

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

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 OBJECTIONS AND ANSWERS TO DEFENDANTS' FIRST SET OF
INTERROGATORIES TO PLAINTIFF JESSE CHILDERS**

COMES NOW Plaintiff Jesse Childers ("Mr. Childers" or "Plaintiff"), by and through his attorneys of record, Himes, Petrarca & Fester, Chtd., (Andrew M. Sanchez), and hereby submits his objections and answers to Defendants' First Set of Interrogatories as follows:

GENERAL OBJECTIONS:

Plaintiff objects to the Interrogatories to the extent they seek information protected from disclosure by the attorney-client privilege or the work product doctrine. Rules 1-026 and 11-503 NMRA 2000.

In answering these Interrogatories, Plaintiff reserves all evidentiary objections to any responses or documents that may be offered in evidence at trial or in any hearing.

Interrogatories seeking legal arguments on dispositive matters do not require the Plaintiff to set forth a narrative or dispositive motion to be contained in such answers or responses. *See Lucero v. Valdez*, 240 F.R.D. 591, 594–95 (D.N.M. 2007).

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: Jesse Childers, Retired, 25 Victoria Ct., Pie Town, NM 87827, (505) 898-1175, all Interrogatories.

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: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to the “gathering held on July 5, 2024”. *See* Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, Federal Practice and Procedure, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

Notwithstanding the foregoing and without waiver thereof, please see Childers 00001 attached hereto, providing a list of names of those who attended the Association’s Annual Meeting for the election of Directors held on Friday, July 5, 2024. Plaintiff continues to search for additional responsive information to answer this Interrogatory and will supplement this Answer if additional responsive information is located.

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

ANSWER: Objection. This request is overbroad in that it seeks information which will not reasonably lead to admissible evidence.

State v. Tackett, 78 N.M. 450, 432 P.2d 415 (1962) (stating that a party “has no right to go upon a tour of investigation, in the hope that they will find something to aid them, and if it appears that the request for such inspection is merely ‘a fishing expedition to see what may turn up’ it should be denied”); *Cantrell v. W & C Contracting Co.*, 112 N.M. 609, 817 P.2d 1251 (Ct. App. 1991 (“A request for discovery may properly be denied if the request is speculative or if such discovery would amount to a mere fishing expedition.”). *Ruiz v. Southern Pac. Transp. Co.*, 97 N.M. 194, 203, 638 P.2d 406, 415 (Ct. App.) (upholding objection against overly broad discovery asking for irrelevant information), *cert. quashed*, 97 N.M. 242, 638 P.2d 1087 (1981).

The discovery request is not relevant to issues in this case.

Lara v. City of Albuquerque, 1999-NMCA-012, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. Southern Pacific Trans. Co.*, 97 N.M. 194, 203 (“Unless limited to employees on duty at the time and place of the accident complained of, or to employees fired for negligence similar to that complained of, that information is irrelevant.”)

Notwithstanding the foregoing and without waiver thereof, the duties of the Chairman of the Board are specified in the WHRLA By-laws, Article IV, Section 9 (Directors) and in Article V (Officers and Their Duties), which are equally available to Defendants at <https://whrla.com/documents/governing-documents/whrla-bylaw/>.

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: Objection. The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to

“the board in which you are the ‘Chairman’”. See Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, Federal Practice and Procedure, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

This request is overbroad in that it seeks information which will not reasonably lead to admissible evidence.

State v. Tackett, 78 N.M. 450, 432 P.2d 415 (1962) (stating that a party “has no right to go upon a tour of investigation, in the hope that they will find something to aid them, and if it appears that the request for such inspection is merely ‘a fishing expedition to see what may turn up’ it should be denied”); *Cantrell v. W & C Contracting Co.*, 112 N.M. 609, 817 P.2d 1251 (Ct. App. 1991 (“A request for discovery may properly be denied if the request is speculative or if such

discovery would amount to a mere fishing expedition.”). *Ruiz v. Southern Pac. Transp. Co.*, 97 N.M. 194, 203, 638 P.2d 406, 415 (Ct. App.) (upholding objection against overly broad discovery asking for irrelevant information), *cert. quashed*, 97 N.M. 242, 638 P.2d 1087 (1981).

The discovery request is not relevant to issues in this case.

