

STATE OF NEW MEXICO
COUNTY OF LEA
FIFTH JUDICIAL DISTRICT

REPUBLICAN PARTY OF NEW MEXICO,
DAVID GALLEGOS, TIMOTHY JENNINGS,
DINAH VARGAS, MANUEL GONZALES, JR.,
BOBBY and DEE ANN KIMBRO, and
PEARL GARCIA,

Plaintiffs,

v.

Cause No.
D-506-CV-2022-00041

MAGGIE TOLOUSE OLIVER, in her official capacity
as New Mexico Secretary of State, MICHELLE LUJAN
GRISHAM, in her official capacity as Governor of New
Mexico, HOWIE MORALES, in his official capacity as
New Mexico Lieutenant Governor and President of the
New Mexico Senate, MIMI STEWART, in her official
capacity as President Pro Tempore of the New Mexico
Senate, and JAVIER MARTINEZ, in his official
capacity as Speaker of the New Mexico House of
Representatives,

Defendants.

PLAINTIFFS' RESPONSES TO LEGISLATIVE DEFENDANTS'
ANNOTATED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Per this Court's Scheduling Order, Plaintiffs file these Responses to Legislative Defendants' Annotated Findings Of Fact And Conclusions Of Law, in addition to Plaintiffs' Rebuttal Brief to that same document. See Scheduling Order 2 (July 24, 2023).*

* For convenience of reading, Plaintiffs have reproduced the headers that Legislative Defendants included within their Annotated Findings Of Fact And Conclusions Of Law. Plaintiffs object to any assertions made within these headers that are inconsistent with Plaintiffs' own Annotated Findings Of Fact And Conclusions Of Law or their Response Brief To Legislative Defendants' Annotated Findings Of Fact And Conclusions Of Law. Finally, Executive Defendants chose not to file Annotated Findings Of Fact And Conclusions Of Law. See Executive Defendants' Notice Of Non-Filing (Sept. 15, 2023).

[LEGISLATIVE DEFENDANTS'] FINDINGS OF FACT

A. [Legislative Defendants Provide The] History of Congressional Redistricting In New Mexico

1. Paragraph 1 references the U.S. Constitution and a federal statute, which speak for themselves. Plaintiffs dispute the statements in Paragraph 1 to the extent they are inconsistent with those sources.

2. Paragraph 2 references state and federal statutes, as well as Legislative Defendants' Exhibit 1, which speak for themselves. Plaintiffs dispute the statements in Paragraph 2 to the extent they are inconsistent with those sources.

3. Paragraph 3 references state law, a judicial opinion, and the Expert Report of Sean P. Trende (hereinafter, the "Trende Report"), which speak for themselves. Plaintiffs dispute the statements in Paragraph 3 to the extent they are inconsistent with those sources.

4. Paragraph 4 references state law, Legislative Defendants' Exhibit 2, and the Trende Report, which speak for themselves. Plaintiffs dispute the statements in Paragraph 4 to the extent they are inconsistent with those sources.

5. Paragraph 5 references Legislative Defendants' Exhibit 3, which speaks for itself. Plaintiffs dispute the statements in Paragraph 5 to the extent they are inconsistent with that source.

6. Paragraph 6 references a judicial opinion, which speaks for itself. Plaintiffs dispute the statements in Paragraph 6 to the extent they are inconsistent with that source.

7. Paragraph 7 references a judicial opinion, which speaks for itself. Plaintiffs dispute the statements in Paragraph 7 to the extent they are inconsistent with that source.

8. Paragraph 8 references Legislative Defendants' Exhibit 3, which speaks for itself. Plaintiffs dispute the statements in Paragraph 8 to the extent they are inconsistent with that source.

9. Paragraph 9 and footnote 1 reference the consolidated cases in *Jepsen v. Vigil-Giron*, Cause No. D-101-CV-2001-02177 (1st Jud. Dist. Ct. 2002), as well as court-ordered findings of fact and conclusions of law, which speak for themselves. Plaintiffs dispute the statements in Paragraph 9 to the extent they are inconsistent with those sources.

10. Paragraph 10 references court-ordered findings of fact and conclusions of law, as well as Legislative Defendants' Exhibit 4 (hereinafter, the "Sanderoff Deposition"), which speak for themselves. Plaintiffs dispute the statements in Paragraph 10 to the extent they are inconsistent with those sources.

11. Paragraph 11 references a judicial opinion and consolidated redistricting litigation, which speak for themselves. Plaintiffs dispute the statements in Paragraph 11 to the extent they are inconsistent with those sources.

12. Paragraph 12 references court-ordered findings of fact and conclusions of law and a judicial opinion, which speak for themselves. Plaintiffs dispute the statements in Paragraph 12 to the extent they are inconsistent with those sources.

13. Paragraph 13 and footnote 2 reference a judicial opinion and court-ordered findings of fact and conclusions of law, which speak for themselves. Plaintiffs dispute the statements in Paragraph 13 to the extent they are inconsistent with those sources.

14. Paragraph 14 references Legislative Defendants' Exhibit 5 (hereinafter, the "Justice Chavez Deposition"), which speaks for itself. Plaintiffs dispute the statements in Paragraph 14 to the extent they are inconsistent with that source.

15. Plaintiffs dispute the statements in Paragraph 15, including because the 1991 redistricting map was in place for a decade. *See* Pls.Ex.9 at 11–13.

B. [Legislative Defendants Provide The] Population Changes in New Mexico

16. Paragraph 16 references Legislative Defendants' Exhibits 6-1 and 6-2, which speak for themselves. Plaintiffs dispute the statements in Paragraph 16 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute that New Mexico's congressional boundaries "remained fixed" for a 30-year period, including for the reasons stated in Paragraph 8 of Plaintiffs' Annotated Findings Of Fact And Conclusions Of Law (Sept. 15, 2023) (hereinafter, "Plaintiffs' AFFCL").

17. Paragraph 17 references federal regulations, standards issued by the Federal Office of Management and Budget, Legislative Defendants' Exhibit 7, and a U.S. Census Bureau webpage, which speak for themselves. Plaintiffs dispute the statements in Paragraph 17 to the extent they are inconsistent with those sources.

18. Paragraph 18 references 2020 Census data, Legislative Defendants' Exhibit 8 (hereinafter, the "Brace Report") and Exhibit 9 (hereinafter, the "Brace

Deposition”), and the Justice Chavez Deposition, which speak for themselves. Plaintiffs dispute the statements in Paragraph 18 to the extent they are inconsistent with those sources.

