IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

JOHNSON & JOHNSON; and
JOHNSON & JOHNSON
CONSUMER COMPANIES, INC.,
Petitioners,

v.

S. Ct. No. S-1-SC-39284

THE HONORABLE MATTHEW
JUSTIN WILSON,
Respondent,

and

STATE OF NEW MEXICO, EX REL.
HECTOR BALDERAS, ATTORNEY
GENERAL; ET AL.,
Real Parties in Interest

PETITIONERS' SUPPLEMENTAL REPLY BRIEF

Appeal from the First Judicial District Court
County of Santa Fe
The Honorable Matthew Justin Wilson

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Statement of Compliance with Type-Volume Limitations: This statement is included pursuant to Rule 12-318(G) NMRA, which requires briefs to certify compliance with the type-volume limitations of Rule 12-318(F)(3) insofar as the body of the reply brief exceeds 15 pages. This brief was prepared using Times New Roman, a proportionally-spaced type style, and the word count for the body of the brief was determined using Microsoft Word. The body of the brief contains 4,241 words, and therefore does not exceed the 4,400-word type-volume limitation of Rule 12-318(F)(3).

The State of New Mexico wants to have it both ways: to bring a lawsuit seeking potentially tens of millions of dollars while at the same time avoiding basic discovery obligations. The practical result of this position is a litigation in which defendants are expected to produce hundreds of thousands of documents while plaintiff produces essentially nothing at all. That is not only unfair, it is contrary to the law of New Mexico. Plaintiff's arguments in its response brief are unavailing. As defendants-appellants Johnson & Johnson and LTL Management LLC (collectively, "the J&J defendants") have explained, the writ should issue because: (1) the State, for purposes of discovery, encompasses its constituent agencies; (2) the State, and its counsel the Attorney General, have express statutory authority to produce documents held by those agencies, and are obligated to do so; (3) regardless of any theoretical distinction between the State and its agencies, the State has the practical ability to produce agency discovery under Rules 1-033 and 1-034 NMRA; and (4) adopting the State's position would tilt the playing field in any civil litigation to which it is a party.[1]

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[1] On April 4, 2023, the U.S. Bankruptcy Court for the District of New Jersey ("Bankruptcy Court") dismissed the bankruptcy case filed by LTL Management LLC ("LTL") in October 2021 ("2021 LTL Bankruptcy Case"), thereby terminating the stay of this proceeding. Later that day, LTL filed a second bankruptcy petition with the Bankruptcy Court, triggering an automatic stay of all talc personal injury claims against LTL. On April 5, 2023, the Bankruptcy Court entered a temporary restraining order further enjoining the pursuit of such claims against certain related, non-debtor parties, including Johnson & Johnson, which

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STANDARD OF REVIEW

While the State is correct that this case originally arises out of an extraordinary writ and involves a question related to discovery (*see* Answer Br. of Real Party in Interest ("SAB") 8-10), the only questions before the Court involve pure issues of law, including the interpretation of NMSA 1978, Sections 8-5-2 and 36-1-22, and Rules 1-033 and 1-034 NMRA. Such questions are reviewed de novo, even where, as here, they are embedded in an extraordinary writ petition or involve discovery orders. *See, e.g.*, *State v. Wilson*, 2021-NMSC-022, ¶ 16 (granting writ of superintending control; Court "review[s] questions of constitutional and statutory interpretation de novo") (citation omitted); *Pub. Serv. Co. of N.M. v. Lyons*, 2000-NMCA-077, ¶ 10, 129 N.M. 487 (although discovery orders are usually reviewed "for abuses of discretion," "the question presented requires our review of the trial court's construction of law . . . ; as such, it presents a legal question that we review de novo").

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was amended on April 6, 2023. Although no stay currently applies to the proceeding before this Court, LTL anticipates that it will seek a preliminary injunction of the New Mexico attorney general action (*State of New Mexico ex rel. Balderas v. Johnson & Johnson et al.*, No. D-101-CV-2020-00013) consistent with the injunction it obtained in the 2021 LTL Bankruptcy Case, and that such an injunction, if ordered, would have the effect of staying this proceeding.

