



IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

MACKENZIE JOHNSON,

Plaintiff-Appellee

v.

S. Ct. No. S-1-SC-39961

Ct. App. No. A-1-CA-39732

Dist. Ct. No. D-202-CV-2020-00121

Board of Education for the
Albuquerque Public Schools
and Mary Jane Eastin,

Defendants-Appellants

**Appellant APS's response to Proposed Amicus' Motion for Leave to File
Brief as *Amici Curiae* of the Native American Budget and Policy Institute,
Native American Disability Law Center, and Professors of Law at the
University of New Mexico**

Comes now Defendant-Appellant, Albuquerque Public Schools, by and through their attorneys (Walsh Gallegos Trevino Kyle & Robinson, P.C.) and hereby submit their Response to the Motion for Leave to File Brief as Amici Curiae of the Native American Budget and Policy Institute, Native American Disability Law Center, and Professors of Law at the University of New Mexico and hereby requests that the motion be denied. In support thereof, Appellant Board of Education for Albuquerque Public Schools states as follows:

NMRA Rule 12-320 allows for the submission and acceptance of a brief by amicus curiae when said brief brings to the attention of the appellant court relevant matters that are not covered by the briefs of the parties. The proposed Amici do not

meet this standard. Their arguments consist of the same arguments already briefed by Defendant-Appellant and Plaintiff-Appellee. Instead, in support of the same legal arguments already presented before this Court, the proposed Amici brief is a recitation of history, which while interesting and compelling, is not relevant to the legal matter before this Court. And, rather than adding new legal arguments not already covered by the parties, the proposed brief makes irrelevant references to Franz Kafka, George Orwell and dystopian speculations in an attempt to distract the court from the true legal claims. Such arguments do not comply with NMRA Rule 12-320 and should therefore not be accepted for consideration by this Court.

Respectfully Submitted:

By: /s/ Roxie P. Rawls-De Santiago

Roxie P. Rawls-De Santiago

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of December 2023, the foregoing was electronically filed with the Court and served on all counsel of record via the tylerhost system.

/s/ Roxie P. Rawls-De Santiago
Roxie P. Rawls-De Santiago