Lara v. City of Albuquerque, 1999-NMCA-012, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. Southern Pacific Trans. Co.*, 97 N.M. 194, 203 (“Unless limited to employees on duty at the time and place of the accident complained of, or to employees fired for negligence similar to that complained of, that information is irrelevant.”)

Notwithstanding the foregoing and without waiver thereof, the Board is defined in the WHRLA By-laws, Article II (Definitions and subsection “Board”), which are equally available to Defendants at <https://whrla.com/documents/governing-documents/whrla-bylaw/>.

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

ANSWER: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to “while attempting to remove”. *See* Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, *Federal Practice and Procedure*, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*,

1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep't ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

Notwithstanding the foregoing and without waiver thereof, the process for removal of directors is detailed in Amendment 9 to the Bylaws of the Wild Horse Ranch Landowners’ Association, Inc., which is equally available to Defendants at <https://whrla.com/documents/governing-documents/whrla-bylaw/>.

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: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to the “all individuals who casts[sic] votes on July 5, 2024”. *See* Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, Federal Practice and Procedure, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

Notwithstanding the foregoing and without waiver thereof, please *see* Childers 00001, providing a list of names of those who attended the Association’s Annual Meeting for the election of Directors held on Friday, July 5, 2024 in conjunction with the Certificate of Election attached as Exhibit 2 to the Verified Complaint and Application for Temporary Restraining order and Equitable Relief filed on July 17, 2024.

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: **Objection.** The discovery request is not relevant to issues in this case.

Lara v. City of Albuquerque, 1999-NMCA-012, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. Southern Pacific Trans. Co.*, 97 N.M. 194, 203 (“Unless limited to employees on duty at the time and place of the accident complained of, or to employees fired for negligence similar to that complained of, that information is irrelevant.”)

Notwithstanding the foregoing and without waiver thereof, Jesse Childers, Eileen Wright and Michael Steele participated in the drafting and recording of the Certificate of Election.

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: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to the “all individuals who casts[sic] votes on July 5, 2024”. See Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, *Federal Practice and Procedure*, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004

Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

Notwithstanding the foregoing and without waiver thereof, please *see* Childers 00002—00003 attached hereto.

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: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to “the name of the individuals(s) the process you followed”. *See* Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, *Federal Practice and Procedure*, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to

an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

This request is overbroad in that it seeks information which will not reasonably lead to admissible evidence.

State v. Tackett, 78 N.M. 450, 432 P.2d 415 (1962) (stating that a party “has no right to go upon a tour of investigation, in the hope that they will find something to aid them, and if it appears that the request for such inspection is merely ‘a fishing expedition to see what may turn up’ it should be denied”); *Cantrell v. W & C Contracting Co.*, 112 N.M. 609, 817 P.2d 1251 (Ct. App. 1991 (“A request for discovery may properly be denied if the request is speculative or if such discovery would amount to a mere fishing expedition.”). *Ruiz v. Southern Pac. Transp. Co.*, 97 N.M. 194, 203, 638 P.2d 406, 415 (Ct. App.) (upholding objection against overly broad discovery asking for irrelevant information), *cert. quashed*, 97 N.M. 242, 638 P.2d 1087 (1981).

The discovery request is not relevant to issues in this case.

Lara v. City of Albuquerque, 1999-NMCA-012, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. Southern Pacific Trans. Co.*, 97 N.M. 194, 203 (“Unless limited to employees on duty at the time and place of the accident complained of, or to employees fired for negligence similar to that complained of, that information is irrelevant.”)

Request not limited to the relevant time period of the action.

Kallus v. General Host Corp., 1988 U.S. Dist. LEXIS 16750, *9 (D. Conn. 1988) (Denying a motion to compel because documents sought from the time prior to the class period would not lead to relevant evidence).

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: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to “interfered with”. *See* Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, *Federal Practice and Procedure*, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640,

36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

This request is overbroad in that it seeks information which will not reasonably lead to admissible evidence.