ARGUMENT

I. THE STATE'S DISCOVERY OBLIGATIONS EXTEND TO ITS CONSTITUENT AGENCIES.

The State concedes that the proper plaintiff in this case is the State of New Mexico, not the Attorney General. And as the J&J defendants explained in their brief in chief, the ordinary rule when it comes to adjudication of the merits is that an attorney general bringing litigation in the name of the State "also necessarily represent[s]" affected state agencies. (Defs.' Br. in Chief ("BIC") 15 (quoting *Collyer v. State Tax'n & Rev. Dep't, Motor Vehicle Div.*, 1996-NMCA-029, ¶ 10, 121 N.M. 477 & citing *Lyle v. Luna*, 1959-NMSC-042, 65 N.M. 429).) Nonetheless, the State continues to argue that there is a hard boundary between the State as a whole and the various executive branch agencies that comprise it. There is not. For discovery purposes, the State, just like complex private organizations, is composed of its constituent parts, and the State's discovery obligations extend to those parts just as they would if the plaintiff were a private enterprise.[2]

Although the State points to *Res-Care of New Mexico, Inc. v. State ex rel. New Mexico Department of Health*, No. 31,521, 2013 WL 7752631 (N.M. Ct. App.

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[2] The J&J defendants do not contend that "New Mexico executive agencies, ultimately under the control of the Governor of New Mexico, are 'parties,'" as the State suggests. (SAB 10-11.) The State of New Mexico as a whole is the party, and the State includes its constituent agencies. Thus, the Governor's extended argument that the Attorney General cannot "unilaterally initiate lawsuits on behalf

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Dec. 4, 2013) (nonprecedential) (cited in SAB 17), that case is not to the contrary. In *Res-Care*, the plaintiff sued three state agencies, alleging breach of contract. The trial court granted summary judgment for one agency defendant several months before dismissing the others. The plaintiff failed to timely appeal the first order and then sought to salvage an appeal by contending that its claims against all three departments were really brought against "a single entity—the State of New Mexico," and that its time to appeal therefore ran from the last dismissal. *Id.* ¶ 4.

The Court of Appeals rejected this argument on the grounds that: (1) the suit arose out of "contracts with the individual agencies made at separate times and for different purposes, not a single contract with the State of New Mexico"; (2) all such contracts were to be "pa[id] out of the individual agency budgets"; and (3) the plaintiff chose to sue the agencies separately. *Id.* ¶ 6. Here, by contrast, the complaint aggregated the various state agencies and sued in the name of the State as a whole for harm allegedly suffered by the State as a whole. (*See* BIC 12-14.) In addition, the *Res-Care* court clearly limited its holding to "the Rule 1-054

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of agencies" is irrelevant (Amicus Br. of Governor Lujan Grisham, *State ex rel. Balderas v. Mathew*, 11-17 (attached to SAB as Ex. 1)), and in any event, likely wrong, *see infra* at 11 n.6 (citing NMSA 1978, § 8-5-2(C)).

context," 2013 WL 7752631, ¶ 7, which governs judgments and appeals, not discovery.

The only New Mexico appellate courts to address the relationship between the structure of the executive branch and the State's discovery obligations have done so in the context of criminal cases. The State concedes that in that context, discovery obligations "extend[] beyond the prosecutor's office to 'other arms of the state.'" (SAB 32 (citation omitted).) But it seeks to distinguish this rule as one "fundamentally centered on questions of constitutional due process, not the rules of civil procedure." (*Id.*)

That purported distinction makes no sense for several reasons. For starters, civil litigants have a due process right to adequate discovery, just like criminal defendants. *See N.M. Indus. Energy Consumers v. N.M. Pub. Servs. Comm'n*, 1986-NMSC-059, ¶ 19, 104 N.M. 565 ("[D]enial of the right to conduct discovery results in a denial of procedural due process of law."); *United Nuclear Corp. v. Gen. Atomic Co.*, 1980-NMSC-094, ¶ 382, 96 N.M. 155 ("discovery failures" had "adverse effects" "on the due process rights of" the other litigants). In fact, the scope of civil discovery is generally broader than the scope of criminal discovery. *See, e.g.*, *United States v. Sec. Bank & Tr. Co.*, 661 F.2d 847, 851 (10th Cir. 1981). Moreover, the fact that the State, acting through either the Attorney General or a district attorney, routinely produces discovery on behalf of gubernatorially-

controlled agencies in criminal cases makes clear that the distinction between the State and its agencies is illusory, and it is certainly not compelled by the structure of the New Mexico constitution. In fact, if agencies were truly independent from the State as a sovereign, due process would not require the State to provide discovery from those agencies even in criminal cases because a "prosecutor does not have a duty . . . to obtain evidence from third parties." *United States v. DeLeon*, 428 F. Supp. 3d 716, 763 (D.N.M. 2019).

