

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

THE GREAT ACADEMY and its GOVERNING BODY,
a New Mexico public charter school,

Appellants,

vs.

Case No. D-101-CV-2021-00754

RYAN STEWART, in his official capacity
as SECRETARY OF EDUCATION
OF THE NEW MEXICO PUBLIC
EDUCATION DEPARTMENT,

Appellee.

ORDER GRANTING STAY PENDING RULE 1-074 APPEAL

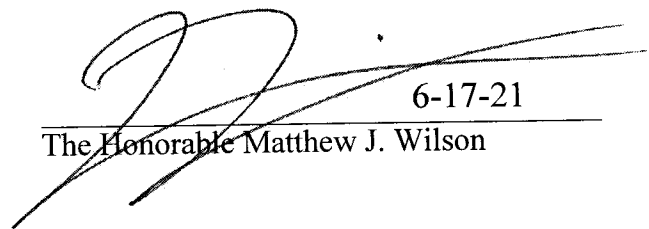
THIS MATTER having come before the Court on June 10, 2021, on Appellants' Expedited Motion for Stay Pending Appeal pursuant to NMRA 1-074(Q), and the Court, having reviewed the submittals of the parties, having heard argument of counsel and being otherwise fully advised, hereby finds as follows:

1. The Court has jurisdiction to grant a stay under Rule 1-074(Q) NMRA;
2. Appellants have met their burden for a stay of enforcement of the order or decision under review, pursuant to 1-074(Q) NMRA;
3. Appellants will suffer irreparable injury if a stay is not granted;
4. There is a reasonable likelihood that Appellants will prevail on the merits of the appeal;
5. Interested parties will not suffer substantial harm if a stay is granted; and
6. The public interest will not be harmed by granting the stay.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. Pending a final decision on this Rule 1-074 NMRA appeal by this Court, Appellants The GREAT Academy shall remain in operation according to the terms of its existing contract with the New Mexico Public Education Commission and the laws, pertinent rules and regulations incorporated therein.
2. Pending a final decision on the Rule 1-074 NMRA appeal by this Court, Appellants The GREAT Academy shall remain in operation and the Governing Council will maintain the authority granted to it, pursuant to all applicable federal and state rules and regulations.
3. No bond is set or shall be required.

WHEREFORE, it is hereby ordered that Appellants' Expedited Motion for Stay Pending Appeal is hereby GRANTED in accordance with the above.


6-17-21
The Honorable Matthew J. Wilson

Submitted by:
MATTHEWS FOX, P.C.

By /s/ Susan B. Fox
Susan B. Fox
Matthews Fox, P.C.
1925 Aspen Dr., Suite 301A
Santa Fe, NM 87505
Attorneys for Appellants
sfox@matthewsfox.com
505.473.3020

Approved as to form:
NEW MEXICO PUBLIC EDUCATION DEPT.

By /s/Aaron Rodriguez (email approval 6/16/21)
Aaron Rodriguez, Deputy General Counsel
New Mexico Public Education Department
300 Don Gaspar
Santa Fe, NM 87501

Attorney for the Secretary of the Department
Aaron.rodriguez2@state.nm.us
505.382.0717