19. Paragraph 19 references 2020 Census data and the Brace Report, which speak for themselves. Plaintiffs dispute the statements in Paragraph 19 to the extent they are inconsistent with those sources.

20. Paragraph 20 references 2020 Census data and the Brace Report, which speak for themselves. Plaintiffs dispute the statements in Paragraph 20 to the extent they are inconsistent with those sources.

21. Paragraph 21 references the Brace Report, as well as Legislative Defendants’ own Annotated Findings Of Fact And Conclusions Of Law, which speak for themselves. Plaintiffs dispute the statements in Paragraph 21 to the extent they are inconsistent with those sources.

22. Paragraph 22 references 2020 Census data and the Brace Report, which speak for themselves. Plaintiffs dispute the statements in Paragraph 22 to the extent they are inconsistent with those sources.

C. [Legislative Defendants Provide The] Political Changes in New Mexico

23. Plaintiffs dispute Paragraph 23 to the extent it is inconsistent with Paragraphs 8–14 of Plaintiffs’ AFFCL, as well as the Trende Report.

24. Paragraph 24 references Legislative Defendants’ Exhibit 10, Exhibit 11 (hereinafter, the “Sanderoff Report”), and a judicial opinion, which speak for

themselves. Plaintiffs dispute the statements in Paragraph 24 to the extent they are inconsistent with those sources.

25. Paragraph 25 references the Sanderoff Report and Legislative Defendants' Exhibit 10, which speak for themselves. Plaintiffs dispute the statements in Paragraph 25 to the extent they are inconsistent with those sources.

26. Paragraph 26 references the Sanderoff Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 26 to the extent they are inconsistent with that source.

27. Paragraph 27 references the Sanderoff Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 27 to the extent they are inconsistent with that source.

28. Paragraph 28 references the Sanderoff Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 28 to the extent they are inconsistent with that source.

29. Paragraph 29 references the Sanderoff Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 29 to the extent they are inconsistent with that source.

30. Paragraph 30 references the Brace Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 30 to the extent they are inconsistent with that source and to the extent they are inconsistent with Paragraphs 8–14 of Plaintiffs' AFFCL, as well as the Trende Report.

31. Paragraph 31 references the Brace Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 31 to the extent they are inconsistent with that source and to the extent they are inconsistent with Paragraphs 8–14 of Plaintiffs’ AFFCL, as well as the Trende Report.

32. Paragraph 32 references the Trende Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 32 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 32, including for the reasons stated in Paragraphs 8–30 of Plaintiffs’ AFFCL and pages 14–16 of Plaintiffs’ Response Brief To Legislative Defendants’ Annotated Findings Of Fact And Conclusions Of Law (Sept. 20, 2023) (hereinafter, “Plaintiffs’ Response Brief”).

D. [Legislative Defendants Provide The] Past New Mexico Redistricting Procedure And The Redistricting Act of 2021

33. Paragraph 33 references statutes and Legislative Defendants’ Exhibit 13, which speak for themselves. Plaintiffs dispute the statements in Paragraph 33 to the extent they are inconsistent with those sources.

34. Paragraph 34 references Legislative Defendants’ Exhibit 14 and Exhibit 15, which speak for themselves. Plaintiffs dispute the statements in Paragraph 34 to the extent they are inconsistent with those sources.

35. Paragraph 35 references Legislative Defendants’ Exhibit 14, which speaks for itself. Plaintiffs dispute the statements in Paragraph 35 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in

Paragraph 35 to the extent they are inconsistent with Paragraph 13 of Plaintiffs' AFFCL.

36. Paragraph 36 references statutes, which speak for themselves. Plaintiffs dispute the statements in Paragraph 36 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 35 to the extent they are inconsistent with Paragraph 13 of Plaintiffs' AFFCL.

37. Paragraph 37 references statutes and the Justice Chavez Deposition, which speak for themselves. Plaintiffs dispute the statements in Paragraph 37 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 35 to the extent they are inconsistent with Paragraph 13 of Plaintiffs' AFFCL

38. Paragraph 38 references the Justice Chavez Deposition and state law, which speaks for itself. Plaintiffs dispute the statements in Paragraph 38 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 38 to the extent they are inconsistent with Paragraph 13 of Plaintiffs' AFFCL.

39. Paragraph 39 references a provision of the New Mexico Constitution and state law, which speak for themselves. Plaintiffs dispute the statements in Paragraph 39 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 39 to the extent they are inconsistent with Paragraph 13 of Plaintiffs' AFFCL.

40. Paragraph 40 references a statute, which speaks for itself. Plaintiffs dispute the statements in Paragraph 40 to the extent they are inconsistent with that source.

41. Paragraph 41 references a statute, which speaks for itself. Plaintiffs dispute the statements in Paragraph 41 to the extent they are inconsistent with that source.

42. Paragraph 42 references a statute, which speaks for itself. Plaintiffs dispute the statements in Paragraph 42 to the extent they are inconsistent with that source.

43. Paragraph 43 references a statute, which speaks for itself. Plaintiffs dispute the statements in Paragraph 43 to the extent they are inconsistent with that source.

44. Paragraph 44 references a statute and the Justice Chavez Deposition, which speak for themselves. Plaintiffs dispute the statements in Paragraph 44 to the extent they are inconsistent with those sources.

45. Paragraph 45 references a statute, which speaks for itself. Plaintiffs dispute the statements in Paragraph 45 to the extent they are inconsistent with that source.

46. Paragraph 46 references a statute, as well as Legislative Defendants' own Annotated Findings Of Fact And Conclusions Of Law, which speak for themselves. Plaintiffs dispute the statements in Paragraph 46 to the extent they are inconsistent

with those sources. Plaintiffs further dispute the statements in Paragraph 46, including for the reasons stated in Paragraphs 20–30 of Plaintiffs’ AFFCL.

E. [Legislative Defendants Provide] The 2021 Citizen Redistricting Committee

47. Paragraph 47 references the Justice Chavez Deposition, which speaks for itself. Plaintiffs dispute the statements in Paragraph 47 to the extent they are inconsistent with that source.

48. Paragraph 48 references the Justice Chavez Deposition, which speaks for itself. Plaintiffs dispute the statements in Paragraph 48 to the extent they are inconsistent with that source.

49. Paragraph 49 references the Justice Chavez Deposition, which speaks for itself. Plaintiffs dispute the statements in Paragraph 49 to the extent they are inconsistent with that source.