The dual executive structure, used in this state and 42 others (*see* SAB 23 n.12), does not suggest a contrary conclusion. New Mexico law permits some "'overlapping of power'" between different branches of government, and the State does not dispute the many ways in which the Attorney General's authority to represent the State already overlaps to a degree with the authority of other agencies. (BIC 19-20 (citing *State ex rel. Dickson v. Saiz*, 1957-NMSC-010, 62 N.M. 227).) While the State points out some distinctions between the Attorney General's Office and other executive agencies—e.g., that the governor has the power to appoint and remove some other agency heads but lacks similar power over the Attorney General (SAB 11-13), the State does not explain why that is relevant to discovery obligations in litigation brought in the name of the state as a whole rather than any particular agency or office. The State also notes that certain gubernatorially-controlled agencies can sue and be sued in their own names. (*Id.*

12-13.) But the fact that an agency can sue in its own name does not preclude it from being encompassed by a suit in the name of the State as a whole. *Compare* NMSA 1978, § 66-2-3 (Motor Vehicle Division can "seek an injunction in any district court"), *with Collyer*, 1996-NMCA-029, ¶ 10 (same division "necessarily represented" by case for State as a whole).

Courts in states with similar dual executive structures have repeatedly required agency discovery in cases almost identical to this one. (*See* BIC 16-18 (collecting cases); Br. of Amicus U.S. Chamber of Commerce 7-8 (citing, inter alia, *League of United Latin Am. Citizens v. Abbott*, No. 3:21-cv-00299, 2022 WL 1540589, at *3 (W.D. Tex. May 16, 2022)).) To the extent the State attempts to distinguish these cases, its efforts are unavailing. For example, the State brushes aside *State of South Carolina v. Purdue Pharma L.P.*, No. 2017CP4004872, 2019 WL 3753945 (S.C. Ct. Com. Pl. July 5, 2019), because the law there supposedly "require[s] all . . . agencies" to provide the Attorney General "information in writing" and "forbid[s] South Carolina agencies from hiring independent counsel." (SAB 28 (citation omitted).) But South Carolina law requires agencies to give ***the Governor*** "information in writing" "when required."[3] S.C. Const. art. IV, § 17.

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[3] The *South Carolina* court inferred from this provision that "the Attorney General, ***at the direction of the Governor***," would have similar authority. 2019 WL 3753945, at *1 (emphasis added). Even if that were so, it does not speak to the possibility of disagreement between the Attorney General and the Governor.

And the court barely mentioned the provision on hiring agency counsel, citing it as one of several provisions in a string cite, alongside others that largely mirror NMSA 1978, Sections 8-5-2 and 8-5-4.

The State's own caselaw is not persuasive either. In *In re Gold King Mine Release in San Juan County, Colorado on August 5, 2015*, No. 1:18-md-02824-WJ, 2020 WL 13563527, at *2 (D.N.M. Dec. 23, 2020) (special master), *objections overruled* 2021 WL 847971 (Mar. 5, 2021), the federal district court suggested that the Attorney General lacks "the power to compel other state agencies to produce documents." 2021 WL 847971, at *3. However, given the Attorney General's plenary authority over state litigation, that is simply incorrect. And it would be irrelevant even if it were correct, since ***discovery obligations fall on the State***, which is the party to the litigation, ***not on its counsel***, the Attorney General.[4]

The State also relies on a California case, *People ex rel. Lockyer v. Superior Court*, 19 Cal. Rptr. 3d 324 (Ct. App. 2004), but that case is inapposite. *Lockyer*, much like *United States v. American Express Co.*, No. 10-CV-04496 (NGG)

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[4] In any event, the case is clearly distinguishable, and if anything supports the J&J defendants' position. In *Gold King*, the State brought suit on behalf of itself and a single state agency. 2020 WL 13563527, at *1-2. It did not dispute its obligation to provide discovery on behalf of that agency, and also "produce[d] approximately 100,000 documents" from other state agencies. *Id.* at *2.

