

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

THE ASSOCIATION OF COMMERCE AND INDUSTRY,
NAIOP, AND THE NEW MEXICO RESTAURANT
ASSOCIATION;

Plaintiffs,

v.

THE CITY OF ALBUQUERQUE; THE CITY COUNCIL
OF THE CITY OF ALBUQUERQUE, NEW MEXICO; KEN
SANCHEZ, ISAAC BENTON, KLARISSA PEÑA, BRAD
WINTER, DAN LEWIS, PAT DAVIS, DIANE GIBSON,
TRUDY JONES, AND DON HARRIS, in their capacities as
Albuquerque City Councilors;

Case No. D-202-CV-2017-
02314

Defendants, and

ORGANIZERS IN THE LAND OF ENCHANTMENT AND
EL CENTRO DE IGUALDAD Y DERECHOS, New Mexico
membership-based organizations representing low-income
workers, OLÉ EDUCATION FUND AND REBECCA
GLENN, proponents of the Albuquerque Minimum Wage
Ordinance,

Intervenor-Defendants.

MOTION TO INTERVENE

Proposed Intervenor Organizers in the Land of Enchantment (“OLÉ”), OLÉ Education Fund, El Centro de Igualdad y Derechos (“El CENTRO”), and Rebecca Glenn (“Intervenors”) seek to intervene in this case under Rule 1-024 because their rights are at stake. Intervenor are supporters of the Albuquerque Minimum Wage Ordinance (“MWO”), which was amended in 2012 by ballot initiative to increase its protections. The relief Plaintiffs seek in this case would overturn the MWO, and would also prevent Albuquerque voters from ever proposing or voting

on municipal ballot initiatives ever again. To protect their rights, Intervenors seek to defend the MWO in this case. As grounds for this Motion, Intervenors state as follows:

STATEMENT OF FACTS

1. OLÉ is a domestic nonprofit corporation registered with the New Mexico Secretary of State, with a main office in Albuquerque, New Mexico. Ex. A (Henderson Aff.) ¶ 2. OLÉ is a membership organization that represents and organizes low-wage workers in their struggle to win respect, living wages, benefits, and enforcement of worker protections against wage theft. *Id.* Most of OLÉ's 4,500 members in Albuquerque are employed in low-wage jobs that pay less than \$10.00 per hour. *Id.* ¶ 4. Approximately one-quarter to one-half of OLÉ members are minimum wage earners in Albuquerque, and would therefore be directly affected by a drop in the minimum wage if the Albuquerque minimum wage ordinance no longer existed. *Id.* This wage cut would sink their families deeper into poverty. *Id.* OLÉ was principally responsible for the successful campaign in 2012 to pass the ballot initiative that amended the Albuquerque Minimum Wage Ordinance ("MWO") and increased Albuquerque's minimum wage. *Id.* ¶ 3. OLÉ gathered signatures to certify the measure amending the MWO for the ballot and shepherded it through the procedures for direct legislation by voter initiative that are outlined in the Albuquerque City Charter at Art. III, Sec. 3(a)(1) to (5). *Id.* OLÉ gathered roughly two-thirds of the signatures for the petition, approximately 16,000 of the 24,000 collected in total between June 12 and August 11, 2012. *Id.* In addition to paid staff, about 75 members volunteered to collect signatures for the petition. *Id.* The campaign consumed at least half of OLÉ's staff's time in 2012. *Id.*

2. The OLÉ Education Fund is a nonprofit corporation registered with the New Mexico Secretary of State, with a main office in Albuquerque, NM. *Id.* ¶ 5. The OLÉ Education Fund supports campaigns to enrich and empower working New Mexicans and helps organizations such

as Organizers in the Land of Enchantment (“OLÉ”) with trainings on grassroots organizing, as well as campaign strategy and analysis. *Id.* The OLÉ Education Fund expended approximately \$253,018 in its 2012 campaign to amend the MWO to extend crucial workplace protections to Albuquerque’s minimum wage workers. *Id.* The OLÉ Education Fund also fundraised for and made in-kind contributions to the measure finance committee, and handled reporting on measure finance committee expenditures, as required by the City Charter Election Code, Art. XIII. *Id.* OLÉ Education Fund was a party to two lawsuits, *OLÉ v. Bailey*, No. CV 2012-08182 (2nd Jud. Dist. Sept. 11, 2012) and *OLÉ v. Nash*, No. 33,805 (N.M. Sup. Ct. Sept. 12, 2012) to ensure that the 2012 MWO initiative appeared on the ballot. *Id.*

