

STATE OF NEW MEXICO  
COUNTY OF SANDOVAL  
THIRTEENTH JUDICIAL DISTRICT COURT

KENNETH DeHOFF &  
KATHLEEN DeHOFF,

Appellants/Cross-Appellees,

Case No. D-1329-CV-2023-01382

*versus*

LINDA P. GALLEGOS,  
*in her official capacity as*  
SANDOVAL COUNTY ASSESSOR,

Judge Martinez

Appellee/Cross-Appellant.

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**APPELLEE/CROSS-APPELLANT SANDOVAL COUNTY ASSESSOR'S  
MOTION TO STRIKE APPELLANTS/CROSS-APPELLEES'  
NOTICE OF APPEAL AND CERTIFICATE OF SERVICE**

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Linda P. Gallegos, in her official capacity as Sandoval County Assessor, moves to strike the Notice of Appeal and Certificate of Service filed by appellants/cross-appellees Kenneth and Kathleen DeHoff on the grounds that they were filed in violation of Rule 1-011. No request for concurrence under Rule 1.007.1(C) was made by counsel because the effect of this motion would be the same as a motion to dismiss.

Both the Notice and the Certificate are filed in the names of Kenneth and Kathleen DeHoff. But only Mr. DeHoff has signed the filings. Mr. DeHoff does not appear to be licensed to practice law in New Mexico as he is not listed in the on-line attorney directory of the State Bar of New Mexico.<sup>1</sup>

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<sup>1</sup> Available at <https://www.sbnm.org/For-Public/I-Need-a-Lawyer/Online-Bar-Directory> (last accessed Sept. 26, 2023).

### *Rules of Court*

Rule 1-011(A), NMRA, states “Every pleading, motion, and other paper of a party represented by an attorney, shall be signed by at least one attorney of record in the attorney’s individual name, whose address and telephone number shall be stated. A party who is not represented by an attorney shall sign the party’s pleading, motion, or other paper and state the party’s address and telephone number.”

“The practice of law in any court is limited to duly licensed attorneys who are members of the State Bar or otherwise authorized by [the Supreme] Court’s rules in specific, limited circumstances.” *State v. Rivera*, 2012-NMSC-003, ¶ 1, 268 P.3d 40. The practice of law includes “(1) representation of parties before judicial or administrative bodies [and] (2) preparation of pleadings and other papers incident to actions.” *State ex rel. Norvell v. Credit Bureau of Albuquerque, Inc.*, 1973-NMSC-087, ¶ 20, 85 N.M. 521, 514 P.2d 40.

The Supreme Court has authorized non-attorneys to appear in certain cases in Magistrate Court. e.g., Rule 2-107(B), NMRA, Rule 6-107(B), NMRA. But it has not made a similar provision in the District Court rules—except for permitting practice by law students under the supervision of a licensed attorney. See Rule 1-094, NMRA, Rule 1.094.1, NMRA.

### *Conclusion*

The filings submitted in the names of Kenneth and Kathleen DeHoff are signed by only by one of them and that person is not a licensed attorney. Because the filings do not comply with the District Court rules, both the Notice of Appeal and the Certificate of Service should be stricken.

*(Signature Page Follows)*

Respectfully submitted:

MICHAEL ESHLEMAN,  
SANDOVAL COUNTY ATTORNEY

/s/Michael Eshleman  
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*Certificate of Service*

I certify that on September 26th, 2023, I e-mailed a copy of this document to:

Kenneth & Kathleen DeHoff  
66 Bad Coyote Place  
Corrales, New Mexico 87048  
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/s/Michael Eshleman  
Michael Eshleman,  
Sandoval County Attorney