

**IN THE FIRST JUDICIAL DISTRICT  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO**

**VANGIE ARELLANO,  
Plaintiff,**

vs.

**NO. D-101-CV-2011-03710, consolidated with  
NO. D-412-CV-2012-238**

**NEW MEXICO DEPARTMENT OF HEALTH,  
Defendant.**

**ORDER**

THIS MATTER came before the Court on November 3, 2015 for a hearing on Plaintiff's Motion to Set Aside Decision of Administrative Law Judge and Grant Count II of CV-2012-238. The Court has considered the Motion, the Response filed by Defendant the New Mexico Department of Health, Plaintiff's Reply and the arguments of counsel for Plaintiff and for Defendant and finds, concludes and orders as follows:

1. Count II of Plaintiff's Complaint in Cause No. D-412- CV-2012-238 is a claim directed at the New Mexico State Personnel Board.

2. This Court's Order of November 14, 2013 affirming the decision of the New Mexico State Personnel Board constituted the final order as to Plaintiff's administrative appeal which is Count I of Cause No. D-412-CV-2012-238 and no timely appeal or writ was taken as to that Order.

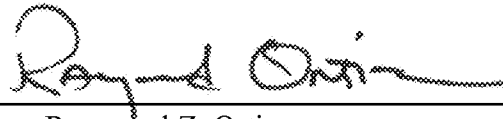
3. With respect to Count II of CV-2012-238, Judge Aragon's Order of November 2012 granted the board's Motion to Dismiss. This Order effectively disposed of Count II. There was no timely appeal or writ taken with respect to that decision on Count II, so there is no basis for the Court to grant this motion.

4. Alternatively, Plaintiff's motion is precluded by res judicata and collateral estoppel as well as law of the case being the Court's Order of November 2013 and Judge Aragon's order of November 13, 2012.

5. The Fourth Judicial District Court's Order of November 13, 2012 constituted the final order as to Count II of Cause No. D-412- CV-2012-238 and no timely appeal or writ was taken as to that Order.

6. Plaintiff's Motion to Set Aside Decision of Administrative Law Judge and Grant Count II of CV-2012-238 is not well taken and should be and hereby is denied.

7. Defendant's request for sanctions is denied.



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Hon. Raymond Z. Ortiz  
District Court Judge

Submitted by:

/s/ Frank D. Weissbarth

Frank D. Weissbarth  
Brennan & Sullivan, P.A.  
128 East DeVargas  
Santa Fe, NM 87501  
(505) 995-8514  
*Attorneys for Defendant New Mexico  
Department of Health*

Approved as to form:

*Approved by email 12/7/15*

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Samuel M. Herrera

The Herrera Firm, P.C.

P.O. Box 2345

Taos, N.M. 87571

(575) 751-0417

*Attorney for Plaintiff*