50. Paragraph 50 references Legislative Defendants’ Exhibit 16, which speaks for itself. Plaintiffs dispute the statements in Paragraph 49 to the extent they are inconsistent with that source.

51. Paragraph 51 references various public comments made by New Mexico citizens, which speak for themselves. Plaintiffs dispute the statements in Paragraph 51 to the extent they are inconsistent with those sources.

52. Paragraph 52 references various public comments made by New Mexico citizens as well as the Justice Chavez Deposition, which speak for themselves. Plaintiffs dispute the statements in Paragraph 52 to the extent they are inconsistent with those sources.

53. Paragraph 53 references a New Mexico Citizen Redistricting Committee webpage, Legislative Defendants' Exhibit 17, and the Sanderoff Deposition, which speak for themselves. Plaintiffs dispute the statements in Paragraph 53 to the extent they are inconsistent with those sources.

54. Paragraph 54 references Legislative Defendants' Exhibit 18 (hereinafter, the "CRC Report"), which speaks for itself. Plaintiffs dispute the statements in Paragraph 54 to the extent they are inconsistent with that source.

55. Paragraph 55 references the CRC Report, the Justice Chavez Deposition, and a statute, which speak for themselves. Plaintiffs dispute the statements in Paragraph 55 to the extent they are inconsistent with those sources.

56. Paragraph 56 references a statute, the Justice Chavez Deposition, and the CRC Report, which speak for themselves. Plaintiffs dispute the statements in Paragraph 56 to the extent they are inconsistent with those sources.

57. Paragraph 57 references an Appendix to the CRC Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 57 to the extent they are inconsistent with that source.

58. Paragraph 58 references an Appendix to the CRC Report and the Justice Chavez Deposition, which speak for themselves. Plaintiffs dispute the statements in Paragraph 58 to the extent they are inconsistent with those sources.

59. Paragraph 59 references an Appendix to the CRC Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 59 to the extent they are inconsistent with that source.

F. [Legislative Defendants Provide The] Senate Bill 1: 2021 Congressional Redistricting Legislation Procedural History

60. Paragraph 60 references a provision of the New Mexico Constitution and Legislative Defendants' Exhibit 19, which speak for themselves. Plaintiffs dispute the statements in Paragraph 60 to the extent they are inconsistent with those sources.

61. Plaintiffs admit that the Legislature passed Senate Bill 1 (hereinafter, "SB1"), which the Governor subsequently signed. Further, Plaintiffs dispute the statements in Paragraph 61 to the extent they are inconsistent with Paragraphs 20–30 of Plaintiffs' AFFCL.

62. Paragraph 62 references SB1 and the Justice Chavez Deposition, which speak for themselves. Plaintiffs dispute the statements in Paragraph 62 to the extent they are inconsistent with those sources. Plaintiffs further dispute the statements in Paragraph 62, including for the reasons stated in Paragraphs 20–30 of Plaintiffs' AFFCL.

63. Paragraph 63 references the legislative history of SB1 and Legislative Defendants' Exhibit 20, which speak for themselves. Plaintiffs dispute the statements in Paragraph 63 to the extent they are inconsistent with that legislative history and source.

64. Paragraph 64 references the legislative history of SB1, as well as Legislative Defendants' Exhibit 21 and Exhibit 22, which speak for themselves. Plaintiffs dispute the statements in Paragraph 64 to the extent they are inconsistent with that legislative history and those sources.

65. Paragraph 65 references the legislative history of SB1, which speaks for itself. Plaintiffs dispute the statements in Paragraph 65 to the extent they are inconsistent with that legislative history.

66. Paragraph 66 references the legislative history of SB1 and Legislative Defendants' Exhibit 23, which speak for themselves. Plaintiffs dispute the statements in Paragraph 66 to the extent they are inconsistent with that legislative history and source.

67. Paragraph 67 references the legislative history of SB1 and Legislative Defendants' Exhibit 24, which speak for themselves. Plaintiffs dispute the statements in Paragraph 67 to the extent they are inconsistent with that legislative history and source.

68. Paragraph 68 references the legislative history of SB1 and Legislative Defendants' Exhibit 25, which speak for themselves. Plaintiffs dispute the statements in Paragraph 68 to the extent they are inconsistent with that legislative history and source.

69. Paragraph 69 references SB1 and Legislative Defendants' Exhibit 26, which speak for themselves. Plaintiffs dispute the statements in Paragraph 69 to the extent they are inconsistent with those sources.

G. [Legislative Defendants Provide] The Policy Basis of SB-1

70. Paragraph 70 references the Justice Chavez Deposition and a statement of Senator Joseph Cervantes, which speak for themselves. Plaintiffs dispute the statements in Paragraph 70 to the extent they are inconsistent with those sources.

71. Paragraph 71 references Legislative Defendants' own Annotated Findings Of Fact And Conclusions Of Law, which speak for themselves. Plaintiffs dispute the statements in Paragraph 71 to the extent they are inconsistent with those sources. Plaintiffs further dispute the statements in Paragraph 71, including for the reasons stated in Paragraphs 20–30 of Plaintiffs' AFFCL and pages 10–14 of Plaintiffs' Response Brief.

72. Paragraph 72 and footnote 3 reference the Justice Chavez Deposition, a court-drawn redistricting plan, and Legislative Defendants' own Annotated Findings Of Fact And Conclusions Of Law, which speak for themselves. Plaintiffs dispute the statements in Paragraph 72 to the extent they are inconsistent with those sources. Plaintiffs further dispute the statements in Paragraph 72, including for the reasons stated in Paragraphs 20–30 of Plaintiffs' AFFCL and pages 10–14 of Plaintiffs' Response Brief.

73. Paragraph 73 references a judicial decision, the Sanderoff Deposition, and the Brace Deposition, which speak for themselves. Plaintiffs dispute the statements in Paragraph 73 to the extent they are inconsistent with those sources.

74. Paragraph 74 references statements of Senator Joseph Cervantes and Representative Antonia Maestas, which speak for themselves. Plaintiffs dispute the statements in Paragraph 74 to the extent they are inconsistent with those sources.

75. Paragraph 75 references a statement of Senator Joseph Cervantes, which speaks for itself. Plaintiffs dispute the statements in Paragraph 75 to the extent they are inconsistent with that source.

76. Paragraph 76 references Legislative Defendants' Exhibit 28 and the CRC Report, which speak for themselves. Plaintiffs dispute the statements in Paragraph 76 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 76 to the extent they are inconsistent with the Trende Report.

