

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO**

No. CV-2003-2215

**NEW MEXICO TRANSPORTATION UNION,
ROBERT GUTIERREZ, Chairman,
and
BUS AND VAN DRIVERS IN THE
NMTU BARGAINING UNIT,**

Plaintiffs,

vs.

**CITY OF ALBUQUERQUE,
MARTIN CHAVEZ, Mayor,
JAMES LEWIS, Chief Administrative Officer,
PETER BEHRMAN, Transit Department Director,**

Defendants,

ORDER BIFURCATING PROCEEDINGS

This matter being before the Court on the parties' Joint Motion to Bifurcate and the Court being advised that the parties are attempting to resolve issues by agreement and stipulation and agree that this matter should be divided into two parts, with the first part to be tried to the Court and the second part, if necessary, to be tried to a jury at a later time and being otherwise informed in the premises;

IT IS HEREBY ORDERED that undisputed factual and equitable issues will be heard and decided by the Court at a bench trial on September 6 and 7, 2005; and that disputed factual issues, legal issues, and damages will be decided by a jury at a later date, if such proceedings are still necessary to finally resolve the case.

ENDORSED
FILED IN MY OFFICE THIS

AUG 22 2005

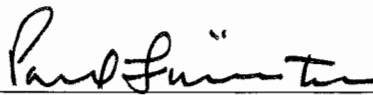
Quantita M. Duon
CLERK DISTRICT COURT

SRADRAL L. STEPHAN

IT IS FURTHER ORDERED that Plaintiffs may amend their First Amended Complaint to include a Count for a Declaratory Judgment under the New Mexico Declaratory Judgment and that Defendants have five days thereafter to Answer Plaintiffs' Second Amended Complaint.

GERALDINE E. RIVERA AUG 19 2005
Hon. Geraldine Rivera
Second Judicial District Court Judge

Agreed to by:



Paul Livingston
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and

Approved P.G.

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