

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

FILED   
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

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CLERK-ALBUQUERQUE 

THE AMERICAN CIVIL LIBERTIES  
UNION OF NEW MEXICO; THE  
LEAGUE OF WOMEN VOTERS OF ALBUQUERQUE/  
BERNALILLO COUNTY, INC.; SAGE COUNCIL;  
NEW MEXICO COALITION TO END HOMELESSNESS;  
ANNE KASS, ALEXANDRA KAZARAS  
and BARBARA GROTHUS,

Plaintiffs,

v.

No. CV 05-1136 MCA/WDS

MILLIE U. SANTILLANES, ALBUQUERQUE  
CITY CLERK,

Defendant.

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

COME NOW Plaintiffs, by and through their undersigned counsel, and pursuant to Federal Rule of Civil Procedure 56 hereby move this Court for summary judgment in their favor. Plaintiffs have voluntarily dismissed II, III, IV, and V, and hereby move for summary judgment on the remaining counts, to wit, Count I, a claim of violation of the Equal Protection Clause of the United States Constitution, and Count VI, a claim of violation of the First Amendment to the United States Constitution.

The Plaintiffs remaining in this case are The League of Women Voters of Albuquerque/Bernalillo County, SAGE Council, Anne Kass, Alexandra Kazaras, and Barbara Grothus.

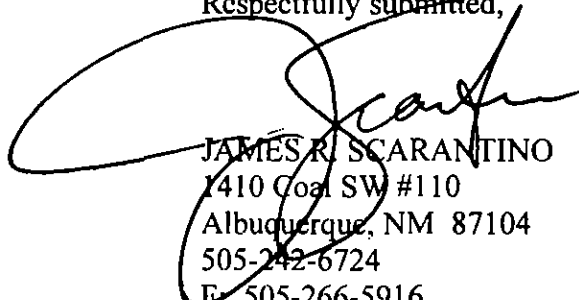
Pursuant to D.N.M.L.R. 56.1, Plaintiffs incorporate herein by reference the statement of material facts set forth in the Memorandum in Support of Plaintiffs' Motion

65

for Summary Judgment filed concurrently herewith. As demonstrated in that Memorandum, there are no material facts in dispute and Plaintiffs are entitled to judgment as a matter of law.

WHEREFORE, Plaintiffs move for entry of summary judgment in their favor on Counts I and VI of the Second Amended Complaint for Declaratory and Injunctive Relief, and for such other and further relief to which they are entitled.

Respectfully submitted,



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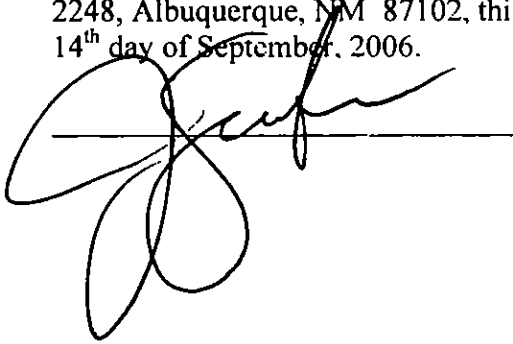
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COUNSEL FOR PLAINTIFFS

I hereby certify that I served a true and correct  
Copy of the foregoing by hand delivery upon Asst.  
City Attorneys Paula Forney and Mark  
Shoemith, counsel for Defendant, P.O. Box  
2248, Albuquerque, NM 87102, this  
14<sup>th</sup> day of September, 2006.

A handwritten signature in black ink, appearing to read "Paula Forney", is written over a horizontal line. The signature is stylized and cursive.