3. El CENTRO is a membership-based immigrants’ rights and worker justice organization with a main office in Albuquerque, New Mexico, and is registered with the New Mexico Secretary of State as a domestic nonprofit corporation. EL CENTRO seeks to intervene in this case to prevent the devastating consequences to its members of a reduction in the Albuquerque Minimum Wage. Ex. B (LaZar Aff.) ¶ 1. El CENTRO supported the campaign to pass the 2012 ballot initiative that amended the Albuquerque Minimum Wage Ordinance (“MWO”). *Id.* ¶ 2. El CENTRO represents over 4,000 members in Albuquerque, the majority of whom are low-wage immigrant workers, and many of whom work in low-wage sectors like service and hospitality. *Id.* El CENTRO offers members assistance with resolving wage theft claims. *Id.* ¶ 3. In many of these cases, El CENTRO encounters workers whose employers pay them less than the Albuquerque minimum wage. *Id.* For example, one of El CENTRO’s members, Alvaro, was employed as a janitor in Albuquerque from April 2014 to September 2015, working eight hours a day, seven days a week for a flat rate of \$60.00 per day, or \$7.50 per hour. *Id.* If the Albuquerque Minimum Wage were to be overturned, Alvaro and others members like him will lose his right to

claim the wages he is owed for work performed. *Id.* Another member, Guadalupe, has supported her family on her income from a fast food restaurant for over 12 years. *Id.* ¶ 4. She currently earns \$8.65 and cannot remember the last time she got a raise. *Id.* Her husband suffers from and chronic illness that only allows him to work sporadically, and she has an eight year-old daughter who is autistic. *Id.* Her monthly fixed expenses include \$300.00 for her daughter's care, \$500.00 for rent, \$50.00 for gas and electricity, and \$100.00 for auto insurance, among other fixed expenses, leaving little left for food, clothes, and other purchases. *Id.* She would sink deeper into poverty if the MWO were overturned. *Id.*

4. Rebecca Glenn is a resident of Albuquerque, New Mexico and a registered voter. Ex. C (Glenn Aff.) ¶ 1. She signed the petition to place the measure amending the MWO on the 2012 ballot and engaged in door-knocking and other community education projects to inform voters about the protections of the MWO. *Id.* ¶ 3.

5. The City Legal Department has also refused to tell Intervenors whether it intends to defend the Healthy Workforce Ordinance. On Friday, April 17, 2017 Intervenors' counsel emailed counsel for the City of Albuquerque, requesting an opportunity to discuss Albuquerque's positions on the merits of Plaintiffs' claims. Ex. D (Correspondence, E. Wagoner and C. Tebo, Apr. 17, 2017 to Apr. 24, 2017). Albuquerque scheduled a teleconference with Intervenors for Wednesday, April 12, 2017, which it subsequently cancelled. Intervenors followed up to reschedule the teleconference on Monday, April 24, 2017. Albuquerque did not respond.

