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**NMELC LAWSUIT AGAINST DONA ANA COUNTY RE PROJECT JUPITER FUNDING
PROCEEDS AFTER COURT DENIES COUNTY MOTION TO DISMISS**

**Lawsuit on Behalf of Community Members Argues that County Violated the Law When
Approving IRBs/LEDA Funding Based on Incomplete Information**

Las Cruces, NM— Judge Jennifer DeLaney today denied Doña Ana County Commission's motion to dismiss NMELC's lawsuit against the County for its approval of tax incentives for Project Jupiter during a hearing held in the Third Judicial Court on Friday, March 20th. The decision is a victory for community members who will be harmed if the massive hyperscale data center moves forward.

The judge denied NMELC's motion to stay the ordinances that the County Commission adopted on September 19, 2025 granting Project Jupiter companies \$165 billion in Industrial Revenue Bonds (IRBs) and Local Economic Development Act (LEDA) funding, while acknowledging that the real harm Project Jupiter will inflict upon Sunland Park and Santa Teresa community members will continue with or without the Ordinances. The judge also granted two companies, Yucca Growth Infrastructure and Green Chile Ventures—also known as Stack Infrastructure and Oracle—to intervene or join the lawsuit.

NMELC Staff Attorney Kacey Hovden argued on behalf of clients that the Ordinances issuing \$165 billion in Industrial Revenue Bonds and LEDA funding approved by the Doña Ana County Commission be reviewed and ultimately voided because the Commission made their decisions based on an incomplete application submitted by Project Jupiter's developers.

Hovden argued that the application from developers was incomplete and contained information about benefits of the project but no information about impacts—no soil analysis, water impact studies, impacts to air quality, impacts to property values, and had blank pages. Under the law, the County was required to consider Project Jupiter's impacts to the public welfare before it adopted the Ordinances, but because the application was missing the above information, there's no way the County could have made the required analyses under the law.

Hovden said after the hearing, “We are grateful for the Honorable Judge DeLaney’s time, thoughtfulness, and decisions in today’s hearing—but especially, in granting Sunland Park and Santa Teresa community members an opportunity in court to hold their local government body accountable to the law and to defend their homes, families, communities, and future in Southern New Mexico.”

Meanwhile, the judge also issued a Writ of Certiorari on the case, while preserving the Declaratory Judgment Act Complaint if needed, which means the Court will continue forward in reviewing the Board’s actions on September 19th and October 14th, 2025, based on an explicit record of facts from those days.

What’s Next?

Once the Court officially issues its Writ of Certiorari, Doña Ana County will be required to provide the explicit record of facts—or, the Administrative Record—to the Court for its review. Once the Court has the Record, NMELC will engage in another round of briefing going directly to the merits of this case: Whether the Doña Ana County Board of Commissioners complied with the law when it adopted the Ordinances incentivizing Project Jupiter to move forward in Doña Ana County.



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