77. Plaintiffs dispute the statements in Paragraph 77, including for the reasons stated in Paragraphs 20–30 of Plaintiffs' AFFCL and pages 10–14 of Plaintiffs' Response Brief.

78. Paragraph 78 references several statements of individual legislators, which speak for themselves. Plaintiffs dispute the statements in Paragraph 78 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 78, including for the reasons stated in Paragraphs 20–30 of Plaintiffs' AFFCL and pages 10–14 of Plaintiffs' Response Brief.

79. Paragraph 79 references several statements of individual legislators, which speak for themselves. Plaintiffs dispute the statements in Paragraph 79 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 79, including for the reasons stated in Paragraphs 20–30 of Plaintiffs' AFFCL and pages 10–14 of Plaintiffs' Response Brief.

80. Paragraph 80 references several statements of individual legislators, as well as Legislative Defendants' own Annotated Findings Of Fact And Conclusions Of Law and Legislative Defendants' Exhibit 16, which speak for themselves. Plaintiffs dispute the statements in Paragraph 80 to the extent they are inconsistent with those

sources. Further, Plaintiffs dispute the statements in Paragraph 80, including for the reasons stated in Paragraphs 20–30 of Plaintiffs’ AFFCL and pages 10–14 of Plaintiffs’ Response Brief.

81. Paragraph 81 references several statements of individual legislators, the Justice Chavez Deposition, Legislative Defendants’ own Annotated Findings Of Fact And Conclusions Of Law, and Legislative Defendants’ Exhibit 16, which speak for themselves. Plaintiffs dispute the statements in Paragraph 81 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 81, including for the reasons stated in Paragraphs 20–30 of Plaintiffs’ AFFCL and pages 10–14 of Plaintiffs’ Response Brief.

82. Paragraph 82 references several statements of individual legislators and the Justice Chavez Deposition, which speak for themselves. Plaintiffs dispute the statements in Paragraph 82 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 82, including for the reasons stated in Paragraphs 20–30 of Plaintiffs’ AFFCL and pages 10–14 of Plaintiffs’ Response Brief.

83. Paragraph 83 references the Brace Report and Legislative Defendants’ Exhibit 29, which speak for themselves. Plaintiffs dispute the statements in Paragraph 83 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 83, including for the reasons stated in Paragraphs 20–30 of Plaintiffs’ AFFCL and pages 9–10 of Plaintiffs’ Response Brief.

84. Paragraph 84 references Legislative Defendants' Exhibit 30, as well as Legislative Defendants' own Annotated Findings Of Fact And Conclusions Of Law, which speak for themselves. Plaintiffs dispute the statements in Paragraph 84 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 84, including for the reasons stated in Paragraphs 20–30 of Plaintiffs' AFFCL and pages 10–14 of Plaintiffs' Response Brief.

85. Paragraph 85 references the Brace Report, Legislative Defendants' Exhibit 30, and Legislative Defendants' own Annotated Findings Of Fact And Conclusions Of Law, which speak for themselves. Plaintiffs dispute the statements in Paragraph 85 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 85, including for the reasons stated in Paragraphs 20–30 of Plaintiffs' AFFCL and pages 10–14 of Plaintiffs' Response Brief.

86. Paragraph 86 references the Brace Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 86 to the extent they are inconsistent with that source.

87. Paragraph 87 references court-ordered findings of fact and conclusions of law which speak for themselves. Plaintiffs dispute the statements in Paragraph 87 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 87, including for the reasons stated in Paragraphs 20–30 of Plaintiffs' AFFCL and pages 10–14 of Plaintiffs' Response Brief.

88. Plaintiffs dispute the statements in Paragraph 88, including for the reasons stated in Paragraphs 20–30 of Plaintiffs' AFFCL and pages 10–14 of

Plaintiffs' Response Brief. Further, Plaintiffs have not brought a Voting Rights Act claim against SB1 in their Verified Complaint.

H. [Legislative Defendants Provide] The Political Performance Aspects of Senate Bill-1

89. Paragraph 89 references the Sanderoff Report, which speaks for itself. Plaintiffs do not dispute the statements in Paragraph 89 to the extent they are consistent with that source.

90. Paragraph 90 recites voting results and statistics apparently from 2020 New Mexico elections, without any citation or attribution (unlike, for example, the statements in Paragraph 90). Accordingly, Plaintiffs lack the knowledge to admit or deny the statements in Paragraph 90, and so denies them.

91. Paragraph 91 and footnote 4 reference Legislative Defendants' Exhibit 28, which speaks for itself. Plaintiffs dispute the statements in Paragraph 91 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 91, including for the reasons stated in Paragraphs 20–30 of Plaintiffs' AFFCL and page 16 of Plaintiffs' Response Brief.

92. Paragraph 92 references the Sanderoff Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 92 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 92, including for the reasons stated in Paragraphs 20–30 of Plaintiffs' AFFCL and pages 14–16 of Plaintiffs' Response Brief.

93. Paragraph 93 references the Sanderoff Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 93 to the extent they are inconsistent

with that source. Further, Plaintiffs dispute the statements in Paragraph 93, including for the reasons stated in Paragraphs 20–30 of Plaintiffs’ AFFCL and pages 14–16 of Plaintiffs’ Response Brief.

94. Paragraph 94 references the Sanderoff Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 94 to the extent they are inconsistent with that source.

95. Paragraph 95 references the Brace Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 95 to the extent they are inconsistent with that source.

96. Paragraph 96 references Legislative Defendants’ Exhibit 31 (hereinafter, the “Chen Report”), and Exhibit 35 (hereinafter, the “Chen Deposition”), which speak for themselves. Even were this Court to conclude that the Chen Report is admissible expert evidence, Plaintiffs dispute the statements in Paragraph 96 to the extent they are inconsistent with those sources.

97. Paragraph 97 references the Chen Report, which speaks for itself. Even were this Court to conclude that the Chen Report is admissible expert evidence, Plaintiffs dispute the statements in Paragraph 97 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 97, including for the reasons stated in Paragraphs 20–30 and 68–72 of Plaintiffs’ AFFCL, as well as the Trende Report and pages 22–23 of Plaintiffs’ Response Brief.

98. Paragraph 98 references the Chen Report, which speaks for itself. Even were this Court to conclude that the Chen Report is admissible expert evidence,

Plaintiffs dispute the statements in Paragraph 98 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 98, including for the reasons stated in Paragraphs 20–30 and 68–72 of Plaintiffs’ AFFCL, as well as the Trende Report and pages 22–23 of Plaintiffs’ Response Brief.