(RER), 2011 WL 13073683 (E.D.N.Y. July 29, 2011), cited by the court below, was an enforcement action. Specifically, the State of California alleged technical violations of a state code regulating the services that "opticians and eyeglass retailers" could advertise and the relationships they could have with "optometrists." 19 Cal. Rptr. 3d at 326. There was no allegation that the state was deceived or harmed in any way. Here, by contrast, New Mexico has brought an action on behalf of the state government as a whole, and parens patriae on behalf of its citizens, alleging a host of harms to the State and its agencies. (*See* BIC 3-4, 13, 16, 29-31.) In so doing, it has made discovery from those agencies fair game.[5]

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[5] The State relies heavily on an unpublished trial court order in *State of Michigan ex rel. Nessel v. Cardinal Health, Inc.*, No. 19-016896-NZ (Mich. Cir. Ct. Apr. 26, 2022) (cited in SAB 19-21 & attached to SAB as Ex. 2). Among the many opioid cases in which this issue has arisen, *Nessel* appears to be the only one to adopt the State's position, and it was wrongly decided for two fundamental reasons. First, it focused on the Attorney General's supposed inability to obtain certain documents. As mentioned, discovery obligations fall on a party – there, the State of Michigan – not on the Attorney General acting as the Party's counsel. Second, it held that the Attorney General need only produce documents if she had a "legal right to obtain [them] on demand." *Nessel*, slip op. at *5 (citation omitted). In New Mexico, at least, discovery obligations extend more broadly to all documents that a party has the "practical" ability to obtain. (*See* BIC 25-26.)

II. THE STATE CAN AND MUST OBTAIN DOCUMENTS FROM ITS CONSTITUENT AGENCIES.

The State's second argument—that the Attorney General lacks the power "to command gubernatorially[-]controlled state agencies to produce party discovery" (SAB 15)—is both wrong and irrelevant.

Contrary to the State's arguments, the Attorney General has the authority to compel the State, including constituent state agencies, to cooperate in discovery. While the Attorney General lacks "substantive or operational authority over executive agencies" (SAB 13), NMSA 1978, Sections 8-5-2 and 36-1-22 together give him "plenary authority" over state litigation. (BIC 22-23.)

Subsection 8-5-2(B) allows the Attorney General to "prosecute and defend . . . all actions and proceedings, civil or criminal, in which the state may be a party," while Section 36-1-22 provides that state suits are "entirely under the management and control of the . . . [A]ttorney [G]eneral." Responding to party discovery is an integral part of prosecuting and managing litigation. The State essentially argues that these statutes contain implicit exceptions—that they really mean the Attorney General can "prosecute[,] defend" and "manage and control" state litigation ***except*** with respect to discovery obligations. There is no basis for this interpretation, and the Court should not read into the statute language that the legislature declined to include.

The State further argues that the Court should recognize an implicit limitation on the Attorney General's access to agency discovery because "[t]he Governor's power [over agencies] necessarily includes the subordinate power of maintaining control over agency documents." (SAB 12.) According to the State, if the Attorney General were to obtain discovery from other agencies, it would "supplant the Governor and take control of gubernatorially-controlled state agencies." (*Id.* 16.) This hyperbolic argument has no support in law or common sense. Neither of the two cases cited by the State, *Republican Party of New Mexico v. New Mexico Taxation & Revenue Department*, 2012-NMSC-026, and *Edenburn v. New Mexico Department of Health*, 2013-NMCA-045 (cited in SAB 12), support its position. To the contrary, both rulings compelled the production of documents from agencies under the Governor's control.[6]

In any event, the Attorney General's personal authority is a red herring. Discovery obligations fall primarily on the ***party***, not its counsel. (*See* BIC 21-22.) The State of New Mexico is the party, it concedes as much, and the State includes

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[6] Although unnecessary to the outcome, NMSA 1978, Section 8-5-2(C) provides an independent basis to conclude that the Attorney General can access agency documents. The State acknowledges that the provision "authorizes the Attorney General to represent state agencies," but contends that it has no application outside of "actions that have already been initiated by" the agency. Not so. The authority to "prosecute" a lawsuit necessarily includes the power to initiate one. (*See* BIC 20 n.6 (citing *State ex rel. Bingaman v. Valley Sav. & Loan Ass'n*, 1981-NMSC-108, ¶ 6, 97 N.M. 8).)

its agencies. Accordingly, even if the Attorney General lacked statutory authority to compel the State to cooperate in discovery, the State itself still has the obligation to fulfill its discovery obligations, just like a private party represented by counsel. If the State fails to do so, the consequence should be dismissal.

