

State of New Mexico
County of Sandoval
Thirteenth Judicial District

Kenneth and Kathleen DeHoff,
Appellants

vs.

No. D-1329-CV-2023-1382

Linda Gallegos in her role as Sandoval County Assessor
Appellee

Opposition to Appellee Request for additional time for filing a response to Appellant's statement of the Issues

Appellants received on October 26, 2023 Appellee request to the court for an extension to file their response to Appellant's Statement of the Issues which was properly filed October 17, 2023. Appellants first note they have argued in their Statement of the Issues to moot Appellee response under 1-074(X)(2) NMRA due to the failure of Appellee to produce the record as required by 1-074(H). Appellants additionally ask the court to deny this request because Appellants consider it to be without merit based on rule 1-074(J)(2) NMRA.

Appellants note the mandatory timeline of Appellee's response in 1-074(J)(2) NMRA: *"the appellee's response shall be filed and served within thirty (30) days after service of the appellant's statement of issues"* which is November 16, 2023. Appellee's request for more time identified several procedural complexities of their own creation and did not identify any extraordinary barriers to timely file their response that are not of their own making or beyond their control. Appellants note the failure of Appellee to establish any legitimate basis for requesting this extension and as previously noted, 1-074 NMRA does not provide any mechanism for any delays by either Appellee or Appellant. Appellants note the mandatory nature of time and place requirements within *In re Gelinias, 2020-NMCA-038*. ¶¶5-7 that states in summary "This Court must dismiss a case when it does not have jurisdiction and the timeliness of an appeal is a mandatory precondition to the exercise of our jurisdiction. Satisfaction of time and place requirements for filing a notice of appeal are mandatory preconditions to the exercise of appellate jurisdiction." While discussed relative to an Appellant's responsibilities to abide by mandatory time and place filing requirements, any differing requirements upon the Appellee's actions would necessarily establish a fundamental error and equal rights violation by granting preferential terms to the government agency'.

Justice Delayed is Justice Denied. Appellee Motion for Additional Time to Respond to Appellant Statement of the Issues is without merit and should be denied.

We certify that on 11/9/2023 we did also provide this document to Appellee's legal representative



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