

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

Clerk's Minutes

Before the Honorable M. Christina Armijo

CASE NO. CIV 12-421 MCA-RHS      DATE: December 18, 2012

TITLE:    *John W. Jackson, et al. v. Gary King, et al.*

COURTROOM CLERK:    S. Spreng      COURT REPORTER:    J. Goehl

COURT IN SESSION:    1:59 - 3:11 p.m.      TOTAL TIME: 1 hour, 12 minutes

TYPE OF PROCEEDING:    Motion Hearing

COURT'S RULINGS/DISPOSITION: Court orders the parties to submit simultaneous supplemental briefs on the issue of severance on or before January 4, 2012.

ATTORNEYS PRESENT FOR PLAINTIFF(S):      ATTORNEYS PRESENT FOR DEFENDANT(S):

David Sigale

Cholla Khoury

Paul M. Kienzle, III

PROCEEDINGS:

- 1:59 p.m.      Court in session; counsel enter appearances.
- 2:02 p.m.      The parties confirm that they are not requesting an evidentiary hearing.
- 2:03 p.m.      Mr. Sigale addresses the merits of *Plaintiffs' Motion for Preliminary Injunction*.
- 2:15 p.m.      Court inquires of Ms. Khoury as to what interests are served by making a distinction between concealed carrying and open carrying solely on the basis of alienage. Ms. Khoury responds.
- 2:23 p.m.      Ms. Khoury argues in opposition to *Plaintiffs' Motion for Preliminary Injunction*.

- 2:43 p.m. Mr. Sigale presents rebuttal argument.
- 2:52 p.m. Court inquires of Mr. Sigale whether the citizenship requirement may be severed from the remainder of the statute. Mr. Sigale responds.
- 2:55 p.m. Ms. Khoury presents sur-rebuttal argument. Court inquires of the standards for severance. Ms. Khoury asks to submit a supplemental brief on the issue.
- 2:57 p.m. Court in recess.
- 3:02 p.m. Court back in session. Court will permit the parties an opportunity to submit simultaneous supplemental briefs on the issue of severance.
- 3:05 p.m. Court notes that severability is an issue of state law and refers the parties to Bradbury & Stamm Const. Co. v. Bureau of Revenue, 372 P.2d 808 (N.M. 1962).
- 3:06 p.m. Court inquires of the parties how much time they need for the submission of simultaneous supplemental briefs. Parties confer.
- 3:07 p.m. Mr. Sigale submits January 4, 2013 as the date for submission. Court agrees. Briefing should not exceed 15 pages.
- 3:08 p.m. Mr. Kienzele addresses the issue of severability.
- 3:11 p.m. Court in recess.