

STATE OF NEW MEXICO
SANTA FE COUNTY
FIRST JUDICIAL DISTRICT COURT

Imp

AKILAH SANDERS-REED,
by and through her parents Carol
and John Sanders-Reed, and
WILDEARTH GUARDIANS,

Plaintiffs,

v.

No. D-101-CV-2011-01514

SUSANA MARTINEZ,
in her official capacity as Governor
of New Mexico, and
STATE OF NEW MEXICO,

Defendants.

ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' AMENDED COMPLAINT

THIS MATTER having come before the Court on Defendants' Motion to Dismiss Plaintiffs' Amended Complaint for Declaratory and Injunctive Relief ("Motion"), the Court having considered the Motion, Plaintiffs' response thereto, Defendants' reply in support, and the arguments of counsel at a hearing on June 29, 2012,

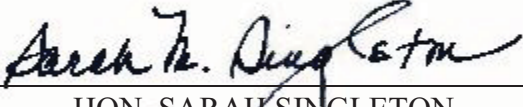
THE COURT FINDS that the Motion is well taken to the extent the Complaint attempts to assert claims based on the New Mexico Legislature's failure to act with respect to the atmosphere, but that Defendants' other arguments are not appropriate for disposition at the pleading stage.

Therefore, IT IS HEREBY ORDERED, that the Motion is GRANTED IN PART and DENIED IN PART as follows:

1. The Motion is GRANTED to the extent Plaintiffs are asserting claims based on the New Mexico Legislature's failure to act with respect to the atmosphere.

2. The Motion is DENIED to the extent that Plaintiffs have made a substantive allegation that, notwithstanding statutes enacted by the New Mexico Legislature which enable the state to set state air quality standards, the process has gone astray and the state is ignoring the atmosphere with respect to greenhouse gas emissions.

3. Defendants' oral request for certification for interlocutory appeal is DENIED at this time, but may be renewed after the Court rules on a summary judgment motion.



HON. SARAH SINGLETON
DISTRICT JUDGE

APPROVED as to form:

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