

# Exhibit A

**Mark Posner**

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**From:** Mark Posner  
**Sent:** Monday, January 31, 2011 5:43 PM  
**To:** 'Lujan, Elaine'  
**Cc:** Scott Fuqua; Allegra Chapman; Nicole Kovite Zeitler; Niyati Shah; David H Urias; Allison Kierman; Bob Kengle  
**Subject:** RE: Settlement; pre-trial deadlines

Elaine and I just spoke to the Judge Herrera's deputy. The pre-trial conference is being continued (it is not convenient for the Court to have a status conference instead at that time on Thursday since the Court has a number of sentencings pending). When we complete the agreement, we will email it to the Judge through their submission email address. If the Judge would like further information as to the proposed order, she will so advise. Otherwise, we will wait for her to sign it.

Mark Posner  
Senior Counsel  
Lawyers' Committee for Civil Rights Under Law  
1401 New York Avenue, NW  
Suite 400  
Washington, DC 20005  
(202) 662-8389 (telephone)  
(202) 628-2858 (fax)

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**From:** Lujan, Elaine [<mailto:elujan@nmag.gov>]  
**Sent:** Monday, January 31, 2011 5:21 PM  
**To:** Mark Posner  
**Cc:** Scott Fuqua; Allegra Chapman; Nicole Kovite Zeitler; Niyati Shah; David H Urias; Allison Kierman; Bob Kengle  
**Subject:** Re: Settlement; pre-trial deadlines

Mark --

Thanks for the update. We can set tomorrow afternoon as our goal for submitting our agreement to the judge. Just an fyi -- there is suppose to be a snowstorm moving into NM this evening and unlike the east coast, it only takes an inch or two of snow to shut down state government.

I also think its a good idea to keep our "pre-trial" conference set and we can use that time to talk to the judge about our proposed order. I spoke to Scott and he is on-board with this too.

Thanks,  
Elaine

On Mon, Jan 31, 2011 at 1:05 PM, Mark Posner <[mposner@lawyerscommittee.org](mailto:mposner@lawyerscommittee.org)> wrote:

Elaine and Scott,

We are almost done inserting the changes to our prior proposal based on the discussions from last week. We should be able to send you the new proposal by 3 pm your time, and probably somewhat before that (we were delayed this morning in completing the document by another litigation matter that needed to be attended to). We will send it to you in redline so you will be able to see all the changes. We think the goal should be to submit it to Judge Herrera by the end of the day tomorrow.

In the mean time, though the parties did not discuss this last week, it is our understanding that the parties are putting all the pre-trial deadlines on hold (there were several things that were supposed to be accomplished by cob today). In addition, there currently still is a pre-trial conference scheduled for Thursday. We are not currently planning on flying out there for it. However, it would seem that a call needs to be placed to Judge Herrera's chambers to clarify things. One approach might be to keep the time reserved so that, assuming the parties get the order submitted tomorrow, the parties could address the judge by telephone on Thursday and request that the order be signed.

Thanks, Mark

Mark Posner

Senior Counsel

Lawyers' Committee for Civil Rights Under Law

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Washington, DC 20005

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Elaine P. Lujan  
Assistant Attorney General  
Civil Division  
New Mexico Attorney General's Office  
P.O. Drawer 1508  
Santa Fe, NM 87504-1508  
phone: (505) 827-6990  
fax: (505) 827-6478  
[elujan@nmag.gov](mailto:elujan@nmag.gov)

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