

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

MATTHEW CONE, ALBERT SANCHEZ,
JUSTIN KNOX, and GLORIA BACA,
Appellants,

vs.

No: D-202-CV-2019-03654

BERNALILLO COUNTY BOARD OF
COUNTY COMMISSIONERS,
Appellee,

and

VALENTINE P. SAIS, RON A. PEREA,
and RIO GRANDE HUERTA, LLC,
Interested Parties.

**RIO GRANDE HUERTA'S MOTION FOR LEAVE TO FILE
RESPONSE TO APPELLANTS' MOTION FOR REHEARING**


Rio Grande Huerta, LLC ("RGH"), by and through its counsel of record, Hunt and Davis, P.C., states as follows for its Motion for Leave to File Response to Appellant's Motion for Rehearing:

On November 18, 2019, this Court issued its Memorandum Opinion and Order both affirming the decision of the Board of County Commissioners of Bernalillo County (the "Board") and granting Appellants Motion to Supplement the Record. On November 22, 2019, Appellants filed their Motion for Rehearing Pursuant to [NMRA] 1-074(U). Under Rule 1-074(U), a motion for rehearing "shall state briefly and with particularity, but without argument, the points of law or fact that in the opinion of the movant the court has overlooked or misapprehended." Reviewing Appellants' Motion, it does not appear to be a brief restatement of alleged misapprehensions of this Court but, instead, appears to be a piling-on of

arguments regarding Appellants' Open Meetings Act claims in an attempt to bolster those arguments. *See generally* Motion. Regarding those arguments, a New Mexico court may rightly disregard arguments raised for the first time in a motion for reconsideration. *See Nance v. L.J. Dolloff Associates, Inc.*, 2006-NMCA-012, ¶¶ 25-27, 138 N.M. 851, 126 P.3d 1215. Furthermore, RGH believes Appellants' Motion is logically flawed in that it asks the Court to reopen briefing regarding documents the Court has already determined were properly disregarded by the Board. *See generally* Motion and compare 11/18/2019 Memorandum Opinion pp. 3, 5-6. However, under Rule 1-074(U), RGH cannot file a response challenging Appellants' Motion unless requested by the Court. So, through the present filing, RGH respectfully asks that the Court request a response brief from RGH regarding Appellants' Motion if the Court determines that such additional briefing would assist the Court in its decision.

Accordingly, RGH stands ready should the Court determine that additional briefing on the issues raised by Appellants Motion is merited and respectfully requests that the Court provide it an opportunity to address the arguments raised in Appellants' Motion.

HUNT & DAVIS, P.C.



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I hereby certify that on December 3, 2019, I caused a true and correct copy of the foregoing pleading to be served electronically via this Court's Odyssey File and Serve system upon opposing counsel and further served opposing counsel by email.



Blake Whitcomb