

EXHIBIT 1

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

CELIA VALDEZ, et al.

Plaintiffs,

v.

MARY HERRERA, in her official capacity
as New Mexico Secretary of State, et al.

Defendants.

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

DECLARATION OF ALLEGRA CHAPMAN

Pursuant to 28 U.S.C. § 1746, I, Allegra Chapman hereby declare as follows:

1. Defendant Secretary of State has been properly noticed to designate an individual for deposition in this litigation pursuant to Fed. R. Civ. Pro. 30(b)(6) four (4) times. Plaintiffs' counsel has traveled to New Mexico to taking this single deposition on three (3) separate occasions. (Counsel Yolanda Sheffield traveled three (3) times, I traveled twice.)
2. Defendant Secretary of State was first noticed to designate an individual for deposition in this litigation pursuant to Fed. R. Civ. Pro. 30(b)(6) on February 17, 2010 (the "First Notice"), with the deponent to appear on February 23, 2010 at 20 First Plaza, Suite 700, Albuquerque, New Mexico 87102. The Secretary of State did not serve any objections to the February 23, 2010 notice or to the subsequent

notices, for which the topics were identical and for which only the date was changed.

3. Plaintiffs' First Notice (as did each notice thereafter) generally sought the testimony of the individual most knowledgeable about the Defendant Secretary of State's compliance with the National Voter Registration Act of 1993.
4. In response to Plaintiffs' First Notice, Defendant Secretary of State designated its employee Larry Dominguez.
5. On February 22, 2010, while Plaintiffs' counsel were in the air en route to New Mexico to conduct the deposition, Scott Fuqua, counsel for Defendant Secretary of State, contacted Plaintiffs' counsel to advise that Mr. Dominguez had been bitten by a black widow spider and would not be available for the deposition.
6. Plaintiffs' counsel arrived in New Mexico on February 22, 2010. On February 23, 2010, no substitute deponent was provided by Defendant and the deposition was not taken.
7. Due to the late notice of Deponent's spider bite and Defendant's failure to provide a substitute designee, no other depositions could be scheduled for February 23 and that day was lost.
8. Plaintiffs' counsel incurred unnecessary costs associated with the extra day traveling, including meals, lodging and other incidental expenses in the amount of \$221.23. Attached as Exhibit A is a true and accurate copy of my unnecessary expenses incurred.

9. In addition, due to the additional travel day out of the office and failure to appear by Defendant, I lost four (4) hours of work time I would have otherwise used working in my office.
10. At my hourly rate of \$550, the value of the time lost due to Defendant's failure to appear for its deposition is \$2200.
11. Plaintiffs' counsel returned home after conducting depositions of individuals not associated with the Secretary of State's office on February 24 and 25.
12. Plaintiffs' counsel then re-noticed the Rule 30(b)(6) deposition for April 2, 2010 (the "Second Notice") to occur at the same location.
13. On March 17, 2010, the New Mexico Human Services Department ("HSD") filed a motion for a protective order seeking to limit depositions Plaintiffs had noticed of six (6) of its management employees, and advised that the deponents would not be produced pending the Court's ruling on the motion for a protective order. These HSD depositions were to occur in conjunction with the re-noticed 30(b)(6) deposition of the Secretary of State's office. To avoid incurring the cost of flights and hotels for one deposition of the Secretary of State's office, Plaintiffs sought to reschedule the deposition until after the motion for the protective order was ruled upon. Mr. Fuqua agreed to the schedule change.
14. HSD's motion for a protective order was denied on April 9, 2010. Plaintiffs' counsel then contacted Mr. Fuqua and counsel for HSD to reschedule the depositions. After conferring with counsel, the deposition for the Secretary of

State's 30(b)(6) deponent was noticed for May 6, 2010 (the "Third Notice") at the same location as before (in Albuquerque).

15. On April 30, 2010, the Friday before the deposition was scheduled to take place, Mr. Fuqua contacted Plaintiffs' counsel and requested a change. Due to a scheduling conflict, he requested that either the date or the location for the deposition be changed. In response to his request, Plaintiffs agreed to change the location from Albuquerque to Santa Fe, New Mexico. The deposition remained scheduled to occur on May 6.

16. I returned to New Mexico on May 4, 2010.

17. On May 5, 2010, I attended depositions of individuals not associated with the Secretary of State's office in Las Cruces, New Mexico. Plaintiffs' counsel Yolanda Sheffield did not attend these depositions.

18. On May 6 Plaintiffs' counsel drove from Las Cruces to Santa Fe for the sole purpose of conducting the Secretary of State's 30(b)(6) deposition.

19. Upon our arrival at the Secretary of State's office on May 6, 2010, Mr. Fuqua informed Plaintiffs' counsel that Mr. Dominguez had called in sick to work, had failed to timely notify Mr. Fuqua, and would not appear for the deposition.

20. As this was Plaintiffs' counsels' second trip to New Mexico to take the Secretary's deposition, Plaintiffs' counsel requested that Mr. Dominguez be located and produced either later that day or the next.

