# Administrative Office of the Courts

Reporters and Editors:

The Supreme Court issued an order today scheduling oral arguments on Jan. 13 in a case over whether the state must compensate businesses for losses from temporary closures or other public health emergency restrictions.

The Court's order establishes a schedule for the parties to submit legal briefs and it stays district court proceedings in more than a dozen lawsuits filed by businesses seeking compensation.

Today's order is attached. Documents in the case, *State v. Wilson*, S-1-SC-38510, are available in SOPA.

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Supreme Court of New Mexico
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Office of the Clerk
Joey D. Moya

**IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

**November 20, 2020**

**NO. S-1-SC-38510**

**STATE OF NEW MEXICO,
KATHYLEEN KUNKEL,
in her official capacity as the
Secretary of the Department of
Health, and MICHELLE LUJAN
GRISHAM, in her official Capacity
as the Governor of New Mexico,**

Petitioners,

v.

**HON. MATTHEW WILSON,
First Judicial District Court Judge,
HON. ERIN B. O'CONNELL,
Second Judicial District Court Judge,
HON. BEATRICE J. BRICKHOUSE,
Second Judicial District Court Judge,
HON. MARCI BEYER,
Third Judicial District Court Judge,
HON. JARED G. KALLUNKI,
Fifth Judicial District Court Judge,
HON. THOMAS E. LILLEY,
Fifth Judicial District Court Judge,
HON. MATTHEW G. REYNOLDS,
Seventh Judicial District Court Judge,
HON. MATTHEW E. CHANDLER,
Ninth Judicial District Court Judge,
HON. DAVID P. REEB,
Ninth Judicial District Court Judge,
HON. CURTIS R. GURLEY,
Eleventh Judicial District Court Judge, and**

**HON. ELLEN R. JESSEN,**
**Twelfth Judicial District Court Judge,**

Respondents,

and

**PEREZ ENTERPRISES, LLC, ELITE FITNESS & TANNING, LLC, COWBOY CAFE, LLC, MAD MAC, LLC, HM PROPERTIES, LLC, CAMPE2, LLC, ELI'S BISTRO, INC., DAVID HETT, SPORTS ADVENTURE, KRK PROPERTIES, LLC, ALLSTAR AUCTION CO., LLC, OOPS A DAISY FLORAL LTD., BEDONIE CASKET LTD, CO., LONE TREE, INC., MAUGER ESTATES B&B, GRAND AVENUE ENTERPRISES, LLC, HINKLE FAMILY FUN CENTER, LLC, SANTA FE OXYGEN & HEALING BAR, LLC, and APOTHECARY RESTAURANT, LLC,**

Real Parties in Interest.

**ORDER**

WHEREAS, this matter came on for consideration by the Court upon verified petition for writ of superintending control and emergency request for stay, response thereto, and reply, and the Court having consider said pleadings and being sufficiently advised, Chief Justice Michael E. Vigil, Justice Barbara J. Vigil, Justice Judith K. Nakamura, Justice C. Shannon Bacon and Justice David K. Thomson concurring;

NOW, THEREFORE, IT IS ORDERED that petitioners and real parties in

interest shall file briefs as required by the terms of this order that address whether the public health emergency orders issued in response to the COVID-19 pandemic may support a claim for just compensation under Article II, Section 20 of the New Mexico Constitution or the Public Health Emergency Response Act;

IT IS FURTHER ORDERED that petitioners shall file a brief in chief **on or before December 7, 2020**;

IT IS FURTHER ORDERED that the real parties in interest shall file an answer brief **on or before December 22, 2020**;

IT IS FURTHER ORDERED that petitioners shall file a reply brief **on or before January 6, 2021**;

IT IS FURTHER ORDERED that the briefs required under this order shall comply with the length limitations and other applicable formatting requirements for briefs in chief, answers briefs, and reply briefs in Rule 12-318 NMRA;

IT IS FURTHER ORDERED that oral argument shall be heard in this matter on **Wednesday, January 13, 2021, at 1:30 p.m.**, and counsel shall appear for oral argument by audio-video connection as directed by the Clerk of Court; and

IT IS FURTHER ORDERED that the emergency request for a stay of current and future district court lawsuits seeking just compensation as a result of the public health emergency orders during the pendency of this proceeding is

GRANTED until further order of this Court.

IT IS SO ORDERED.

WITNESS, the Honorable Michael E. Vigil, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 20th day of November, 2020.

Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico

I CERTIFY AND ATTEST:
A true copy was served on all parties
or their counsel of record on date filed.
Joey D. Moya
Chief Clerk of the Supreme Court
of the State of New Mexico