99. Paragraph 99 references the Chen Report, which speaks for itself. Even were this Court to conclude that the Chen Report is admissible expert evidence, Plaintiffs dispute the statements in Paragraph 99 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 99, including for the reasons stated in Paragraphs 20–30 and 68–72 of Plaintiffs’ AFFCL, as well as the Trende Report and pages 22–23 of Plaintiffs’ Response Brief.

100. Paragraph 100 references the Chen Report, which speaks for itself. Even were this Court to conclude that the Chen Report is admissible expert evidence, Plaintiffs dispute the statements in Paragraph 100 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 100, including for the reasons stated in Paragraphs 20–30 and 68–72 of Plaintiffs’ AFFCL, as well as the Trende Report and pages 22–23 of Plaintiffs’ Response Brief.

101. Paragraph 101 references the Chen Report, which speaks for itself. Even were this Court to conclude that the Chen Report is admissible expert evidence, Plaintiffs dispute the statements in Paragraph 101 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 101, including for the reasons stated in Paragraphs 20–30 and 68–72 of Plaintiffs’ AFFCL, as well as the Trende Report and pages 22–23 of Plaintiffs’ Response Brief.

102. Plaintiffs dispute the statements in Paragraph 102, including for the reasons stated in Paragraphs 20–30 of Plaintiffs’ AFFCL, as well as the Trende Report and pages 8–14 of Plaintiffs’ Response Brief.

I. [Legislative Defendants Describe] The 2022 Congressional Election In New Mexico

103. Paragraph 103 references a statute, which speaks for itself. Plaintiffs dispute the statements in Paragraph 103 to the extent they are inconsistent with that source.

104. Paragraph 104 references the results of the 2022 elections in New Mexico and the Sanderoff Report, which speak for themselves. Plaintiffs dispute the statements in Paragraph 104 to the extent they are inconsistent with those sources.

105. Paragraph 105 references the results of the 2022 elections in New Mexico and the Sanderoff Report, which speak for themselves. Plaintiffs dispute the statements in Paragraph 105 to the extent they are inconsistent with those sources.

106. Paragraph 106 references the results of the 2022 elections in New Mexico and the Sanderoff Report, which speak for themselves. Plaintiffs dispute the statements in Paragraph 106 to the extent they are inconsistent with those sources.

107. Paragraph 107 references the results of the 2022 elections in New Mexico and the Sanderoff Report, which speak for themselves. Plaintiffs dispute the statements in Paragraph 107 to the extent they are inconsistent with those sources.

108. Paragraph 108 references the Sanderoff Report, which speaks for itself. Plaintiffs do not dispute the statements in Paragraph 108 to the extent they are consistent with that source.

109. Plaintiffs dispute the statements in Paragraph 109, including for the reasons stated in Paragraphs 66–67 of Plaintiffs’ AFFCL.

110. Paragraph 110 references the results of the 2022 elections in New Mexico and the Brace Report, which speak for themselves. Plaintiffs dispute the statements in Paragraph 110 to the extent they are inconsistent with those sources.

111. Paragraph 111 references the results of the 2022 elections in New Mexico, as well as a New Mexico Secretary of State webpage, which speak for themselves. Plaintiffs dispute the statements in Paragraph 111 to the extent they are inconsistent with those sources.

112. Paragraph 112 references the Sanderoff Report, the Brace Deposition, and Legislative Defendants’ Exhibit 32 (hereinafter, the “Trende Deposition”), which speak for themselves. Plaintiffs dispute the statements in Paragraph 112 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 112, including for the reasons stated in Paragraphs 20–30 of Plaintiffs’ AFFCL and pages 14–16 of Plaintiffs’ Response Brief.

J. [Legislative Defendants Describe] The 2022 Redistricting Lawsuit

113. Paragraph 113 references the Justice Chavez Deposition, which speaks for itself. Plaintiffs dispute the statements in Paragraph 113 to the extent they are inconsistent with that source.

114. Paragraph 114 references judicial opinions, which speak for themselves. Plaintiffs dispute the statements in Paragraph 114 to the extent they are inconsistent with those sources.

115. Paragraph 115 references the New Mexico Supreme Court's Amended Order dated August 25, 2023 in this case (the "Amended Order"), which speaks for itself. Plaintiffs dispute the statements in Paragraph 115 to the extent they are inconsistent with that source.

116. Paragraph 116 references the Amended Order and Justice Kagan's dissenting opinion in *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019), which speak for themselves. Plaintiffs dispute the statements in Paragraph 116 to the extent they are inconsistent with those sources.

117. Paragraph 117 references Justice Kagan's dissenting opinion in *Rucho*, 139 S. Ct. 2484, which speaks for itself. Plaintiffs dispute the statements in Paragraph 117 to the extent they are inconsistent with that source.

118. Paragraph 118 references the Amended Order, which speaks for itself. Plaintiffs dispute the statements in Paragraph 118 to the extent they are inconsistent with that source.

119. Paragraph 119 references the Amended Order, which speaks for itself. Plaintiffs dispute the statements in Paragraph 119 to the extent they are inconsistent with that source.

120. Paragraph 120 references the Amended Order and a judicial opinion, which speak for themselves. Plaintiffs dispute the statements in Paragraph 120 to the extent they are inconsistent with those sources.

K. [Legislative Defendants Describe] The 2022 Redistricting Litigation Plaintiffs

121. Plaintiffs admit the statements in Paragraph 121 to the extent they are consistent with Plaintiffs' Verified Complaint.

122. Plaintiffs admit the statements in Paragraph 122 to the extent they are consistent with Plaintiffs' Verified Complaint.

123. Plaintiffs admit the statements in Paragraph 123 to the extent they are consistent with Plaintiffs' Verified Complaint. Paragraph 123 also references Legislative Defendants' Exhibit 33, which speaks for itself. Plaintiffs dispute the statements in Paragraph 123 to the extent they are inconsistent with that source.

124. Plaintiffs admit the statements in Paragraph 124 to the extent they are consistent with Plaintiffs' Verified Complaint. Paragraph 124 also references Legislative Defendants' Exhibit 28, which speaks for itself. Plaintiffs dispute the statements in Paragraph 124 to the extent they are inconsistent with that source.