ARGUMENT

Intervenors have a right to intervene in this case because the Declaratory Judgment Act confers that right on Intervenors and because Intervenors meet the standard for intervention as of

right under NMRA 1-024(A). Intervention as of right is proper if a “statute confers an unconditional right to intervene,” NMRA 1-024(A)(1), or if: (1) an intervenor “claims an interest relating to the property or transaction which is the subject of the action, (2) “is so situated that the disposition of the action may as a practical matter impair or impede its ability to protect that interest,” and (3) the “interest is not adequately represented by the existing parties to the litigation.” *Nellis v. Mid-Century Ins. Co.*, 2007-NMCA-90, ¶ 8, 142 N.M. 115, 118; NMRA 1-024(A)(2). Intervention as of right further requires that the motion to intervene be timely and be “accompanied by a pleading setting forth the claim or defense for which intervention is sought.” NMRA 1-024(C). The last two requirements have plainly been met. This Motion is timely: it has been filed before any responsive pleading to Plaintiffs’ complaint is due. It is also accompanied by a Motion to Dismiss under Rule 1-012. Intervenors can also satisfy all the remaining requirements for intervention of right.

A. Intervenors have a right to intervene under the Declaratory Judgment Act.

Intervenors here have an “an unconditional right to intervene” under the Declaratory Judgment Act, as set forth in NMRA 1-024(A)(1). The Declaratory Judgment Act confers a right to join an action on “all persons who have or claim any interest which would be affected by the declaration . . .” NMSA 1978 § 44-6-12; *Grain Dealers Mut. Ins. Co. v. Reed*, 1987-NMSC-027, ¶ 9, 105 N.M. 586 (holding that Section 44-6-12 requires “mandatory joinder, as parties to the original action, of persons who claim an interest in the subject matter of that action”).

Intervenors OLÉ and El CENTRO have an interest that would be affected by a declaratory judgment in this case because they are membership organizations representing workers who earn the Albuquerque MWO or less. SOF ¶¶ 1, 3. Many of their members are Albuquerque minimum wage earners who stand to lose income if the MWO is overturned. *Id.* For example, one-quarter

to one-half of OLÉ's 4,500 members in Albuquerque currently receive the protections afforded by the MWO. SOF ¶ 1. Many of El CENTRO's members already earn less than the Albuquerque MWO, and would lose their right to claim wages for work performed if Plaintiffs' claims were successful. SOF ¶ 3.

Ms. Glenn's interests are also directly affected by this case, because she stands to lose her right under the Albuquerque City Charter to propose and vote on ballot initiatives. SOF ¶ 4. She also helped gather signatures for the petition and educated voters about the MWO amendments. *Id.* She seeks to ensure that her right to circulate a ballot initiative petition and vote on a proposed measure will not be affected by the disposition of Plaintiffs' lawsuit. *Id.* OLÉ and El CENTRO, many of whose members signed the 2012 petition, gathered signatures, and/or voted in favor of it, share this interest in protecting the right to propose and petition for voter initiated legislation. SOF ¶ 1, 3. Furthermore, OLÉ and The OLÉ Education Fund expended considerable time and money in the campaign to place the 2012 measure amending the MWO on the ballot. SOF ¶¶ 1-2. Intervenor OLÉ expended over two hundred and fifty thousand dollars (\$250,000) and at least half of its staff's time on its campaign to place the measure amending the MWO on the 2012 ballot. SOF ¶ 1. The OLÉ Education Fund also sued the City of Albuquerque and elected officials of the City to ensure ballot access for the MWO measure. SOF ¶ 2. Intervenors therefore have a clear interest in ensuring that the time and money they expended to place the measure amending the MWO on the 2012 ballot was not wasted. As the Supreme Court held in *New Energy Econ., Inc. v. Vanzi*, the injury threatened to the Intervenors "is self-evident: they stand to lose everything. Having made significant and *successful* investments of time and financial resources to secure adoption of" the proposed measure, they "stand to see their gains erased while they can only watch." 2012-NMSC-005, ¶ 27, 274 P.3d 53, 60 (emphasis in

original). Accordingly, joinder of Intervenor is “mandatory” under Section 44-6-12, and the Intervenor has a statutory right under the Declaratory Judgment Act to intervene within the meaning of Rule 1-024(A)(1).

