

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

CELIA VALDEZ, *et al.*,

Plaintiffs,

v.

DIANNA J. DURAN, *et al.*,

Defendants.

CIVIL ACTION NO. 1:09-cv-668 JCH/DJS

**PLAINTIFF'S AND DEFENDANTS' JOINT MOTION FOR
CONTINUANCE OF TRIAL DATE**

Plaintiff Shawna Allers and Defendants HSD and Secretary of State Duran respectfully and jointly request that this Court continue the February 14, 2011 trial date presently set in this case.

As explained in the parties' Joint Response to Order to Show Cause filed contemporaneously with this motion, the parties have reached an agreement in principle to settle this case and anticipate submitting a proposed consent order to the Court for its approval within the next few business days. In these circumstances, the parties do not believe that it would be an efficient or appropriate use of their or the Court's resources to continue with trial preparation, and do not believe that the case will proceed to trial. The parties are moving as quickly as possible to conclude a settlement and, immediately upon conclusion of a settlement, will file a motion with this Court presenting the order and requesting that it be approved.

Respectfully submitted this 4th day of February, 2011.

On behalf of Plaintiff Shawna Allers:

s/ Mark A. Posner

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