

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

ASSOCIATED BUILDERS AND CONTRACTORS, )  
NEW MEXICO CHAPTER; )  
NORTHERN NEW MEXICO INDEPENDENT )  
ELECTRICAL CONTRACTORS; )  
NEW MEXICO ROOFING CONTRACTORS )  
ASSOCIATION; NEW MEXICO CHAPTER )  
AMERICAN FIRE SPRINKLER ASSOCIATION; )  
NATIONAL UTILITY CONTRACTORS OF )  
NEW MEXICO; )  
SHUMATE CONSTRUCTORS, INC.; )  
KAUFMAN FIRE PROTECTION SYSTEMS, INC.; )  
REID & ASSOCIATES, INC.; )  
MECHANICAL CONCEPTS LTD. CO.; )  
MICHAEL S. RICH CONTRACTORS, INC.; )  
NEW MEXICO METAL SYSTEMS, LLC; )  
TLC PLUMBING & UTILITY, INC.; )  
HIGHWAY SUPPLY, LLC; )  
PELLETIER CONSTRUCTION, INC.; )  
PLATINUM BUILDERS CORPORATION; and )  
SDV CONSTRUCTION, INC., )

Docket No. 1:09-cv-546

Plaintiffs,

vs.

STATE OF NEW MEXICO, ex rel. )  
Department of Workforce Solutions; Department )  
of Workforce Solutions-Labor Relations Division; )  
BETTY SPARROW DORIS, in her official capacity; )  
FRANCIE CORDOVA, in her official capacity, )

Defendants. )

**PLAINTIFFS' SUPPLEMENT TO THEIR MOTION TO FILE A SURREPLY**

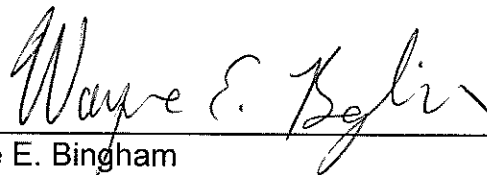
What follows will supplement Plaintiffs' Opposed Motion to File Surreply to Defendants' Reply (Document 31).

On October 22, 2009 at approximately 10:40 a.m., Plaintiffs' counsel contacted Defendants' counsel Andrea Buzzard to ascertain whether Defendants would oppose

Plaintiffs' Motion to File a Surreply to Defendants' Reply (Documents 28 and 29). Ms. Buzzard stated she would have to check with co-counsel Melanie Carver and get back to Plaintiffs' counsel, which shortly thereafter she did, and advised Plaintiffs' counsel that Plaintiffs' Motion was opposed. Thereafter, Plaintiffs' counsel prepared a motion to file surreply but did not immediately file it. At 5:13 p.m. on October 22, 2009, Ms. Carver filed notice that briefing was complete (Document 30). Ms. Carver filed this notice with knowledge that Plaintiffs would be filing a motion for leave to file a surreply which Plaintiffs did the morning of October 23, 2009 (Document 31).

Respectfully submitted by:

**BINGHAM, HURST & APODACA, P.C.**



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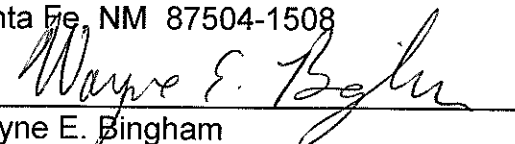
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Attorneys for Plaintiffs  
3908 Carlisle N.E.  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was sent via first class mail to all counsel entitled to notice as follows on this 26<sup>th</sup> day of October, 2009:

Melanie Diane Carver  
Office of the Attorney General  
111 Lomas Blvd., NW, #300  
Albuquerque, NM 87107

Andrea R. Buzzard  
Office of the Attorney General  
P.O. Box 1508  
Santa Fe, NM 87504-1508



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Wayne E. Bingham