B. Intervenor has a right to intervene under Rule 1-024(A)(2)

Intervenor also has a right to intervene under Rule 1-024(A)(2), because “disposition of the action may . . . impair or impede the [their] ability to protect [their] interest.” *Id.* This analysis is essentially identical to the Declaratory Judgment Act analysis above, but it requires an additional showing of impairment or impediment to an applicant’s ability to protect their interests and a showing that Intervenor’s interests will not be “adequately represented by existing parties.” *Id.* As discussed in the previous section, all of the Intervenor’s rights would be impaired or impeded by a ruling granting Plaintiff’s request for relief in this case. Furthermore, it is unlikely that Intervenor’s interests will be “adequately represented” by the City of Albuquerque. An Intervenor “need only show the possibility of inadequate representation.” *WildEarth Guardians v. United States Forest Serv.*, 573 F.3d 992, 996 (10th Cir. Colo. 2009). Here, the City of Albuquerque has not responded to Intervenor’s repeated requests to discuss the position the City of Albuquerque will take on the merits of Plaintiff’s claims. *See* SOF ¶ 5. The City of Albuquerque’s refusal to communicate suggests that the City of Albuquerque may not believe its interests in this case align with Intervenor’s interest in protecting the MWO. Second, it is the right under the Charter to enact direct legislation by voter initiative that Plaintiff seeks to destroy, and this right belongs to Intervenor and the voters, not the City Council or the City of Albuquerque. *Forest Conservation Council v. United States Forest Serv.*, 66 F.3d 1489, 1499 (9th Cir. 1995) (“Inadequate representation is most likely to be found when the applicant asserts a personal interest that does not belong to the general public”) (internal quotation omitted).

It would not adequately protect Intervenors' interests to relegate them to participation in this matter as an amicus rather than an intervenor. "Amicus curiae status does not afford the same rights as those available to a party on appeal" because "[a]micus must accept the case on the issues as raised by the parties, and cannot assume the functions of a party." *Vanzi*, 2012-NMSC-005, ¶ 27. Therefore, given the possibility that the City will not defend the MWO, or will not defend it as vigorously as Intervenors will, Intervenors have a right to intervene in this case.

C. Alternatively, Intervenors seek permissive intervention.

Rule 1-024(B)(2) NMRA also allows intervention "when an applicant's claim or defense and the main action have a question of law or fact in common." Under this permissive standard, Intervenors do not have to make a showing that their interests are not adequately represented by the existing parties. Rather, the Court, exercising its discretion, "shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties." Rule 1-024(B)(2) NMRA. Here, Plaintiffs seek to overturn the 2012 measure amending the MWO and seek a ruling that Albuquerque voters cannot propose or pass legislation by direct voter initiative. Intervenors seek to protect the MWO from Plaintiffs' challenge and to ensure that they can continue to exercise their rights under Article III Section 3 of the Charter. Accordingly, there are common questions of law and fact, and because the Court has not yet ruled on any of the issues raised in Plaintiffs' Complaint, the proposed intervention cannot and will not jeopardize or delay the rights of any of the current parties. Additionally, as previously stated, this motion is timely filed.

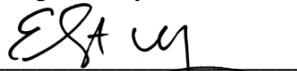
D. Per Rule 1-024(C), Plaintiffs have filed a Motion to Dismiss

Rule 1-024(C) requires the motion to intervene to be accompanied by a pleading setting forth movants' claim or defense for which intervention is sought. Here, concurrently with this Motion Intervenor has filed a Motion to Dismiss Plaintiffs' Complaint.

Because this Motion concerns a motion to dismiss Plaintiffs' Complaint, Intervenor presumes Plaintiffs' opposition to this motion. Intervenor sought the Albuquerque Defendants' position on this Motion this morning and had not received a response as of the time of filing.

WHEREFORE, Intervenor respectfully request that the Court grant this Motion to Intervene and to allow the filing of Intervenor's Motion to Dismiss, which accompanies this Motion to Intervene.