III. EVEN IF THE AGENCIES WERE NOT PARTIES TO THE LAWSUIT, THE STATE WOULD STILL HAVE THE ABILITY AND RESPONSIBILITY TO PRODUCE DISCOVERY.

Even if the State and its component agencies were conceptually separate, agency documents would still be within the State's "possession, custody, or control," Rule 1-034 NMRA, and the answers to interrogatories would be "available" to the State, Rule 1-033 NMRA. These "liberal" standards require production of all information a responding party "has the ***practical*** ability to obtain." *United Nuclear*, 1980-NMSC-094, ¶¶ 56, 58 (emphasis added). The State contends in passing that the standards laid out in *United Nuclear* and other cases "ha[ve] no relevance to the constitutional issue" (SAB 30), but it cites absolutely nothing that suggests the "possession, custody, or control" and "availab[ility]" standards do not apply to government parties.[7]

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[7] The State argues that *United Nuclear* "relied on a specific provision of Rule 1-033 that only applies when a private party served is a partnership." (SAB 30-31 (citing *United Nuclear*, 1980-NMSC-094, ¶ 55).) That is wrong. The provision quoted in *United Nuclear* states that interrogatories are "to be answered by the party served or, if the party served is a public or private corporation or a partnership or association ***or governmental agency***, by any officer or agent who

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There is no question that the State can, as a practical matter, obtain and produce discovery held by state agencies. It acknowledges both the obligation and ability to do so in the criminal context, and it does not dispute that it was able to produce discovery on behalf of state agencies in the civil opioid case, *State ex rel. Balderas v. Purdue Pharma, L.P. et al*, No. D-101-CV-2017-02541, which went to trial. There is no reason to believe that this case is any different.

IV. ALLOWING THE STATE TO SHIRK ITS DISCOVERY OBLIGATIONS WOULD CREATE AN UNEVEN PLAYING FIELD.

Finally, the district court's ruling created an unequal—indeed, one-sided—discovery process that hampers the J&J defendants' ability to defend themselves. (*See* BIC 27-29.) If allowed to stand, it would support similarly unfair procedures in any civil case to which the State is a party, contravening New Mexico's strong public policy against "one-way" discovery. *Knight v. Presbyterian Hosp. Ctr.*, 1982-NMCA-125, ¶ 16, 98 N.M. 523. The State's responses are meritless.

First, the State asserts that because its lawsuit is focused on the marketing and sale of defendants' talc products, those defendants "hold[] almost all discoverable material." (SAB 2.) In so arguing, however, the State disregards its own theory of liability, which is that the ***State*** "lack[ed] . . . knowledge" of the

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shall furnish such information as is available to the party." Rule 1-033(A) NMRA (emphasis added) (quoted in 1980-NMSC-094, ¶ 55).

allegedly carcinogenic properties of talc (First Am. Compl. ("FAC") ¶ 123(g)) and therefore "reasonably and in good faith relied upon" the J&J defendants' allegedly false representations (*see, e.g.*, FAC ¶ 70). This theory, on its face, implicates the State's own talc-related knowledge and exposure to talc-related marketing, which are matters only it can know.

Moreover, the very first paragraph of the FAC broadly seeks to "recover the costs of . . . treating asbestos-related cancers [allegedly] caused by [defendants' talc] products, including, but not limited to, expenditures" made by numerous state agencies (FAC ¶ 1(a)-(f))—information that likewise cannot be pulled from defendants' own files. The State seeks to minimize its sweeping request by insisting that it "now only seeks damages related to expenditures from one agency, HSD." (SAB 4.) But the State has repeatedly refused to amend the FAC to formally abandon its request for damages on behalf of non-HSD agencies.

Even assuming that HSD were the only agency relevant to the State's theory of damages, all it has produced is a single spreadsheet that does not even mention the products at issue. The State asserts that the spreadsheet "contains expenditures made by HSD for medical treatment of cancers the State alleges were *caused* by talcum powder products" and that further evidence regarding causation "will be developed through expert witnesses." (SAB 7.) But the J&J defendants' experts will not be able to challenge that broad allegation of causation absent discovery

regarding the circumstances surrounding the State's treatment of New Mexico citizens' cancers, including whether those individuals had risk factors for cancer. In short, the State misconstrues the nature of its own allegations, theories, and requested relief.