State v. Tackett, 78 N.M. 450, 432 P.2d 415 (1962) (stating that a party “has no right to go upon a tour of investigation, in the hope that they will find something to aid them, and if it appears that the request for such inspection is merely ‘a fishing expedition to see what may turn up’ it should be denied”); *Cantrell v. W & C Contracting Co.*, 112 N.M. 609, 817 P.2d 1251 (Ct. App. 1991 (“A request for discovery may properly be denied if the request is speculative or if such discovery would amount to a mere fishing expedition.”). *Ruiz v. Southern Pac. Transp. Co.*, 97 N.M. 194, 203, 638 P.2d 406, 415 (Ct. App.) (upholding objection against overly broad discovery asking for irrelevant information), *cert. quashed*, 97 N.M. 242, 638 P.2d 1087 (1981).

The discovery request is not relevant to issues in this case.

Lara v. City of Albuquerque, 1999-NMCA-012, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. Southern Pacific Trans. Co.*, 97 N.M. 194, 203 (“Unless limited to employees on duty at the time and place of the accident complained of, or to employees fired for negligence similar to that complained of, that information is irrelevant.”)

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: **Objection**. The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to

“posted ‘announcements’ throughout the community”. See Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, Federal Practice and Procedure, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

This request is overbroad in that it seeks information which will not reasonably lead to admissible evidence.

State v. Tackett, 78 N.M. 450, 432 P.2d 415 (1962) (stating that a party “has no right to go upon a tour of investigation, in the hope that they will find something to aid them, and if it appears that the request for such inspection is merely ‘a fishing expedition to see what may turn up’ it should be denied”); *Cantrell v. W & C Contracting Co.*, 112 N.M. 609, 817 P.2d 1251 (Ct. App. 1991 (“A request for discovery may properly be denied if the request is speculative or if such

discovery would amount to a mere fishing expedition.”). *Ruiz v. Southern Pac. Transp. Co.*, 97 N.M. 194, 203, 638 P.2d 406, 415 (Ct. App.) (upholding objection against overly broad discovery asking for irrelevant information), *cert. quashed*, 97 N.M. 242, 638 P.2d 1087 (1981).

The discovery request is not relevant to issues in this case.

Lara v. City of Albuquerque, 1999-NMCA-012, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. Southern Pacific Trans. Co.*, 97 N.M. 194, 203 (“Unless limited to employees on duty at the time and place of the accident complained of, or to employees fired for negligence similar to that complained of, that information is irrelevant.”)

Notwithstanding said objections and without waiver thereof, there was no Exhibit 1 attached to the Defendants’ Interrogatories.

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

ANSWER: **Objection.** The discovery request is not relevant to issues in this case.

Lara v. City of Albuquerque, 1999-NMCA-012, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. Southern Pacific Trans. Co.*, 97 N.M. 194, 203 (“Unless limited to employees on duty at the time and place of the accident complained of, or to employees fired for negligence similar to that complained of, that information is irrelevant.”)

Notwithstanding said objections and without waiver thereof, Andrew M. Sanchez was retained to represent Plaintiff on August 28, 2024.

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: Objection. The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to the “members meeting on July 5, 2024”. See Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, Federal Practice and Procedure, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

Notwithstanding the foregoing and without waiver thereof, no members were excluded from the Association’s Annual Meeting for the election of Directors held on Friday, July 5, 2024.

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: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to “while attempting to elect”. See Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, Federal Practice and Procedure, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

Notwithstanding the foregoing and without waiver thereof, the process for removal of directors is detailed in Amendment 7, Section III, Section 1 (Annual Meetings) to the Bylaws and

in Article IV, (Directors) and Article V (Officers and their Duties), Section 2 (Election of Officers) of the Bylaws of the Wild Horse Ranch Landowners' Association, Inc., and which are equally available to Defendants at <https://whrla.com/documents/governing-documents/whrla-bylaw/>.

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: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to “all individuals who you believe are serving as members of the board of directors”. See Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, Federal Practice and Procedure, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective

questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

Notwithstanding said objections and without waiver thereof, Jesse Childers, Eileen Wright michael Steele and Ron Allen were all elected as Directors the Association’s Annual Meeting for the election of Directors held on Friday, July 5, 2024.

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

ANSWER: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to “the[sic] your alleged position on the board of directors”. *See* Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, *Federal Practice and Procedure*, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague

or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

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

ANSWER: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to “the duties”. *See* Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, *Federal Practice and Procedure*, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective

questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

Notwithstanding the foregoing and without waiver thereof, the duties of the Chairman of the Board are specified in the WHRLA By-laws, Article IV, Section 9 (Directors) and in Article V (Officers and Their Duties), which are equally available to Defendants at <https://whrla.com/documents/governing-documents/whrla-bylaw/>.

