

**STATE OF NEW MEXICO
COUNTY OF CATRON
SEVENTH JUDICIAL DISTRICT COURT**

FILED
7th JUDICIAL DISTRICT COURT
Catron County
9/5/2024 1:35 PM
RACHEL GONZALES
CLERK OF THE COURT
/s/ Jerome Adam

JESSE CHILDERS, Individually and on
Behalf of WILD HORSE RANCH
LANDOWNER'S ASSOCIATION,
CHAIRMAN OF THE BOARD

Plaintiff,

v.

No. D-728-CV-2024-00026
Judge: Mercedes C. Murphy

ALAN DUGAN, Ex-President, JIM FEEHAN,
Ex-Secretary and Ex-Director, CARMEN
BRONOWSKI, Ex-Treasurer, JERRY
FOWLER, Ex-Director, GREG BRONOWSKI,
Ex-Director, RON RAICOT, Ex-Director,
MITZY LADRON-NICHOLS, Ex-Director,
STEVE MALVITZ, Ex-Director, RACHEL
PONDER, Ex-Director, and ANDY
RHOMBERG, Ex-Director,

Defendants.

**PLAINTIFF'S UNOPPOSED MOTION TO VACATE HEARING
AND FOR AN EXTENTION OF TIME**

COMES NOW Plaintiff Jesse Childers, Individually and on Behalf of Wild Horse Ranch
Landowner's Association, Chairman of the Board, by and through his counsel of record, Himes,
Petrarca & Fester (Andrew M. Sanchez), submits its Unopposed Motion to Vacate Hearing and for
an Extension of Time and states as follows:

Opposing counsel has been consulted by telephone and e-mail, and this Motion is not
opposed.

1. Undersigned Counsel entered its appearance in this matter on August 30, 2024.

2. Undersigned Counsel is seeking a two-week extension of time to provide the Court with a comprehensive and complete briefing on the subject of the Defendants' Motion to Dismiss, which was filed before the entry of legal counsel for Plaintiff.
3. The hearing on the Defendants' Motion to Dismiss is set for Friday, September 6, 2024.
4. Undersigned counsel has had insufficient time to investigate the facts of this case, research the applicable law and respond to the pending Motion in a pleading for the record.
5. A dispositive motion should not be adjudicated without complete briefing and prepared argument at any hearing.
6. Fairness under the RULES was intended to eliminate litigation by ambush and surprise. Here, the involvement of legal counsel for both parties in this matter will allow this case to move forward in a timely and fair fashion.

Accordingly, the hearing should be vacated and rescheduled following full and complete briefing on the pending motions.

Respectfully submitted,

HIMES, PETRARCA & FESTER, CHTD.

By: /s/ Andrew M. Sanchez
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of September 2024, the foregoing was electronically filed through the Court's Odyssey File and Serve, which caused the following counsel of record to be served by electronic means as more reflected on the Notice of Electronic Filing:

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By: /s/ Andrew M. Sanchez
ANDREW M. SANCHEZ