Respectfully submitted,


By: Elizabeth Wagoner

Gail Evans

gail@nmpoertylaw.org

Elizabeth Wagoner

elizabeth@nmpoertylaw.org

Tim Davis

tim@nmpoertylaw.org

NEW MEXICO CENTER ON LAW AND POVERTY

924 Park Avenue, SW, Suite C

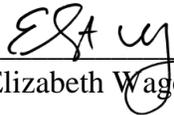
Albuquerque, NM 87106

(505) 255-2840

Attorneys for Intervenor

CERTIFICATE OF SERVICE

I hereby certify that on this this 4th day of May, 2017 the foregoing pleading was e-filed and served on counsel for all parties through the Court's electronic filing system, and I further certify that on that date I served a copy on Christopher Tebo and Hessel E. Yntema IV, counsel for Defendants, ctebo@cabq.gov and hynema@cabq.gov and on Patrick Rogers, counsel for Plaintiffs, at patrogers@patrogerslaw.com.


Elizabeth Wagoner

STATE OF NEW MEXICO)
) SS:
COUNTY OF BERNALILLO)

1. My name is Matthew Henderson. At all times relevant to the facts attested to in this affidavit, I was the executive director of Organizers in the Land of Enchantment (“OLÉ”) and the OLÉ Education Fund. I also reside and vote in Albuquerque.

2. OLÉ is a domestic nonprofit corporation registered with the New Mexico Secretary of State, with a main office in Albuquerque, New Mexico. OLÉ is a membership organization that represents and organizes low-wage workers in their struggle to win respect, living wages, benefits, and enforcement of worker protections against wage theft.

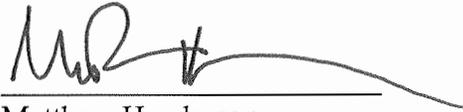
3. OLÉ was principally responsible for the successful campaign in 2012 to pass the ballot initiative that amended the Albuquerque Minimum Wage Ordinance (“MWO”) and increased Albuquerque’s minimum wage. OLÉ gathered signatures to certify the measure amending the MWO for the ballot and shepherded it through the procedures for direct legislation by voter initiative that are outlined in the Albuquerque City Charter at Art. III, Sec. 3(a)(1) to (5). OLÉ gathered roughly two-thirds of the signatures for the petition, approximately 16,000 of the 24,000 collected in total between June 12 and August 11, 2012. In addition to paid staff, about 75 members volunteered to collect signatures for the petition. The campaign consumed at least half of our staff’s time in 2012. OLÉ seeks to intervene in this case to ensure that its staff and members’ efforts on this campaign do not go to waste. OLÉ representatives also sat on the board of the measure finance committee for the 2012 MWO initiative.

4. Most of OLÉ’s 4,500 members in Albuquerque are employed in low-wage jobs that pay less than \$10.00 per hour. Approximately one-quarter to one-half of OLÉ members are minimum wage earners in Albuquerque, and would therefore be directly affected by a drop in the

minimum wage if the Albuquerque minimum wage ordinance no longer existed. This wage cut would sink their families deeper into poverty. OLÉ seeks to intervene in this case to prevent this.

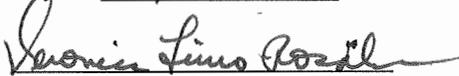
5. OLÉ members work with the OLÉ Education Fund, which helps them with campaign strategy and analysis. The OLÉ Education Fund is a nonprofit corporation registered with the New Mexico Secretary of State, with a main office in Albuquerque, NM. The OLÉ Education Fund supports campaigns to enrich and empower working New Mexicans and helps organizations such as Organizers in the Land of Enchantment (“OLÉ”) with trainings on grassroots organizing, as well as campaign strategy and analysis. The OLÉ Education Fund expended approximately \$253,018 in its 2012 campaign to amend the MWO to extend crucial workplace protections to Albuquerque’s minimum wage workers. The OLÉ Education Fund also fundraised for and made in-kind contributions to the measure finance committee, and handled reporting on measure finance committee expenditures, as required by the City Charter Election Code, Art. XIII. OLÉ Education Fund was a party to two lawsuits, *OLÉ v. Bailey*, No. CV 2012-08182 (2nd Jud. Dist. Sept. 11, 2012) and *OLÉ v. Nash*, No. 33,805 (N.M. Sup. Ct. Sept. 12, 2012) to ensure that the 2012 MWO initiative appeared on the ballot. The OLÉ Education Fund’s investments of time and money on this successful campaign for basic workplace protections would be lost if the Minimum Wage Ordinance were overturned in this case. The OLÉ Education Fund seeks to intervene here to prevent this.

