

2. Within two months, on June 29, 2010, the board of directors of the Cooperative filed suit against the members to declare many of the new by-laws to be null and void.

3. Two members represented by the undersigned attorneys filed a response to the Cooperative's June 29, 2010 lawsuit.

4. On May 18, 2011 this Court ruled on Plaintiff's preliminary case seeking to nullify the various by-laws changed at the April 17 2010 annual meeting; this court held all the by-law changes to be valid.

5. The May 18, 2011 hearing by this Court resolved the June 29, 2010 lawsuit filed by the directors against the Cooperative's member/owners and permitted the undersigned to prevail; this court also awarded the undersigned attorney's fees.

6. The Cooperative now seeks to have this Court reconsider its prior award of attorney's fees and have the Court make the award "upon the entry of a final judgment" [which does not apply to the undersigned]. The defendants represented by the undersigned attorneys have completed their suit against the Cooperative and have prevailed. They wish to be paid their attorney's fees so they may withdraw from any further remaining lawsuits.

7. The Cooperative claims that Rule 1-54B allows this court to withhold ruling on the undersigned's attorney's fee until all remaining suits are finished.

8. What remains to be considered by this court is a suit by various defendants represented by Deschamps & Kortemeier. While Rule 1-54B (1) and (2) do not support the Cooperative's claim, it is also noteworthy to point out that Fitch & Tausch are

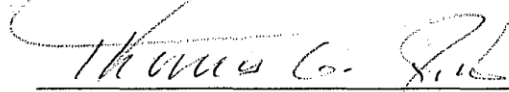
through with this law suit as neither has been sued by Deschamps & Kortemeier nor have they become involved in anything beyond the Cooperative's initial attempt to void the revised by-laws enacted by the members at the April 17, 2010 at annual meeting.

WHEREFORE, the undersigned move this Honorable Court to deny the Cooperative's request to withdraw its prior award of attorney's fees and to require the Cooperative to pay the attorney's fees previously awarded to Fitch & Tausch LLC, as they are now finished with this law suit.

Respectfully submitted,



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CERTIFICATE OF SERVICE:

I certify that a copy of this Response was served by mail to the following counsels of record this 8th day of December, 2011.



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