

**SECOND JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF BERNALILLO**

**No. D-202-CV-2015-04466  
Consolidated with No. D-202-CV-2015-05363**

**JAVIER BENAVIDEZ, JAMES SANTIAGO MAESTAS,  
ROBERTO ROIBAL, THE SOUTHWEST ORGANIZING  
PROJECT, THE NEW MEXICO HEALTH EQUITY WORKING  
GROUP, and THE PAJARITO VILLAGE ASSOCIATION,**

**Appellants/Petitioners,**

**THE BERNALILLO COUNTY BOARD OF COUNTY  
COMMISSIONERS; ART DE LA CRUZ, WAYNE  
JOHNSON, DEBBIE O'MALLEY, MAGGIE  
HART STEBBINS, LONNIE TALBERT, BERNALILLO  
COUNTY COMMISSIONERS; CONSENSUS PLANNING; and  
WESTERN ALBUQUERQUE LAND HOLDINGS LLC,**

**Appellees/Respondents.**

**ORDER DENYING INTERESTED PARTIES' MOTION TO DISMISS APPEALS  
TAKEN UNDER INAPPLICABLE STATUTORY AUTHORITY**

THIS MATTER comes before the Court on Interested Parties Western Albuquerque Land Holdings, LLC and Consensus Planning, Inc.'s Motion to Dismiss Appeals Taken Under Inapplicable Statutory Authority ("the Motion"). After reviewing the Motion, Appellants' Response, and the Reply brief, the Court has determined that a hearing is not necessary. LR2-123(E) NMRA. After review of these pleadings, the Court FINDS:

1. The Motion is not well taken.
2. Interested Parties essentially concede that Appellants have a statutory right of appeal under NMSA 1978, Section 3-19-8 (1999). Thus, the Court need not decide at this time whether NMSA 1978, Section 3-21-9 (1999) applies as well.

3. Rule 1-074(D) NMRA does not require Appellants to state under which statute they are appealing.

4. The Motion was not a constructive use of the Courts and the parties' resources.

IT IS THEREFORE ORDERED that the Motion is DENIED.

  
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NANCY J. FRANCHINI  
DISTRICT COURT JUDGE