I swear under penalty of perjury that the foregoing is true and correct.

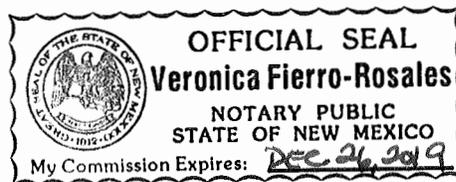


Matthew Henderson

Sworn to before me this 4th
day of MAY, 2017



Notary Public



STATE OF NEW MEXICO)
) SS:
COUNTY OF BERNALILLO)

1. My name is Rachel LaZar. I am a resident of Albuquerque, New Mexico. I am the executive director of El Centro de Igualdad y Derechos (“El CENTRO”). El CENTRO is a membership-based immigrants’ rights and worker justice organization with a main office in Albuquerque, New Mexico, and is registered with the New Mexico Secretary of State as a domestic nonprofit corporation. EL CENTRO seeks to intervene in this case to prevent the devastating consequences to its members of a reduction in the Albuquerque Minimum Wage.

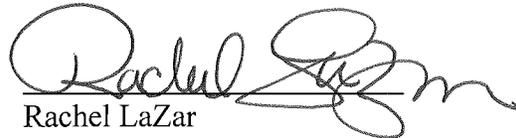
2. El CENTRO supported the campaign to pass the 2012 ballot initiative that amended the Albuquerque Minimum Wage Ordinance (“MWO”). We supported this campaign because we represent over 4,000 members in Albuquerque, the majority of whom are low-wage immigrant workers, and many of whom work in low-wage sectors like service and hospitality.

3. One of the services we offer to our members is assistance with resolving wage theft claims. In many of these cases, we encounter workers whose employers pay them less than the Albuquerque minimum wage. For example, one of our members, Alvaro, was employed as a janitor in Albuquerque from April 2014 to September 2015, working eight hours a day, seven days a week for a flat rate of \$60.00 per day, or \$7.50 per hour. If the Albuquerque Minimum Wage were to be overturned, Alvaro and others members like him will lose his right to claim the wages he is owed for work performed.

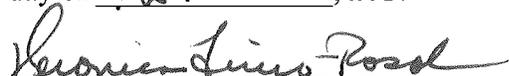
4. Another member, Guadalupe, has supported her family on her income from a fast food restaurant for over 12 years. She currently earns \$8.65 and cannot remember the last time she got a raise. Her husband suffers from and chronic illness that only allows him to work sporadically, and she has an eight year-old daughter who is autistic. Her monthly fixed expenses

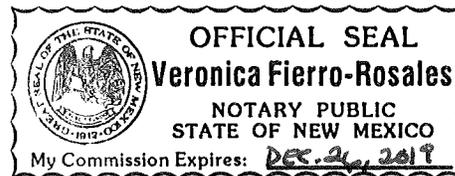
include \$300.00 for her daughter's care, \$500.00 for rent, \$50.00 for gas and electricity, and \$100.00 for auto insurance, among other fixed expenses, leaving little left for food, clothes, and other purchases. As it is, Guadalupe already earns less than the current minimum wage of \$8.80, and she simply cannot afford the wage cut of \$1.30 an hour, or \$3,000 per year, that the plaintiff business groups in this case seek to impose on her. Such a wage cut would be devastating to Guadalupe and many other workers in her situation, including a large portion of El CENTRO's members.

I swear under penalty of perjury that the foregoing is true and correct.


