

FILED
2014 FEB 20 10 58 AM
CLERK OF COURT
ALBUQUERQUE, N.M.

**IN THE COURT OF APPEALS
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF THE TWO PETITIONS FOR
A HEARING ON THE MERITS REGARDING
AIR QUALITY PERMIT NO. 2037-M1 ISSUED TO
SMITH'S FOOD & DRUG CENTERS, INC.

Georgianna E. Peña-Kues, Andy
Carrasco, James A. Nelson and Summit
Park Neighborhood Association,
Petitioners-Appellees,

Ct. App. No. 32,790
Air Quality Control Board
Nos. 2012-1 and 2012-2

v.

Smith's Food & Drug Centers, Inc. and the
City of Albuquerque,

Respondents-Appellants.

**MOTION FOR EXTENSION OF TIME TO
FILE BRIEF-IN-CHIEF**

COMES NOW Appellant City of Albuquerque (the "City"), by and through undersigned counsel of record, and hereby requests an extension of time to file the Brief-in-Chief in this matter from February 20, 2014 to March 7, 2014. In support of this Motion, the City states as follows:

1. The Brief-in-Chief is currently due on February 20, 2014.
2. Counsel for the City has had a number of deadlines that were established prior to the filing of the Notice of Assignment to the General Calendar in this matter.

3. Counsel for the City requests an additional two weeks to file the Brief-in-Chief.

4. This is the City's first request for an extension for the Brief-in-Chief.

5. Counsel for Smith's has been contacted and does not oppose this Motion.

6. Counsel for the represented Petitioners-Appellees has been contacted and does not oppose this Motion.

7. The unrepresented Petitioners-Appellees were contacted. Judy Jennings of Summit Park Neighborhood Association, Petitioner/Appellee *Pro Se* opposes this Motion. James Nelson and Georgianna Peña-Kues, Petitioners/Appellees *Pro Se* did not respond.

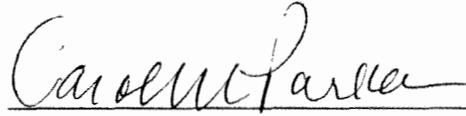
WHEREFORE, the City respectfully requests that the Court grant an extension from February 20, 2014 to March 7, 2014 for the City to file the Brief-in-Chief.

Respectfully submitted,

CITY OF ALBUQUERQUE

David Tourek

City Attorney

A handwritten signature in cursive script, reading "Carol M. Parker", written over a horizontal line.

Carol M. Parker

Assistant City Attorney

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing Motion for Extension of Time to File the Brief-in-Chief were served on the following on Feb 19, 2014 to:

By Hand Delivery to:

Wendy F. Jones, Attorney/Clerk
New Mexico Court of Appeals
2211 Tucker Ave NE
Albuquerque, NM 87131

By Hand Delivery to:

Albuquerque-Bernalillo County Air
Quality Board (hand delivery*)
c/o Elizabeth Jones, Hearing Clerk
Air Quality Division
Environmental Health Department
City of Albuquerque
One Civic Plaza, NW, Room 3023
Albuquerque, New Mexico 87103
(505) 768-2601

By Email and First Class Mail to:

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*Attorneys for Appellant Smith's
Food & Drug Centers, Inc.*

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Bill Grantham
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Air Quality Division, Environmental
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By Email and First Class Mail to:

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Hearing Officer

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By Email and First Class Mail to:
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*Court Reporters for January 9,
February 13 and March 13, 2013
Board Meetings*

By Email and First Class Mail to:
Kathy Townsend Court Reporters
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*Court Reporters for August 21-23,
2012
Hearing on the Merits*



Carol M. Parker
Assistant City Attorney