

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

AMERICAN ASSOCIATION OF PEOPLE )  
WITH DISABILITIES, FEDERATION OF )  
AMERICAN WOMEN’S CLUBS )  
OVERSEAS, INC., NEW MEXICO PUBLIC )  
INTEREST RESEARCH GROUP )  
EDUCATION FUND, and SOUTHWEST )  
ORGANIZING PROJECT, )

Plaintiffs, )

v. )

MARY HERRERA, in her capacity as )  
Secretary of State, )

Defendant. )

No. CIV 08-00702 JOB

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**PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT**

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For the reasons set forth in the attached Memorandum of Points and Authorities, Plaintiffs move this Court to grant summary judgment on their claims that N.M. Stat. Ann. 1978, § 1-4-49, its implementing regulations, and the Defendant’s enforcement of the same, violate the First and Fourteenth Amendments to the United States Constitution and Article II, § 17, of the New Mexico Constitution.

As required by Local Rule 7.1(a), Plaintiffs’ counsel have conferred with Defendant’s counsel, who indicated that the Defendant opposes Plaintiffs’ motion.

Respectfully Submitted,  
RODEY, DICKASON, SLOAN, AKIN & ROBB,  
P.A

s/ Edward Ricco

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DATED: July 2, 2010

**CERTIFICATE OF SERVICE**

I certify that on July 2, 2010, I filed the foregoing electronically through the CM/ECF system, which caused parties or counsel in this matter to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

s/ Edward Ricco

By \_\_\_\_\_  
Edward Ricco