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: *See* Answer to Interrogatory Nos. 3 and 17.

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

ANSWER: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to “the name of the individuals(s) the process you followed”. *See* Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, *Federal Practice and Procedure*, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*,

1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep't ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

This request is overbroad in that it seeks information which will not reasonably lead to admissible evidence.

State v. Tackett, 78 N.M. 450, 432 P.2d 415 (1962) (stating that a party “has no right to go upon a tour of investigation, in the hope that they will find something to aid them, and if it appears that the request for such inspection is merely ‘a fishing expedition to see what may turn up’ it should be denied”); *Cantrell v. W & C Contracting Co.*, 112 N.M. 609, 817 P.2d 1251 (Ct. App. 1991 (“A request for discovery may properly be denied if the request is speculative or if such discovery would amount to a mere fishing expedition.”)). *Ruiz v. Southern Pac. Transp. Co.*, 97 N.M. 194, 203, 638 P.2d 406, 415 (Ct. App.) (upholding objection against overly broad discovery asking for irrelevant information), *cert. quashed*, 97 N.M. 242, 638 P.2d 1087 (1981).

The discovery request is not relevant to issues in this case.

Lara v. City of Albuquerque, 1999-NMCA-012, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. Southern Pacific Trans. Co.*, 97 N.M. 194, 203

(“Unless limited to employees on duty at the time and place of the accident complained of, or to employees fired for negligence similar to that complained of, that information is irrelevant.”)

Request not limited to the relevant time period of the action.

Kallus v. General Host Corp., 1988 U.S. Dist. LEXIS 16750, *9 (D. Conn. 1988) (Denying a motion to compel because documents sought from the time prior to the class period would not lead to relevant evidence).

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: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to “the name of the individuals(s) the process you followed”. *See* Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, *Federal Practice and Procedure*, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague

or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

This request is overbroad in that it seeks information which will not reasonably lead to admissible evidence.

State v. Tackett, 78 N.M. 450, 432 P.2d 415 (1962) (stating that a party “has no right to go upon a tour of investigation, in the hope that they will find something to aid them, and if it appears that the request for such inspection is merely ‘a fishing expedition to see what may turn up’ it should be denied”); *Cantrell v. W & C Contracting Co.*, 112 N.M. 609, 817 P.2d 1251 (Ct. App. 1991 (“A request for discovery may properly be denied if the request is speculative or if such discovery would amount to a mere fishing expedition.”). *Ruiz v. Southern Pac. Transp. Co.*, 97 N.M. 194, 203, 638 P.2d 406, 415 (Ct. App.) (upholding objection against overly broad discovery asking for irrelevant information), *cert. quashed*, 97 N.M. 242, 638 P.2d 1087 (1981).

The discovery request is not relevant to issues in this case.

Lara v. City of Albuquerque, 1999-NMCA-012, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. Southern Pacific Trans. Co.*, 97 N.M. 194, 203 (“Unless limited to employees on duty at the time and place of the accident complained of, or to employees fired for negligence similar to that complained of, that information is irrelevant.”)

Request not limited to the relevant time period of the action.

Kallus v. General Host Corp., 1988 U.S. Dist. LEXIS 16750, *9 (D. Conn. 1988) (Denying a motion to compel because documents sought from the time prior to the class period would not lead to relevant evidence).

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: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to “plan to vote”. *See* Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, *Federal Practice and Procedure*, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

This request is overbroad in that it seeks information which will not reasonably lead to admissible evidence.

State v. Tackett, 78 N.M. 450, 432 P.2d 415 (1962) (stating that a party “has no right to go upon a tour of investigation, in the hope that they will find something to aid them, and if it appears that the request for such inspection is merely ‘a fishing expedition to see what may turn up’ it should be denied”); *Cantrell v. W & C Contracting Co.*, 112 N.M. 609, 817 P.2d 1251 (Ct. App. 1991 (“A request for discovery may properly be denied if the request is speculative or if such discovery would amount to a mere fishing expedition.”). *Ruiz v. Southern Pac. Transp. Co.*, 97 N.M. 194, 203, 638 P.2d 406, 415 (Ct. App.) (upholding objection against overly broad discovery asking for irrelevant information), *cert. quashed*, 97 N.M. 242, 638 P.2d 1087 (1981).