Rachel LaZar

Sworn to before me this 4th
day of MAY, 2017


Notary Public



Elizabeth Wagoner

From: Elizabeth Wagoner
Sent: Monday, April 24, 2017 11:28 AM
To: 'Tebo, Christopher J.'
Cc: Tim Davis; 'Yntema IV, Hessel E.'; 'Berglund, Kathy'
Subject: RE: ACI v. City of Albuquerque

Dear Chris,

I am writing to follow up on the portion of my email at the bottom of this string that concerns our request to speak with you about the positions Albuquerque will take on the various claims in the ACI litigation. Are you willing to re-schedule a call to discuss this?

Thanks,

Elizabeth Wagoner
Supervising Attorney, Workers' Rights
New Mexico Center on Law and Poverty
924 Park Avenue SW, Suite C, Albuquerque, NM 87102
Phone: (505) 255-2840 □ Fax: (505) 255-2778
elizabeth@nmpovertylaw.org

From: Elizabeth Wagoner
Sent: Wednesday, April 12, 2017 4:56 PM
To: 'Tebo, Christopher J.'
Cc: Tim Davis; Yntema IV, Hessel E.; Berglund, Kathy
Subject: RE: ACI v. City of Albuquerque

Dear Chris,

Kathy called us this morning to inform us of your scheduling conflict and said that you would get back to us today to reschedule. Can we plan to talk tomorrow morning (Thursday) at 10:00?

Thanks,

Elizabeth

From: Tebo, Christopher J. [<mailto:ctebo@cabq.gov>]
Sent: Friday, April 07, 2017 10:25 AM
To: Elizabeth Wagoner
Cc: Tim Davis; Yntema IV, Hessel E.; Berglund, Kathy
Subject: RE: ACI v. City of Albuquerque

Let's make it 10:00. Sounds good.

Chris

From: Elizabeth Wagoner [<mailto:elizabeth@nmpovertylaw.org>]
Sent: Friday, April 07, 2017 10:17 AM
To: Tebo, Christopher J.

Cc: Tim Davis; Yntema IV, Hessel E.; Berglund, Kathy
Subject: RE: ACI v. City of Albuquerque

Chris,

Can we say 9:00 a.m. on Wednesday?

Thanks,

Elizabeth

From: Tebo, Christopher J. [<mailto:ctebo@cabq.gov>]
Sent: Friday, April 07, 2017 9:59 AM
To: Elizabeth Wagoner
Cc: Tim Davis; Yntema IV, Hessel E.; Berglund, Kathy
Subject: RE: ACI v. City of Albuquerque

Dear Elizabeth,

Today is a bit difficult but perhaps next week (Wed. or Thursday) can work.

Regards,
Chris

CHRISTOPHER J. TEBO

Assistant City Attorney – Real Estate and Land Use
Office of the City Attorney
One Civic Plaza – P.O. Box 2248 – Room 4072
Albuquerque, NM 87103
(505) 768-4652 – Direct | (505) 768-4525 – Facimile | (505) 768 – 4500 – Main

From: Elizabeth Wagoner [<mailto:elizabeth@nmpovertylaw.org>]
Sent: Friday, April 07, 2017 9:37 AM
To: Yntema IV, Hessel E.; Tebo, Christopher J.
Cc: Tim Davis
Subject: ACI v. City of Albuquerque

Dear Hess and Chris,

I understand from Jeff Driggers that you are handling the new ACI litigation as well. Could we schedule a conversation to discuss that case, in addition to the discovery issues in the Healthy Workforce ABQ litigation that I wrote to you about yesterday? I would like to understand the City's position on the merits of the ACI litigation, in which several of our clients plan to intervene.

Please let me know if there is a time that is good for you today.

Sincerely,

Elizabeth Wagoner
Supervising Attorney, Workers' Rights
New Mexico Center on Law and Poverty
924 Park Avenue SW, Suite C, Albuquerque, NM 87102
Phone: (505) 255-2840 □ Fax: (505) 255-2778
elizabeth@nmpovertylaw.org