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Re: *Barnhill v. BMW of North America; Cause No. D-101-CV-2010-01927*

Dear Mr. Casey:

I write to inform you that I will be representing BMW of North America in this case. I also would like to discuss your attempted service on Bayerische Motoren Werke AG.

I understand that you have tried to serve BMW AG through service of process on the Secretary of State. While NMSA 1978, §38-1-6 does speak to service on "foreign" corporations, my understanding of that section is that "foreign" means "outside New Mexico", not outside of the United States. Further, as you may be aware, BMW AG is a German corporation, and since 1979 Germany has been a signatory to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (The "Hague Service Convention"). The state statute for service would not trump international law.

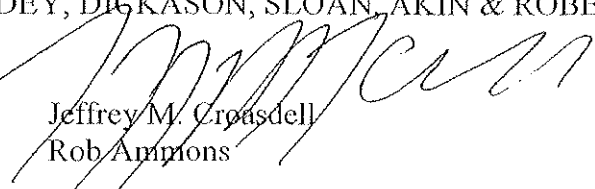
The service that has been attempted on BMW AG does not comply with the terms of the Hague Service Convention, including not having the served papers properly translated. Your service thus is not effective. Please let me know if you plan on attempting to serve BMW AG correctly or if I need to take other steps to protect BMW AG's interests.

Thank you for your cooperation. I look forward to hearing from you.

Sincerely,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By:


Jeffrey M. Croasdell

cc:

Rob Ammons