125. Plaintiffs admit the statements in Paragraph 125 to the extent they are consistent with Plaintiffs' Verified Complaint. Paragraph 125 also references Legislative Defendants' Exhibit 33, which speaks for itself. Plaintiffs dispute the statements in Paragraph 125 to the extent they are inconsistent with that source.

126. Plaintiffs admit the statements in Paragraph 126 to the extent they are consistent with Plaintiffs' Verified Complaint. Paragraph 126 also references Legislative Defendants' Exhibit 28, which speaks for itself. Plaintiffs dispute the statements in Paragraph 126 to the extent they are inconsistent with that source.

127. Plaintiffs admit the statements in Paragraph 127 to the extent they are consistent with Plaintiffs' Verified Complaint.

128. Plaintiffs admit the statements in Paragraph 128 to the extent they are consistent with Plaintiffs' Verified Complaint.

129. Plaintiffs admit the statements in Paragraph 129 to the extent they are consistent with Plaintiffs' Verified Complaint.

130. Paragraph 130 references Legislative Defendants' own Findings Of Fact And Conclusions Of Law, which speak for themselves. Plaintiffs dispute the statements in Paragraph 130 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 130, including for the reasons stated in Paragraphs 20–30 and 47–72 of Plaintiffs' AFFCL and pages 14–15 and 18–23 of Plaintiffs' Response Brief.

131. Plaintiffs admit the statements in Paragraph 131 to the extent they are consistent with Plaintiffs' Verified Complaint.

132. Paragraph 132 references a judicial opinion, which speaks for itself. Plaintiffs dispute the statements in Paragraph 132 to the extent they are inconsistent with that source.

133. Paragraph 133 references Legislative Defendants' own Findings Of Fact And Conclusions Of Law, which speak for themselves. Plaintiffs dispute the statements in Paragraph 133 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 133, including for the

reasons stated in Paragraphs 20–30 of Plaintiffs’ AFFCL and pages 18–23 of Plaintiffs’ Response Brief.

134. Paragraph 134 references Legislative Defendants’ Exhibit 10 and Exhibit 34, which speak for themselves. Plaintiffs dispute the statements in Paragraph 134 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 134, including for the reasons stated in Paragraphs 20–30 and 47–72 of Plaintiffs’ AFFCL and pages 18–23 of Plaintiffs’ Response Brief.

[LEGISLATIVE DEFENDANTS’] CONCLUSIONS OF LAW

I. [Legislative Defendants’] Conclusions Of Law

Regarding Legislative Defendants’ unnumbered paragraph beginning with “Having made the foregoing Findings of Fact,” Plaintiffs incorporate all of the responses stated above and below as if restated herein.

A. [Legislative Defendants Assert That] The Congressional District Map As Adopted By Senate Bill-1 Meets All Constitutional Requirements

1. Paragraph 1 references a provision of the New Mexico Constitution, which speaks for itself. Plaintiffs dispute the statements in Paragraph 1 to the extent they are inconsistent with that source.

2. Paragraph 2 references judicial decisions, as well as SB1. Plaintiffs dispute the statements in Paragraph 2 to the extent they are inconsistent with those sources.

3. Paragraph 3 references a judicial decision. Plaintiffs dispute the statements in Paragraph 3 to the extent they are inconsistent with that source.

4. Paragraph 4 references a provision of the U.S. Constitution, as well as a judicial decision. Plaintiffs dispute the statements in Paragraph 4 to the extent they are inconsistent with those sources.

5. Paragraph 5 references SB1, which speaks for itself. Plaintiffs dispute the statements Paragraph 5 to the extent they are inconsistent with that source.

B. [Legislative Defendants Assert That] The Congressional District Map As Adopted By Senate Bill-1 Meets All Statutory Requirements

6. Paragraph 6 references a statute, which speaks for itself. Plaintiffs dispute the statements in Paragraph 6 to the extent they are inconsistent with that source.

7. Paragraph 7 references a statute, which speaks for itself. Plaintiffs dispute the statements in Paragraph 7 to the extent they are inconsistent with that source. Further, Plaintiffs dispute Paragraph 7 to the extent it is inconsistent with Paragraph 13 of Plaintiffs' AFFCL.

8. Paragraph 8 references Legislative Defendants' Exhibit 15, as well as a judicial decision, which speak for themselves. Plaintiffs dispute the statements in Paragraph 8 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute Paragraph 8 to the extent it is inconsistent with Paragraph 13 of Plaintiffs' AFFCL.

9. Paragraph 9 references a statute, as well as Legislative Defendants' Exhibit 15, which speak for themselves. Plaintiffs dispute the statements in Paragraph 9 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute Paragraph 9 to the extent it is inconsistent with Paragraph 13 of Plaintiffs' AFFCL.

C. [Legislative Defendants Assert That] The Congressional District Map As Adopted By Senate Bill-1 Is Not An Egregious Partisan Gerrymander

10. Paragraph 10 references a provision of the New Mexico Constitution and the Amended Order, which speak for themselves. Plaintiffs dispute the statements in Paragraph 10 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute Paragraph 10 to the extent it is inconsistent with Paragraphs 31–32 of Plaintiffs’ AFFCL.

11. Paragraph 11 references the Amended Order, which speaks for itself. Plaintiffs dispute the statements in Paragraph 11 to the extent they are inconsistent with that source. Plaintiffs further dispute the statements in Paragraph 11 to the extent they are inconsistent with pages 3–23 of Plaintiffs’ Response Brief.

12. Paragraph 12 implicitly references Plaintiffs’ Verified Complaint. Plaintiffs admit the statements in Paragraph 12 to the extent they are consistent with the Verified Complaint. Further, Plaintiffs dispute Paragraph 12 to the extent it is inconsistent with Paragraphs 31–32 of Plaintiffs’ AFFCL.

1. [Legislative Defendants Assert That] The Predominant Purpose Behind Drawing CD-2’s District Lines Was Not To Entrench The Democratic Party

13. Paragraph 13 references Justice Kagan’s dissenting opinion in *Rucho*, 139 S. Ct. 2484, which speaks for itself. Plaintiffs dispute the statements in Paragraph 13 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 13 to the extent they are inconsistent with Paragraphs 33–35 of Plaintiffs’ AFFCL, as well as pages 3–16 of Plaintiffs’ Response Brief.

14. Paragraph 14 references a judicial decision, which speaks for itself. Plaintiffs dispute the statements in Paragraph 14 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 14 to the extent they are inconsistent with Paragraphs 33–35 of Plaintiffs’ AFFCL, as well as pages 3–16 of Plaintiffs’ Response Brief.