The discovery request is not relevant to issues in this case.

Lara v. City of Albuquerque, 1999-NMCA-012, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. Southern Pacific Trans. Co.*, 97 N.M. 194, 203 (“Unless limited to employees on duty at the time and place of the accident complained of, or to employees fired for negligence similar to that complained of, that information is irrelevant.”)

Request not limited to the relevant time period of the action.

Kallus v. General Host Corp., 1988 U.S. Dist. LEXIS 16750, *9 (D. Conn. 1988) (Denying a motion to compel because documents sought from the time prior to the class period would not lead to relevant evidence).

Notwithstanding the foregoing and without waiver thereof, Annual meetings of Members for the election of Directors are required pursuant to Amendment 7, Section III, Section 1 (Annual Meetings) to the Bylaws and in Article IV, (Directors) of the Bylaws of the Wild Horse Ranch Landowners’ Association, Inc., and which are equally available to Defendants at <https://whrla.com/documents/governing-documents/whrla-bylaw/>.

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: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to "Board Members of the Association that have trespassed". See Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, Federal Practice and Procedure, § 2211 at 412-415 (West 1994). Requests which ask for "any and all" records "of any and all kinds" require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review "records, document, writing, recordings and physical evidence of any and all kinds" to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep't ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 ("a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable."); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, "We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender's state of mind in contrast to objective questions calling for information within his knowledge."); *De Graffenried v. U.S.*, 2 Cl.Ct. 640,

36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

This request is overbroad in that it seeks information which will not reasonably lead to admissible evidence.

State v. Tackett, 78 N.M. 450, 432 P.2d 415 (1962) (stating that a party “has no right to go upon a tour of investigation, in the hope that they will find something to aid them, and if it appears that the request for such inspection is merely ‘a fishing expedition to see what may turn up’ it should be denied”); *Cantrell v. W & C Contracting Co.*, 112 N.M. 609, 817 P.2d 1251 (Ct. App. 1991 (“A request for discovery may properly be denied if the request is speculative or if such discovery would amount to a mere fishing expedition.”). *Ruiz v. Southern Pac. Transp. Co.*, 97 N.M. 194, 203, 638 P.2d 406, 415 (Ct. App.) (upholding objection against overly broad discovery asking for irrelevant information), *cert. quashed*, 97 N.M. 242, 638 P.2d 1087 (1981).

The discovery request is not relevant to issues in this case.

Lara v. City of Albuquerque, 1999-NMCA-012, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. Southern Pacific Trans. Co.*, 97 N.M. 194, 203 (“Unless limited to employees on duty at the time and place of the accident complained of, or to employees fired for negligence similar to that complained of, that information is irrelevant.”)

Request not limited to the relevant time period of the action.

Kallus v. General Host Corp., 1988 U.S. Dist. LEXIS 16750, *9 (D. Conn. 1988) (Denying a motion to compel because documents sought from the time prior to the class period would not lead to relevant evidence).

Notwithstanding the foregoing and without waiver thereof, no Board Members of the Association elected at the Association’s Annual Meeting for the election of Directors held on Friday, July 5, 2024 have trespassed on private property within the Association’s boundaries.

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: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to "to operate". See Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, Federal Practice and Procedure, § 2211 at 412-415 (West 1994). Requests which ask for "any and all" records "of any and all kinds" require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review "records, document, writing, recordings and physical evidence of any and all kinds" to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep't ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 ("a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable."); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, "We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender's state of mind in contrast to objective questions calling for information within his knowledge."); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) ("interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.").

This request is overbroad in that it seeks information which will not reasonably lead to admissible evidence.

State v. Tackett, 78 N.M. 450, 432 P.2d 415 (1962) (stating that a party “has no right to go upon a tour of investigation, in the hope that they will find something to aid them, and if it appears that the request for such inspection is merely ‘a fishing expedition to see what may turn up’ it should be denied”); *Cantrell v. W & C Contracting Co.*, 112 N.M. 609, 817 P.2d 1251 (Ct. App. 1991 (“A request for discovery may properly be denied if the request is speculative or if such discovery would amount to a mere fishing expedition.”). *Ruiz v. Southern Pac. Transp. Co.*, 97 N.M. 194, 203, 638 P.2d 406, 415 (Ct. App.) (upholding objection against overly broad discovery asking for irrelevant information), *cert. quashed*, 97 N.M. 242, 638 P.2d 1087 (1981).

