

ENDORSED
FILED IN MY OFFICE THIS
DEC 12 2007
Quanita M. Duran
CLERK DISTRICT COURT
DANNY CHAVEZ

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

No. CV-2003-2215

NEW MEXICO TRANSPORTATION UNION, et al.,

Plaintiffs,

vs.

CITY OF ALBUQUERQUE, et al.,

Defendants,

ORDER

This matter being before the Court on Plaintiff's Motion to Enforce Settlement Agreement and Court Order on Merit System Issues, and the Court having read the briefs submitted by the parties and heard arguments at a hearing on November 15, 2007, and being fully advised in the premises;

THE COURT FINDS that the City of Albuquerque and its management officials have not complied with the terms of the September 12, 2005, Settlement Agreement or the September 6, 2005, Order of the Court;

WHEREFORE, IT IS HEREBY ORDERED that Plaintiffs' Motion is granted, the Second Amended Complaint is reinstated, and Plaintiffs shall have leave to amend and supplement the Second Amended Complaint with a third amended complaint:

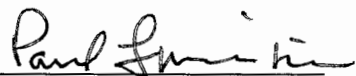
IT IS FURTHER ORDERED that with respect to the provision of performance evaluations to classified City employees, Defendants shall have until the end of January, 2008, to comply with the provisions of the Settlement Agreement and the Merit System Ordinance; that with respect to selection of Personnel Hearing Officers Defendants shall proceed forthwith in compliance with the provisions of the Settlement Agreement and the Merit System Ordinance; and that with respect to the Personnel Board, Defendants shall comply with the Settlement Agreement, the Court's Order, and the Merit System Ordinance;

IT IS FURTHER ORDERED that the Court will hold a hearing in late February or early March, 2008, and at that hearing Defendant City of Albuquerque's management officials will appear before the Court to explain their prior non-compliance and their prospective compliance with the Settlement Agreement and Merit System Ordinance.

GERALDINE E. RIVERA

Hon. Geraldine E. Rivera
District Judge, Div. XXIII

Submitted by:



Paul Livingston
Attorney for Plaintiffs

Approved as to form by:

by e-mail, 12/7/07 pg.
Michael I. Garcia
Assistant City Attorney