15. Paragraph 15 references judicial decisions, which speak for themselves. Plaintiffs dispute the statements in Paragraph 15 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 15 to the extent they are inconsistent with Paragraphs 33–35 of Plaintiffs’ AFFCL, as well as pages 5–9 of Plaintiffs’ Response Brief.

16. Paragraph 16 references a judicial decision, which speaks for itself. Plaintiffs dispute the statements in Paragraph 16 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 16 to the extent they are inconsistent with Paragraphs 33–35 of Plaintiffs’ AFFCL, as well as pages 3–16 of Plaintiffs’ Response Brief.

17. Paragraph 17 references judicial decisions, which speak for themselves. Plaintiffs dispute the statements in Paragraph 17 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute the statements in Paragraph 17 to the extent they are inconsistent with Paragraphs 33–37 of Plaintiffs’ AFFCL, as well as pages 5–9 of Plaintiffs’ Response Brief.

18. Paragraph 18 references judicial decisions, which speak for themselves. Plaintiffs dispute the statements in Paragraph 18 to the extent they are inconsistent

with those sources. Further, Plaintiffs dispute the statements in Paragraph 18 to the extent they are inconsistent with Paragraphs 33–37 of Plaintiffs’ AFFCL, as well as pages 5–9 of Plaintiffs’ Response Brief.

19. Paragraph 19 references a judicial decision, which speaks for itself. Plaintiffs dispute the statements in Paragraph 19 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 19 to the extent they are inconsistent with Paragraphs 33–37 of Plaintiffs’ AFFCL, as well as pages 5–9 of Plaintiffs’ Response Brief.

20. Plaintiffs dispute the statements in Paragraph 20, including for the reasons stated in Paragraphs 44–45 of Plaintiffs’ AFFCL, as well as pages 5–9 of Plaintiffs’ Response Brief.

21. Paragraph 21 references a judicial decision, which speaks for itself. Plaintiffs dispute the statements in Paragraph 21 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 21, including for the reasons stated in Paragraphs 37–46 of Plaintiffs’ AFFCL, as well as pages 3–16 of Plaintiffs’ Response Brief.

22. Plaintiffs dispute the statements in Paragraph 22, including for the reasons stated in Paragraphs 4, 23, 40, and 53–57 of Plaintiffs’ AFFCL, as well as pages 14–16 of Plaintiffs’ Response Brief.

23. Paragraph 23 references a judicial decision and the Justice Chavez Deposition, which speak for themselves. Plaintiffs dispute the statements in Paragraph 23 to the extent they are inconsistent with those sources. Further,

Plaintiffs dispute the statements in Paragraph 23 to the extent they are inconsistent with pages 14–16 of Plaintiffs’ Response Brief.

24. Paragraph 24 references Justice Kagan’s dissenting opinion in *Rucho*, 139 S. Ct. 2484, which speaks for itself. Plaintiffs dispute the statements in Paragraph 24 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 23 to the extent they are inconsistent with pages 14–16 of Plaintiffs’ Response Brief.

25. Paragraph 25 references a judicial decision, which speaks for itself. Plaintiffs dispute the statements in Paragraph 25 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 23 to the extent they are inconsistent with pages 3–16 of Plaintiffs’ Response Brief.

26. Plaintiffs dispute the statements in Paragraph 26, including for the reasons stated in Paragraphs 37–46 of Plaintiffs’ AFFCL, as well as pages 3–16 of Plaintiffs’ Response Brief.

2. [Legislative Defendants Assert That] CD-2’s District Lines Do Not Substantially Dilute Plaintiffs’ Votes

27. Paragraph 27 references Justice Kagan’s dissenting opinion in *Rucho*, 139 S. Ct. 2484, which speaks for itself. Plaintiffs dispute the statements in Paragraph 27 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 27 to the extent they are inconsistent with pages 17–23 of Plaintiffs’ Response Brief.

28. Paragraph 28 references a judicial decision, which speaks for itself. Plaintiffs dispute the statements in Paragraph 28 to the extent they are inconsistent

with that source. Further, Plaintiffs dispute the statements in Paragraph 28 to the extent they are inconsistent with pages 17–23 of Plaintiffs’ Response Brief.

29. Paragraph 29 references a judicial decision, which speaks for itself. Plaintiffs dispute the statements in Paragraph 29 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 30 to the extent they are inconsistent with pages 17–23 of Plaintiffs’ Response Brief, and in particular pages 21–22.

30. Paragraph 30 references a judicial decision, which speaks for itself. Plaintiffs dispute the statements in Paragraph 30 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 30 to the extent they are inconsistent with pages 18–19 of Plaintiffs’ Response Brief.

31. Paragraph 31 references the results of the 2022 elections in New Mexico. Plaintiffs do not dispute Paragraph 31 to the extent it is consistent with official sources documenting those results. Plaintiffs dispute all other statements in Paragraph 31, including for the reasons stated in Paragraphs 47–72 of Plaintiffs’ AFFCL. Further, Plaintiffs dispute the statements in Paragraph 30 to the extent they are inconsistent with pages 18–20 of Plaintiffs’ Response Brief.

32. Paragraph 32 references the Sanderoff Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 32 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 30 to the extent they are inconsistent with pages 19–20 of Plaintiffs’ Response Brief.

33. Paragraph 33 references the Sanderoff Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 33 to the extent they are inconsistent with that source. Further, Plaintiffs dispute all other statements in Paragraph 33, including for the reasons stated in Paragraphs 47–72 of Plaintiffs’ AFFCL, as well as in pages 19–20 of Plaintiffs’ Response Brief.

34. Paragraph 34 references the Brace Report and the Brace Deposition, which speak for themselves. Plaintiffs dispute the statements in Paragraph 34 to the extent they are inconsistent with those sources. Further, Plaintiffs dispute all other statements in Paragraph 34, including for the reasons stated in Paragraphs 47–72 of Plaintiffs’ AFFCL, as well as in pages 20–21 of Plaintiffs’ Response Brief.

35. Plaintiffs dispute the statements in Paragraph 35, including for the reasons stated in Paragraphs 47–72 of Plaintiffs’ AFFCL, as well as in pages 17–23 of Plaintiffs’ Response Brief, and in particular pages 21–22.

