

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

SOUTHWEST PUBLIC POLICY INSTITUTE,

Plaintiff,

No.: D-202-CV-2024-07328

v.

CITY OF ALBUQUERQUE and
ETHAN WATSON (in his official capacity as Records Custodian),

Defendants.

SUBPOENA DUCES TECUM

SUBPOENA FOR: [XX] DOCUMENTS OR OBJECTS

To: Civic Plus and/or NextRequest
302 South 4th Street, Suite 500
Manhattan, Kansas 66502
legal@civicplus.com

YOU ARE HEREBY COMMANDED THAT AT THE FOLLOWING PLACE AND TIME

DATE: Fourteen (14) days after receipt of this Subpoena for Production of Documents

PLACE: Grover Law, LLC
9400 Holly NE, Bldg. 4
Albuquerque, NM 87122

TO: Produce the following described documents or objects concerning the City of Albuquerque, New Mexico, NextRequest platform database as follows:

1. The PostgreSQL database (or databases) from nextrequest.cabq.gov which contains information from all public records requests submitted between January 1, 2019 to December 1, 2022.

ABSENT A COURT ORDER, DO NOT RESPOND TO THIS SUBPOENA UNTIL THE EXPIRATION OF FOURTEEN (14) DAYS AFTER THE DATE OF SERVICE OF THE SUBPOENA.

DO NOT RESPOND TO THIS SUBPOENA FOR PRODUCTION OR INSPECTION IF YOU ARE SERVED WITH WRITTEN OBJECTIONS OR A MOTION TO QUASH UNTIL YOU RECEIVE A COURT ORDER REQUIRING A RESPONSE.

You may comply with this subpoena for production or inspection by providing legible copies of the items requested to be produced by mail or delivery to the attorney whose name appears on this subpoena. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of inspection and copying. You have the right to object to the production pursuant to this subpoena as provided below.

READ THE SECTION "DUTIES IN RESPONDING TO SUBPOENA. IF YOU DO NOT COMPLY WITH THIS SUBPOENA you may be held in contempt of court and punished by fine or imprisonment.

Subpoena Issued November 6, 2024.

/s/ Thomas R. Grover

Thomas R. Grover
GROVER LAW, LLC
9400 Holly NE, Bldg. 4
Albuquerque, NM 87122
Office: (505) 695-2050
Fax: (505) 944-1073
thomas@grover-law.com
Attorney for Plaintiff

CERTIFICATION

I hereby certify that a true copy of this document was sent via electronic mail to the following counsel of record for Defendants on November 6, 2024:

Laura R. Callanan
Assistant City Attorney
Lauren Keefe, City Attorney
One Civic Plaza NW
PO Box 2248
Albuquerque, New Mexico 87103

TO BE PRINTED ON EACH SUBPOENA

1. This subpoena must be served on each party in the manner provided by Rule 1-005 NMRA. If service is by a party, and affidavit of service must be used instead of a certificate of service.
2. A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
3. If a person's attendance is commanded, one full day's per diem must be tendered with the subpoena, unless the subpoena is issued on behalf of the state or an officer or agency thereof. Mileage must also be tendered at the time of service of the subpoena as provided by the Per Diem and Mileage Act [10-8-1 NMSA 1978]. See Section 38-6-4 NMSA 1978 for per diem and mileage for witnesses. See Paragraph A of Section 10-8-4 NMSA 1978 for per diem and mileage rates for non-salaried public officers. Payment of per diem and mileage for subpoenas issued by the state is made pursuant to regulations of the Administrative Office of the Courts. See Section 34-9-11 NMSA 1978 for payments from the jury and witness fee fund.

PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

1. A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
2. Subpoena of materials or inspection of premises.
 - a. A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises:
 - i. need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial;
 - ii. absent a court order, shall not respond to the subpoena prior to the expiration of fourteen (14) days after the date of service of the subpoena;
 - iii. if a written objection is served or a motion to quash the subpoena is filed, shall not respond to the subpoena until ordered by the court;
 - iv. may condition the preparation of any copies upon payment in advance of the reasonable cost of inspection and copying.
 - b. Subject to Subparagraph (2) of Paragraph D of this rule:
 - i. a person commanded to produce and permit inspection and copying, or a person who has a legal interest in or the legal right to possession of the designated material or premises may file a written objection or a motion to quash the subpoena;
 - ii. any party may, within fourteen (14) days after service of the subpoena serve upon all parties written objection to or a motion to quash inspection

or copying of any or all of the designated materials or inspection of the premises;

- iii. If objection is served on the party serving the subpoena or a motion to quash is filed with the court and served on the parties, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. The court may award costs and attorney's fees against a party or person for serving written objections or filing a motion to quash which lacks substantial merit.

3.

- a. On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:
 - i. fails to allow reasonable time for compliance;
 - ii. requires a person who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of Subparagraph (3)(b)(iii) of this paragraph, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
 - iii. requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - iv. subjects a person to undue burden.
- b. If a subpoena:
 - i. requires a disclosure of a trade secret or other confidential research, development, or commercial information,
 - ii. requires disclosure of an un-retained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
 - iii. requires a person who is not a party or an officer of a party to incur substantial expense to travel more than one hundred (100) miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

DUTIES IN RESPONDING TO SUBPOENA

1. A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
2. When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and

shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

3. A person commanded to produce documents or material or to permit the inspection of premises shall not produce the documents or materials or permit the inspection of the premises if a written objection is served or a motion to quash has been filed with the court until a court order requires their production or inspection.

CONTEMPT

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a non-party to attend or produce a place not within the limits provided in Subparagraph (3)(a)(ii) of Paragraph C of this rule.

RETURN FOR COMPLETION BY SHERIFF OR DEPUTY

STATE OF NEW MEXICO)
)ss.
COUNTY OF _____)

I certify that on the ___ day of _____, _____, in _____ County, I served this subpoena on _____ by delivering to the person named a copy of the subpoena, the statutory witness fee, and mileage amount of \$_____

Sheriff or Deputy

RETURN FOR COMPLETION BY PERSON MAKING SERVICE

STATE OF NEW MEXICO)
)ss.
COUNTY OF _____)

I, being duly sworn, on oath say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that on the ___ day of _____, _____, in _____ County, I served this subpoena on _____ by delivering to the person named a copy of the subpoena, the statutory witness fee and mileage in the amount of \$_____

Person making service

SUBSCRIBED AND SWORN to before me this _____ day of _____,
_____ (date).

Judge, notary or other officer
authorized to administer oaths

CERTIFICATE OF SERVICE BY ATTORNEY

I certify that I caused a copy of this subpoena to be served on the above identified entity by _____
via email to legal@civicplus.com
_____ on Nov. 6, 2024.

/s/ Thomas R. Grover 11/6/2024
Signature Date