

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

NEW MEXICO PATRIOTS
ADVOCACY COALITION,
LISA BRENNER, PRO-GUN WOMEN,

Plaintiffs,

v.

Case No. **D-202-CV-2020-01048**

TIM KELLER, Mayor,
City of Albuquerque, SARITA NAIR,
Chief Administrative Officer, City of
Albuquerque.

Defendants.

**ANSWER TO AMENDED COMPLAINT FOR DECLARATORY JUDGMENT AND
VERIFIED PETITION FOR RELIEF**

Defendants Tim Keller, Mayor, and Sarita Nair, Chief Administrative Officer, of the City of Albuquerque, by and through their undersigned counsel of record, for their answer and affirmative defenses to the Amended Complaint for Declaratory Judgment and Verified Petition for Relief (the "Complaint"), states as follows:

1. Defendants are without knowledge or information sufficient to admit or deny the allegations of Paragraphs 1-3, and therefore deny the allegations.
2. Defendants admit the allegations of Paragraphs 4-5.
3. Paragraph 6 contains legal conclusions to which no response is required. To the extent a response is deemed to be required, Defendants admit that this district is the proper venue for this Complaint.
4. Paragraphs 7-10 contain legal assertions and conclusions to which no response is required. To the extent a response is deemed required, Defendants deny the allegations.

5. Paragraph 11 is an incorporation paragraph to which no response is required.

6. Paragraphs 12-16 contain legal assertions and conclusions to which no response is required. To the extent a response is deemed required, Defendants deny the allegations.

7. Defendants deny that Plaintiffs are entitled to the relief requested in the prayer.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief may be granted regarding any purported violation(s) of the Second Amendment of the United States Constitution, or the New Mexico Constitution, Article II Section 6.

2. The Complaint fails to state a claim upon which relief may be granted regarding any purported violation(s) of the First Amendment of the United States Constitution, or the New Mexico Constitution, Article II, Sections 16 or 17.

3. Plaintiffs lack standing to assert the claims and causes of action asserted against Defendants.

4. Plaintiffs' claims and causes of action are unripe.

5. The Court does not have jurisdiction over Plaintiffs' claims.

6. The claims in the Complaint are barred, in whole or in part, by the equitable doctrine of laches.

7. Administrative Instructions 5-19 and 5-20 are not preempted by the New Mexico Constitution.

8. Administrative Instructions 5-19 and 5-20 do not violate the Second Amendment of the United States Constitution.

9. Administrative Instructions 5-19 and 5-20 do not violate the First Amendment of the United States Constitution.

10. Administrative Instructions 5-19 and 5-20 do not violate the New Mexico Constitution.

11. Defendants reserve the right to raise additional affirmative defenses that may become apparent in the course of the litigation.

WHEREFORE, Defendants respectfully request that the Court dismiss the Complaint with prejudice and award all other relief to which Defendants are entitled.

Dated: November 15, 2021

Respectfully submitted,

/s/ Esteban A. Aguilar, Jr.

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**Requesting Admission Pro Hac Vice
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed on November 15, 2021 and submitted for service through the Odyssey System to:

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/s/ Esteban A. Aguilar, Jr.