36. Paragraph 36 references Legislative Defendants’ own Annotated Findings Of Fact And Conclusions Of Law, which speak for themselves. Plaintiffs dispute the statements in Paragraph 36 to the extent they are inconsistent with that source. Further, Plaintiffs dispute all other statements in Paragraph 36, including for the reasons stated in Paragraphs 47–72 of Plaintiffs’ AFFCL, as well as in pages 18–20 of Plaintiffs’ Response Brief.

37. Plaintiffs reference a judicial decision, which speaks for itself. Plaintiffs dispute the statements in Paragraph 37 to the extent they are inconsistent with that source. Further, Plaintiffs dispute all other statements in Paragraph 37, including

for the reasons stated in Paragraphs 47–72 of Plaintiffs AFFCL, as well as in pages 17–23 of Plaintiffs’ Response Brief—and in particular pages 21–22.

38. Paragraph 38 references the Chen Report, which speaks for itself. Even were this Court to conclude that the Chen Report is admissible expert evidence, Plaintiffs dispute the statements in Paragraph 38 to the extent they are inconsistent with that source. Further, Plaintiffs dispute all other statements in Paragraph 38, including for the reasons provided in Paragraphs 60–72 of Plaintiffs’ AFFCL. Finally, Plaintiffs dispute all statements in Paragraph 38 to the extent that they are inconsistent with pages 22–23 of Plaintiffs’ Response Brief.

39. Plaintiffs dispute the statements in Paragraph 39, including for the reasons stated in Paragraphs 47–72 of Plaintiffs’ AFFCL, as well as in pages 17–23 of Plaintiffs’ Response Brief.

3. [Legislative Defendants Assert That] There Are Legitimate, Non-Partisan Reasons Behind CD-2’s District Lines

40. Paragraph 40 cites Justice Kagan’s dissenting opinion in *Rucho*, 139 S. Ct. 2484, which speaks for itself. Plaintiffs dispute the statements in Paragraph 40 to the extent they are inconsistent with that source.

41. Paragraph 41 references a judicial decision, which speaks for itself. Plaintiffs dispute the statements in Paragraph 41 to the extent they are inconsistent with that source.

42. Plaintiffs dispute the statements in Paragraph 42, including for the reasons stated in Paragraphs 20–30 and 73–75 of Plaintiffs’ AFFCL and pages 10–14 and 26–27.

43. Paragraph 43 references a judicial decision, which speaks for itself. Plaintiffs dispute the statements in Paragraph 43 to the extent they are inconsistent with that source.

44. Paragraph 44 references the Justice Chavez Deposition, which speaks for itself. Plaintiffs dispute the statements in Paragraph 44 to the extent they are inconsistent with that source.

45. Paragraph 45 references various public comments made by New Mexico citizens. Plaintiffs dispute the statements in Paragraph 45 to the extent they are inconsistent with those public comments. Further, Paragraph 45 states, without citation or reference to any source, that testimony from New Mexico citizens supported various policies underlying SB1, including the purported policy of splitting the oil and gas industry across multiple districts. Although Plaintiffs do not dispute that members of the public submitted comments supporting some of the policies that Legislative Defendants list, Plaintiffs do dispute that any member of the public supported the splitting of the oil industry across multiple districts, including because Legislative Defendants failed to identify any such public comment, even as they identified general statements from legislators referencing this consideration. Further, Plaintiffs dispute that oil considerations have any basis in New Mexico's "declared districting criteria." *Rucho*, 139 S. Ct. at 2518 (Kagan, J., dissenting). Finally, Plaintiffs dispute the statements in Paragraph 45, including for the reasons stated in Paragraphs 45 and 70–71 in Plaintiffs' AFFCL and pages 12–13, 23, and 26–27 in Plaintiffs' Response Brief.

46. Paragraph 46 references the CRC Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 46 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 46, including for the reasons stated in Paragraphs 4 and 20–30 of Plaintiffs’ AFFCL and pages 10–16 and 29 in Plaintiffs’ Response Brief.

47. Paragraph 47 references court-ordered findings of fact and conclusions of law, which speak for themselves. Plaintiffs dispute the statements in Paragraph 47 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 47, including for the reasons stated in Paragraphs 20–30, 37–46, and 73–75 of Plaintiffs’ AFFCL and pages 10–14 and 26–27 in Plaintiffs’ Response Brief.

48. Plaintiffs dispute the statements in Paragraph 48, including for the reasons stated in Paragraphs 20–30, 37–46, and 73–75 of Plaintiffs’ AFFCL and pages 10–14 and 26–27 in Plaintiffs’ Response Brief. Further, Plaintiffs have not brought a Voting Rights Act claim against SB1 in their Verified Complaint.

49. Paragraph 49 references the Chen Report, which speaks for itself. Even were this Court to conclude that the Chen Report is admissible expert evidence, Plaintiffs dispute the statements in Paragraph 49 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 49, including for the reasons stated in Paragraphs 60–72 of Plaintiffs’ AFFCL and pages 22–23 and 30 of Plaintiffs’ Response Brief.

50. Paragraph 50 references the Brace Report, which speaks for itself. Plaintiffs dispute the statements in Paragraph 50 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 50, including for the reasons stated in Paragraphs 47–64 of Plaintiffs’ AFFCL and pages 20–21 and 30 of Plaintiffs’ Response Brief.

51. Paragraph 51 references a judicial opinion, which speaks for itself. Plaintiffs dispute the statements in Paragraph 51 to the extent they are inconsistent with that source. Further, Plaintiffs dispute the statements in Paragraph 51, including for the reasons stated in Paragraphs 20–30, 37–46, and 73–75 of Plaintiffs’ AFFCL and pages 24–30 of Plaintiffs’ Response Brief.

52. Plaintiffs dispute the statements in Paragraph 52, including for the reasons stated in Paragraphs 37–72 of Plaintiffs’ AFFCL and pages 4–16, 18–23, and 25–30 of Plaintiffs’ Response Brief.

53. Plaintiffs dispute the statements in Paragraph 53, including for the reasons stated in Paragraphs 37–46 and 73–75 of Plaintiffs’ AFFCL and pages 24–25 of Plaintiffs’ Response Brief.

Finally, regarding Legislative Defendants’ final assertion in its unnumbered **“WHEREFORE”** Paragraph, this is a legal assertion regarding Legislative Defendants’ claimed relief. Plaintiffs’ object to that assertion for all of the reasons stated in Plaintiffs’ Annotated Findings Of Fact And Conclusions Of Law, as well as in their Response Brief.

Dated: September 20, 2023

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing will be served on all counsel via the e-filing system.

Dated: September 20, 2023

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