

SEVENTH JUDICIAL DISTRICT COURT
COUNTY OF CATRON
STATE OF NEW MEXICO

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

ALAN DUGAN, EX-PRESIDENT;
JIM FEEHAN, EX-SECRETARY and EX-TREASURER;
CARMEN BRONOWSKI, EX-TREASURER;
JERRY FOLWER, EX-DIRECTOR;
GREG BRONOWSKI, EX-DIRECTOR;
RON RACICOT, EX-DIRECTOR;
MITZY LADRON-NICHOLS, EX-DIRECTOR;
STEVE MALVITZ, EX-DIRECTOR;
RACHEL PONDER, EX-PONDER, EX-DIRECTOR;
ANDY RHOMERG, EX-DIRECTOR; AND
RON RACICOT, EX-DIRECTOR,

Defendants.

**DEFENDANTS' FIRST SET OF INTERROGATORIES
TO PLAINTIFF JESSE CHILDERS**

To: Jesse Childers
c/o Andrew M. Sanchez, Esq.
5051 Journal Center Blvd. NE, Suite 320
Albuquerque, NM 87109
(505) 259-2069
asanchez@edlawyer.com

Pursuant to Rule 1-033 NMRA of the Rules of Civil Procedure for the District Courts, you are required to answer the following Interrogatories, in writing and under oath, and serve your answers hereto on the attorney for Plaintiffs, McKade R. Loe, Rosebrough, Fowles & Foutz, P.C., P.O. Box

1027, Gallup, New Mexico 87305-1027, within thirty (30) days from the date of service upon you. In answering these Interrogatories, you are required to exercise reasonable diligence to obtain the information, which is available to you, but which may not be within your immediate possession or custody.

Your failure to comply with the requirements of Rule 1-033 NMRA of the Rules of Civil Procedure for the District Courts, will lead to Plaintiff seeking sanctions against you pursuant to Rule 1-037 NMRA, Rules of Civil Procedure for the District Courts, including, but not limited to, assessment of attorney's fees, exclusion of evidence at trial, and entry of Judgment against you in this matter.

INSTRUCTIONS

1. In answering these Interrogatories, you are required to furnish all requested information, not subject to a valid objection, that is known by, possessed by, or available to you or any of your attorneys, consultants, representatives, agents and all others acting on behalf of you.

2. If you cannot answer fully any of these Interrogatories, you must answer them to the fullest extent possible, specifying the reason(s) for your inability to answer the remainder and stating whatever information, knowledge, or belief you have concerning the unanswerable portion. An evasive answer may subject you to liability for the expense of a motion to compel a responsible or complete answer, including reasonable attorney's fees.

3. Each subpart of a numbered Interrogatory is to be considered a separate Interrogatory for the purpose of answer and objection. If applicable, you must object to each subpart, and if you object to less than all of the subparts of a numbered Interrogatory, then you must answer the remaining subparts. In addition, if you object to an Interrogatory, or a subpart thereof, as calling for information which is beyond the scope of discovery (e.g., "not reasonably calculated to lead to the discovery of admissible evidence," "work product," "attorney/client privilege," etc.) you must, nevertheless,

answer the Interrogatory or subpart thereof to the extent that it is not objectionable.

4. All of the following interrogatories call for continuous answers and, as such, require timely supplemental Answers by you in the event that, prior to final disposition of this action, additional relevant information comes to attention of, or becomes available to you, your attorneys, consultants, representatives, agents, or any other persons acting on behalf of you. Without being requested, you must promptly amend any answer when it is discovered to have been incorrect when made, or it is discovered to be no longer true, and circumstances are such that a failure to amend is in substance a knowing concealment. Objection will be made at the time of trial to any attempts to introduce evidence which is directly sought by these Interrogatories and to which no disclosure has been made.

5. For each Interrogatory and subpart of each Interrogatory, if the information furnished in your Answer is not within your personal knowledge, identify each person to whom the information is a matter of personal knowledge if known.

6. “And” as well as “Or” shall be construed to include either disjunctively or conjunctively, as may be required, to bring within the scope of these Interrogatories any Answer which might otherwise be constructed to be outside such scope.

7. The use of singular terms shall also be constructed to include the plural thereof, and vice versa, as may be required to bring within the scope of these Interrogatories any Answer which might otherwise be construed to be such scope.

8. If additional space is required to answer any Interrogatory, attach such paper as may be necessary to fully complete such answers.

DEFINITIONS

As used herein, the following terms shall have the meanings indicated:

1. "Identify" (or "state the identity of") with respect to a natural person means to state the person's full name, current or last known residence and business address and telephone number, current or last known employer, such employer's address and the current or last known position or job title of the person with such employer.

2. "Identify" (or "state the identity of") with respect to an entity (not a natural person) means to state its full name, the address of its principal place of business, and its telephone number.

3. "Identify" (or "state the identity of") with respect to a document means to state the date of such document, if any; a general description thereof; identify the signer, preparer, or sender thereof; state its present location and identify its custodian; and, state descriptive information of sufficient particularity to enable same to be subject to a subpoena duces tecum or request for production thereof.

4. "Document" or "documentation" refers to the original and any copy of any written, printed, typed, recorded, or graphic matter, whether in draft form or otherwise, including, but not limited to, memoranda, reports, notes, minutes, correspondence, employment records, contracts, agreements, canceled or un-canceled checks, tapes or other audio recordings.

5. "You" (or "your") refers to the party to whom these Interrogatories are addressed, including all parties hereafter added or joined as Defendants herein, if any there be, but the use of such term shall not be construed to limit the information provided to that which is within the personal knowledge of such party.