Second, the State also argues that defendants "can obtain state-agency information directly from the state agencies." (SAB 35.) At the same time, the State acknowledges that requests for admission and interrogatories are not even available through third-party practice. *See, e.g.*, Rule 1-036(A) NMRA; Rule 1-033(A) NMRA. Instead, it argues that the J&J defendants have not yet served any requests for admission on the State and could depose state agencies through subpoena. (SAB 37.) The former contention is beside the point, while the latter only proves the J&J defendants' argument that third-party practice does not suffice.

With respect to requests for admission, the State overlooks that discovery has not closed in this case. The simple truth is that it would be futile to propound requests for admissions on a party that has successfully shielded itself from any meaningful discovery. The State's superficial approach to responding to defendants' interrogatories—including repeated assertions that "information within other branches, agencies, [or] departments . . . [wa]s not 'available' to the Attorney

General'" (State's Answers to Defs.' Interrogs. Obj. ¶ 11 (attached to BIC as Ex. 4))—essentially proves as much.

The State's discovery-by-deposition proposal only confirms that third-party practice cannot possibly suffice in litigation commenced by the State. After all, requiring defendants to depose state agencies through subpoena (as opposed to obtaining such information from the State through written discovery) is exactly the kind of burdensome exercise that makes third-party practice a poor substitute for the party discovery that has consistently been afforded the State. *See Apple Inc. v. Match Grp., Inc.*, No. 21-mc-80184-YGR (TSH), 2021 WL 3727067, at *5 (N.D. Cal. Aug. 19, 2021) ("In general, party discovery is more convenient and less burdensome . . . than subpoenaing a non-party for the same information.").

The State attempts to argue otherwise based on the fact that the J&J defendants have already subpoenaed eight state agencies for documents, six of which have provided responses. (SAB 35-37.) But the State ignores that most of the responses consist of boilerplate assertions that the agency has not located any responsive documents (*see, e.g.*, Letter from B. Fitzgerald to Bardacke Allison LLP, June 30, 2022 (attached as Ex. 1))—a reality that would likely obtain with deposition subpoenas as well, and inevitably spawn motion practice and delays, as the J&J defendants somehow attempt to divine which agencies have responsive documents or knowledge of the State's claims. Moreover, the fact that two

agencies have yet to provide ***any*** responses further highlights the challenges the J&J defendants alone will face if forced to rely on third-party document requests and depositions. Although the State asserts that it "would have to undertake the same exact process" to obtain the information from the agencies being requested by defendants (SAB 36), that erroneously presupposes that the State does not have plenary authority to compel such information from those agencies in the first place. Moreover, state agencies, which stand to gain a piece of any recovery either directly or indirectly, have an incentive to cooperate with the Attorney General and no such incentive to cooperate with the J&J defendants.

The district court's decision, if permitted to stand, will continue to hamstring the J&J defendants from seeking basic discovery that would be required in any civil case, creating a grossly uneven playing field.

CONCLUSION

For the foregoing reasons, as well as those laid out in the petition for a writ of superintending control and supplemental brief in chief, the Court should vacate the district court's order denying the J&J defendants' motion to compel.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of April, 2023, I filed the foregoing electronically through the e-file and serve system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the notice of electronic filing.

/s/ Justin Miller
Justin Miller

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June 30, 2022

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Re: Subpoena Re: State of New Mexico, Ex Rel. Hector Balderas, Attorney General v. Johnson & Johnson, et al., D-101-CV-2020-00013

Dear Ms. Dolan:

This letter is in response to the subpoena served on the New Mexico Corrections Department on behalf of Johnson and Johnson on March 11, 2022. The original return date of March 31, 2022 was extended by your office with a new response date of June 30, 2022.

Please be advised that the New Mexico Corrections Department has no documents responsive to your Requests for Production of Documents, numbers 1-33.

The Department has responded to your request for production of documents as it understand it, and it is now considered closed.

Sincerely,

OFFICE OF GENERAL COUNSEL
NEW MEXICO CORRECTIONS DEPT.

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EXHIBIT 1