

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT COURT

HAUSSAMEN PUBLICATIONS, INC.,

Plaintiff,

v.

D-307-CV-2018-01655

NEW MEXICO SPACEPORT AUTHORITY,

Defendant(s).

MOTION FOR DEFAULT JUDGMENT

COMES NOW Plaintiff, by and through undersigned counsel, and, pursuant to NMRA 1-055, moves this Court for Default Judgment and Defendant. AS GROUNDS, Plaintiff states:

1. Plaintiff filed the original complaint in this matter on August 3, 2018. Plaintiff filed an amended complaint on August 6, 2018, prior to service of process on the Defendant.

2. Defendant was served with the Amended Petition, Summons, and Scheduling Order via certified mail with return receipt requested with an effective date of service of August 8, 2018. Defendant's Answer or responsive pleading was due on September 10, 2018.

3. On September 6, 2018, undersigned counsel was contacted via email by Michael R. Bebeau, an attorney with the State of New Mexico Risk Management Division. Mr. Bebeau requested an extension through September 21, 2018, to file the State's answer or a responsive pleading. Undersigned counsel granted the extension. A copy of the email exchange between counsel is attached hereto as Exhibit A.

4. No answer or responsive pleading was filed by September 21, 2018, by the State of New Mexico. Undersigned counsel telephoned Mr. Bebeau on September 26, 2018, and was told that the Defendant was obtaining contract counsel through the Miller Stratvert, P.A., law

firm. Undersigned counsel requested that the new attorney contact him as soon as possible regarding the filing of the State's Answer or responsive pleading.

5. Undersigned counsel has had no contact with any attorney claiming to represent the Defendant, nor has an attorney or law firm entered its appearance on behalf of the Defendant, and no Answer or responsive pleading has been filed.

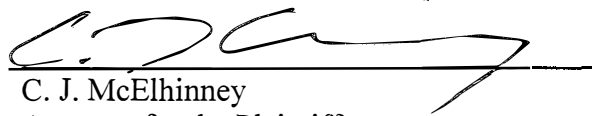
6. Plaintiff states a claim for which relief can be granted in its Amended Complaint.

7. Plaintiff is entitled to default judgment.

WHEREFORE Plaintiff respectfully requests that this Court set a hearing and enter default judgment against Defendant for the relief requested in Plaintiff's amended complaint.

Respectfully Submitted,

McELHINNEY LAW FIRM LLC

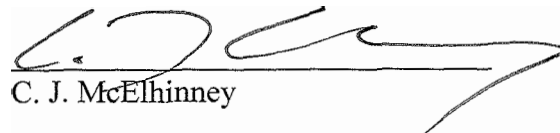


C. J. McElhinney
Attorney for the Plaintiff
P.O. Box 1945
Las Cruces, NM 88004
(575) 288-1989
(575) 556-9388 (FAX)
cjm@cjmlawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2018, a true and correct copy of the foregoing motion was delivered to:

New Mexico Spaceport Authority (VIA FIRST CLASS US MAIL)
901 E. University Ave Suite 965L
Las Cruces, NM 88001



C. J. McElhinney



C. J. McElhinney <cjm@cjmlawfirm.com>

Haussmen Publication v. New Mexico Spaceport Authority

Bebeau, Michael, GSD <Michael.Bebeau@state.nm.us>
To: "CJM@CJMLawfirm.com" <CJM@cjmlawfirm.com>

Thu, Sep 6, 2018 at 1:45 PM

Good afternoon Mr. McElhinney,

Ned Fuller forwarded your voicemail to me this afternoon regarding the Spaceport IPRA case. It looks like a response is due this Friday, but we are hoping you would agree to a two week extension through Friday, September 21, 2018.

Please feel free to call me at (505) 827-0538.

Thanks,

Mike

MICHAEL R. BEBEAU

Senior Litigation Attorney

State of New Mexico Risk Management Division

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C. J. McElhinney <cjm@cjmlawfirm.com>

Haussmen Publication v. New Mexico Spaceport Authority

C. J. McElhinney <cjm@cjmlawfirm.com>

Thu, Sep 6, 2018 at 3:19 PM

To: "Bebeau, Michael, GSD" <Michael.Bebeau@state.nm.us>

No objection to an extension through September 21.

CJM

Sent from my iPhone

[Quoted text hidden]



C. J. McElhinney <cjm@cjmlawfirm.com>

Haussmen Publication v. New Mexico Spaceport Authority

C. J. McElhinney <cjm@cjmlawfirm.com>

Mon, Sep 24, 2018 at 8:10 AM

To: ned.fuller@state.nm.us

Cc: "Bebeau, Michael, GSD" <Michael.Bebeau@state.nm.us>

Dear Mr. Fuller:

On September 6, 2018, I granted an extension to Mr. Bebeau for the defendant to file its answer no later September 21, 2018. I have received nothing and NMcourts.gov does not indicate any filing from the New Mexico Spaceport Authority. Please advise on the status of the filing of your answer.

Sincerely,

C. J. McElhinney
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