The discovery request is not relevant to issues in this case.

Lara v. City of Albuquerque, 1999-NMCA-012, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. Southern Pacific Trans. Co.*, 97 N.M. 194, 203 (“Unless limited to employees on duty at the time and place of the accident complained of, or to employees fired for negligence similar to that complained of, that information is irrelevant.”)

Request not limited to the relevant time period of the action.

Kallus v. General Host Corp., 1988 U.S. Dist. LEXIS 16750, *9 (D. Conn. 1988) (Denying a motion to compel because documents sought from the time prior to the class period would not lead to relevant evidence).

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: **Objection.** The discovery request is vague, ambiguous, or subject to multiple interpretations, and therefore not narrowly tailored to produce admissible evidence with regard to “claim that Jim Feehan was ejected”. See Rule 1-034(B) NMRA 2010 (requiring that all request for production describe each item or category with reasonable particularity).

C.W. Wright, A Miller, and R. Marcus, Federal Practice and Procedure, § 2211 at 412-415 (West 1994). Requests which ask for “any and all” records “of any and all kinds” require Defendants to expend unnecessary time and effort to speculate and decide to what extent it must review “records, document, writing, recordings and physical evidence of any and all kinds” to distinguish what is and what is not responsive. *Pulsecard, Inc v. Discover Card Services, Inc.*, 1995 W.L. 525533 (D.Kan., Aug. 31, 1995). *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-6, ¶ 23, 108 P.3d 1019, 1027 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”); Unpublished Opinion: *Lavender v. Amer. Physicians Assur. Corp.*, 2004 Westlaw 2755878 (Ky.App.) (While discussing a question objected to on the basis of being vague or ambiguous, “We begin our analysis by considering the wording of Question 22. It is subjective. It is subjective because it seeks to probe Dr. Lavender’s state of mind in contrast to objective questions calling for information within his knowledge.”); *De Graffenried v. U.S.*, 2 Cl.Ct. 640, 36 Fed.R.Serv.2d 1522 (1983) (“interrogating a patentee on his views of the alleged infringement of his patent claims is vague and ambiguous.”).

This request is overbroad in that it seeks information which will not reasonably lead to admissible evidence.

State v. Tackett, 78 N.M. 450, 432 P.2d 415 (1962) (stating that a party “has no right to go upon a tour of investigation, in the hope that they will find something to aid them, and if it appears that the request for such inspection is merely ‘a fishing expedition to see what may turn up’ it

should be denied”); *Cantrell v. W & C Contracting Co.*, 112 N.M. 609, 817 P.2d 1251 (Ct. App. 1991 (“A request for discovery may properly be denied if the request is speculative or if such discovery would amount to a mere fishing expedition.”). *Ruiz v. Southern Pac. Transp. Co.*, 97 N.M. 194, 203, 638 P.2d 406, 415 (Ct. App.) (upholding objection against overly broad discovery asking for irrelevant information), *cert. quashed*, 97 N.M. 242, 638 P.2d 1087 (1981).

The discovery request is not relevant to issues in this case.

Lara v. City of Albuquerque, 1999-NMCA-012, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. Southern Pacific Trans. Co.*, 97 N.M. 194, 203 (“Unless limited to employees on duty at the time and place of the accident complained of, or to employees fired for negligence similar to that complained of, that information is irrelevant.”)

Request not limited to the relevant time period of the action.

Kallus v. General Host Corp., 1988 U.S. Dist. LEXIS 16750, *9 (D. Conn. 1988) (Denying a motion to compel because documents sought from the time prior to the class period would not lead to relevant evidence).

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

ANSWER: Please *see* the Answer to Interrogatory 12.

HIMES, PETRARCA & FESTER, CHTD.

By: /s/ Andrew M. Sanchez
ANDREW M. SANCHEZ
5051 Journal Center Blvd. NE, Suite 320
Albuquerque, New Mexico 87109
(505) 259-2069
asanchez@edlawyer.com

**ATTORNEYS FOR THE PLAINTIFF JESSE
CHILDERS AND THE WILD HORSE RANCH
LANDOWNERS' ASSOCIATION**