

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

ELOY GIRON AND BRYAN SMITH,

Appellants,

vs.

No. D-101-CV-2021-02112

NEW MEXICO PUBLIC EDUCATION DEPARTMENT,

Appellee.

ORDER DENYING PED MOTION TO STAY PENDING APPEAL

This matter is before the Court as a result of Appellee New Mexico Public Education Department's May 24, 2022 Motion to Stay Pending Appeal argued in Court on August 31, 2022. Having considered the briefs filed and the oral arguments of the parties at the hearing held on August 31, 2022, the Court hereby FINDS and ORDERS:

As this is an appeal of an administrative decision governed by Rule 1-074 NMRA, the Court does not have the discretion to stay its decision pending PED's petition for certiorari at the Court of Appeals. Further, even if the Court were to reach the issue of whether to grant a stay, PED has made not made the required showing of irreparable harm to itself, the parties, or the public if a stay is not entered. Therefore, PED's Motion to Stay Pending Appeal is hereby DENIED.

IT IS SO ORDERED.

Dated: 9/2/22_



The Honorable Maria Sanchez-Gagne
District Court Judge

Notice mailed or delivered on date of filing to parties listed on attached sheet.

SUBMITTED BY:

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ALL PARTIES ENTITLED TO NOTICE

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