21. Mr. Fuqua unsuccessfully sought to contact Mr. Dominguez to re-schedule the deposition for later that same day or the next day.
22. The deposition of Defendant Secretary of State was not taken, and Plaintiffs' counsel flew home the following day, which was the next available flight.
23. Plaintiffs' counsel did not return home, however, without wasting numerous hours traveling to Santa Fe, New Mexico and waiting for Mr. Fuqua to attempt to locate Mr. Dominguez.
24. On May 6, 2010, Mr. Fuqua stated that he would understand if Plaintiffs' counsel filed a motion for sanctions.
25. As a direct result of the failure by Defendant to appear at its deposition, I spent 7.4 hours traveling to Santa Fe from Las Cruces, waiting for Defendant to produce a designee for deposition, and driving back to Albuquerque, from where my flight departed the following day.
26. The value of the time lost due to Defendant's failure to appear for its deposition is \$4070.00.
27. In addition, I incurred unnecessary costs associated with the deposition including meals, lodging and other incidental expenses in the amount of \$192.89. Attached as Exhibit B is a true and correct copy of my unnecessary expenses incurred.
28. Plaintiffs re-noticed the Rule 30(b)(6) deposition of the Secretary of State's office for May 26, 2010 (the "Fourth Notice") and filed a motion to compel production of a 30(b)(6) designee, which was granted by the Court.

29. On May 19, 2010, Mr. Fuqua informed Plaintiffs' counsel that Defendant Secretary of State's previous designee, Mr. Dominguez, was no longer employed by the Secretary of State's office.
30. Mr. Fuqua stated that the Secretary's office would identify a substitute designee to appear and testify on May 26, in accordance with this Court's Order.
31. The Motion to Compel was necessitated by Defendant's failure to appear for its depositions. I spent 1 hour working on the Motion to Compel. The value of my time lost due to the necessity of drafting this motion is \$550.00.
32. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 12th day of July, 2010.

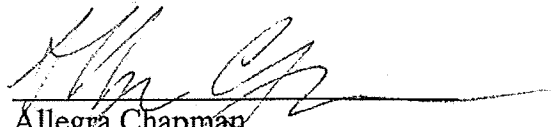

Allegra Chapman
Counsel for Plaintiffs

EXHIBIT A



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Albuquerque, NM, USA 87102
TELEPHONE (505) 842-1234
FACSIMILE (505) 843-2710

thank you

Last Name: CHAPMAN
First Name: ALLEGRA
Street: 220 FIFTH AVENUE
5TH FLOOR
City: NEW YORK State: NY Zip: 10001
347-742-0458 1

Folio: 1 Page: 1
Room: 912
Rate: 149.00
Arrival: 02/22/10 Mon.
Departure: 02/25/10 Thu.
Bonus: Type CCARD.
Account: *****1386 XXXX

DATE	DESCRIPTION	AMOUNT	DATE	DESCRIPTION	AMOUNT
REDACTED					
02/23	GUEST ROOM	149.00			
02/23	*LOC OCCPCY TAX	8.94			
02/23	*ROOM TAX	9.87			

REDACTED

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McGRATH'S RESTAURANT

CHECK: 1490
TABLE: 34/1
SERVER: 125 PHILLIP
DATE: 23FEB'10 9:31PM
CARD TYPE: American Express
ACCT #: XXXXXXXXXXXX1386
EXP DATE: XX/XX
AUTH CODE: 528561
RESEARCH: 000000000000
ALLEGRA CHAPMAN

REDACTED

SUBTOTAL: 44.42

Tip: 2.00

Total: 53.42

Signature:

I Agree to pay above total
amount according to card holder
agreement

HAVE AN EXCEPTIONAL DAY
PLEASE LEAVE SIGNED COPY

REDACTED

EXHIBIT B



Guest Name:

Allegra Chapman
220 Fifth Ave. 5th floor

Room #: 439

Folio#: RED07FBA

Group #:

Guests: 1

Clerk: ACOLSON

Arrive: 05/05/10

Time: 08:41 PM

Depart: 05/06/10

Time: 12:20 PM

Stat: HIST

Date	Description	Reference	Comment	Charges	Credits
05/03/10	DEP AMERICAN EXPRESS	05038020			(\$143.95)
05/05/10	ROOM CHARGE	439		\$125.10	
05/05/10	GROSS RECEIPTS TAX	439t	GROSS RECEIPTS TAX	\$10.09	
05/05/10	LODGERS TAX	439t	LODGERS TAX	\$8.76	
05/05/10	PARKING FEE	Recur 975	Recurring: Chapman 439	\$18.00	
05/06/10	OLD HOUSE BREAKFAST F	227698		\$30.94	
05/06/10	PAY AMERICAN EXPRESS	Ck Out 12:20	*****1386 124910		(\$48.94)

Folio Balance: \$0.00

Guest Signature: _____

