

**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, and  
PETER BEHRMAN, Transit Department Director,**

**Defendants.**

ENDORSED  
FILED IN MY OFFICE THIS

SEP 06 2005

*Quentin M. Levan*  
CLERK DISTRICT COURT

FILED IN MY OFFICE THIS  
SEP 06 2005

**STIPULATED ORDER OF DISMISSAL**

**THIS MATTER** being before the Court on the Stipulated Settlement Agreement reached by the parties and the Court being advised that the parties have agreed to compromise, resolve, and settle all matters in this lawsuit, that a copy of the Settlement Agreement is attached hereto, and being otherwise advised in the premises;

**IT IS HEREBY ORDERED** that with respect to performance evaluations (part 1), the mediation program (part 2), administration of the merit system (part 5) and other matters (part 6) in the Settlement Agreement, the Court accepts and adopts the agreement of the parties and those matters will be dismissed with prejudice;

**IT IS FURTHER ORDERED** that with respect to the City Personnel Board (part 3) the Court will accept and adopt the agreement of the parties, issue a separate Stipulated Order, and will dismiss that matter with prejudice;

**IT IS FURTHER ORDERED** that with respect to Personnel Hearing Officers (part 4) the Court will accept the agreement of the parties and dismiss the claim with prejudice, except that with respect to the ad hoc selection committee meetings the Court will dismiss Plaintiffs' claim without prejudice to refile if the parties are unable to reach a subsequent agreement.

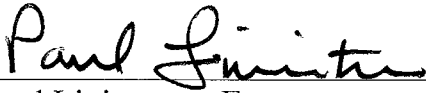
**IT IS FINALLY ORDERED** that the Court will retain jurisdiction to enforce the Settlement Agreement, if necessary, and that pursuant to the agreement of the parties all matters in this case should be and are hereby dismissed with prejudice with the exception of the part related to the ad hoc Hearing Officer selection committee, which is dismissed without prejudice.

GERALDINE E. RIVERA

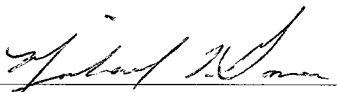
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Hon. Geraldine E. Rivera  
Second Judicial District Judge

Submitted by:

  
\_\_\_\_\_  
Paul Livingston, Esq.  
Attorney for Plaintiffs

Approved by:

  
\_\_\_\_\_  
Michael I. Garcia  
Assistant City Attorney  
Attorney for Defendants