6. "Entity" refers to any corporation, partnership, proprietorship, associated group, cooperative, and any federal, state, or local body, agency, department, bureau, division, office or subpart thereof.

INTERROGATORIES

INTERROGATORY NO. 1: State the name, address, occupation (including job title and duties), and telephone number of each person who participated or assisted in answering, or supplied information used in answering these interrogatories, and for each such person, identify the interrogatories in which they participated or assisted in answering or for which they supplied information.

ANSWER:

INTERROGATORY NO. 2: Please list in specific detail, the names of all members of the Wild Horse Ranch Landowners Association (the “Association”), who were in attendance at the gathering held on July 5, 2024, wherein an attempted vote was cast to remove the Defendants named herein from the Board of Directors for the Association.

ANSWER:

INTERROGATORY NO. 3: Please describe in specific detail your duties as “Chairman of the Board.”

ANSWER:

INTERROGATORY NO. 4: Please describe in specific detail the board in which you are the “Chairman” as referenced in the caption of the Application for a TRO which you filed.

ANSWER:

INTERROGATORY NO. 5: Please describe in specific detail the steps and/or processes you took while attempting to remove the herein named Defendants from their positions as members of the board.

ANSWER:

INTERROGATORY NO. 6: Please describe in specific detail the names of all individuals who casts votes on July 5, 2024, as recorded on the Certificate of Election recorded with Catron County, New Mexico.

ANSWER:

INTERROGATORY NO. 7: Please describe in specific detail the name of the individual(s) who participated in drafting and recording the Certificate of Election.

ANSWER:

INTERROGATORY NO. 8: Please describe in specific detail all business dealings you have conducted, purportedly on behalf of the association, since July 5, 2024

ANSWER:

INTERROGATORY NO. 9: Please describe in specific detail the name of the individual(s) the process you followed when you were previously elected to be a member of the board of directors in 2023.

ANSWER:

INTERROGATORY NO. 10: Please describe in specific detail the name of the individual(s) who interfered with the Association's security cameras at the community office and pavilion on September 10, 2024.

ANSWER:

INTERROGATORY NO. 11: Please describe in specific detail the name of the individual(s) who have posted "announcements" throughout the community, and specifically the "announcement" hereto attached as **Exhibit 1**. *See* Announcement of "paying for our own attorney."

ANSWER:

INTERROGATORY NO. 12: Please describe in specific detail the date wherein you retained counsel to represent you in this matter.

ANSWER:

INTERROGATORY NO. 13: Please describe in specific detail how many members of the Association were excluded from the members meeting on July 5, 2024, including their names, phone numbers, email addresses and physical addresses.

ANSWER:

INTERROGATORY NO. 14: Please describe in specific detail the steps and/or processes you took while attempting to elect new members of the board of directors for the Association on or about July 5, 2024.

ANSWER:

INTERROGATORY NO. 15: Please describe in specific detail the names of all individuals who you believe are serving as members of the board of directors for the Association and the date when they were appointed to their positions.

ANSWER:

INTERROGATORY NO. 16: Please describe in specific detail the your alleged position on the board of directors.

ANSWER:

INTERROGATORY NO. 17: Please describe in specific detail the duties of the “Chairman of the Board” of directors.

ANSWER:

INTERROGATORY NO. 18: Please describe in specific detail where the bylaw of the Association detail the duties of the “Chairman of the Board” of directors.

ANSWER:

INTERROGATORY NO. 19: Please describe in specific detail all times wherein you have served as a member of the board of directors.

ANSWER:

INTERROGATORY NO. 20: Please describe in specific detail why you decided to resign from your position as a member of the board of directors in 2023.

ANSWER:

INTERROGATORY NO. 21: Please describe in specific detail what steps were taken to inform all members of the Association of the plan to vote and remove members of the Board of Directors on July 5, 2024.

ANSWER:

INTERROGATORY NO. 22: Please describe in specific detail, to your knowledge, the names and positions of Board Members of the Association that have trespassed on private property within the Association's boundaries and when confronted stated they were allowed to be on private property because they were on the Board.

ANSWER:

INTERROGATORY NO. 23: Please describe in specific detail your personal knowledge that it costs \$600.00 per month per camera to operate the security camera's in use for the Association.

ANSWER:

INTERROGATORY NO. 24: Please describe in specific detail your personal knowledge of the claim that Jim Feehan was ejected from the July 5th, 2024, members meeting by a Sheriff's Deputy.

Please state the name of the Deputy that removed Jim Feehan.

ANSWER:

INTERROGATORY NO. 25: Please describe in specific detail the date wherein you retained counsel to represent you in this matter.

ANSWER:

ROSEBROUGH, FOWLES & FOUTZ, P.C.

By /s/ McKade R. Loe
McKade R. Loe

Attorney for Defendants
101 West Aztec Ave., Suite A
P. O. Box 1027
Gallup, New Mexico 87305-1027
(505) 722-9121

VERIFICATION

STATE OF NEW MEXICO)
) ss.
COUNTY OF CATRON)

I, JESSIE CHILDERS, being first duly sworn upon his oath, deposes and states that I have answered Defendants' First Set of Interrogatories to Plaintiff Jesse Childers and states that the answers are true and correct to the best of my knowledge and belief.

JESSE CHILDERS

SUBSCRIBED AND SWORN TO before me this _____ day of September, 2024 by
JESSIE CHILDERS.

Notary Public

My Commission Expires:
