

SEVENTH JUDICIAL DISTRICT COURT
COUNTY OF CATRON
STATE OF NEW MEXICO

FILED
7th JUDICIAL DISTRICT COURT
Catron County
5/14/2025 12:21 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

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.

**ORDER GRANTING IN PART DEFENDANTS MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

THIS MATTER came before the Court for a hearing on February 17, 2025 upon Plaintiffs' Motion Preliminary Injunction, Defendants Motion to Dismiss for Lack of Standing, and Defendants Motion for Temporary Restraining Order and Preliminary Injunction, and on May 9, 2025 for a Presentment Hearing, and, after hearing arguments from counsel and having considered and reviewed said Motions, the Court FINDS:

1. The Court has jurisdiction over this matter.

2. The Wild Horse Ranch Landowners Association, Inc. (the “Association”) is a New Mexico Nonprofit with its principal place of business in Catron County, New Mexico.

3. The Court has Jurisdiction over this matter and Venue is proper in this Court.

4. The Board of Directors for the Association had planned to hold the annual members meeting on July 5, 2024.

5. However, once it became clear to the Board of Directors that there were hostile contentions amongst members present, the Board determined it was best to postpone the annual meeting.

6. However, at the July 5, 2024, gathering an attempted vote was conducted to remove all Board Members from the Board of Directors for the Association.

7. That vote was not in harmony with the removal process as detailed in the governing documents of the Association for the removal of Board Members, as such, the vote failed and no Board Members were removed by vote on July 5, 2024.

8. As of July, 2024, there were three seats on the Board of Directors that were up for election.

9. Because there were only three nominees and three seats available, the Board of Directors determined to save costs by not sending out ballots to landowners but rather certify the election.

10. This decision was not in harmony with the governing documents and the process outlined for the election of Board Members.

11. As such, there are three vacant seats with the Board of Directors that must be filled in accordance with the Governing Documents of the Association.

12. Jesse Childers has been acting as if he were the Chairman of the Board of Directors.

13. Jesse Childers and his board have created a separate website on behalf of the Association.

14. Jesse Childers and his board have sent various messages and letters to the members of the Association making statements that they are the true members of the Board of Directors.

15. Jesse Childers and his board have been conducting meetings, and other business on behalf of the Association.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant's Motion for Temporary Restraining Order and Preliminary Injunction is hereby GRANTED IN-PART.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants, JIM FEEHAN, ANDY ROMBERG, JERRY FOWLER, and RACHEL PONDER were not removed in their positions as Board Members for the Association and shall continue to act in their capacity as Board Members of the Association.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff, JESSE CHILDERS, and his board, must immediately cease acting on behalf of the Association.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff shall cause the separate website for the Association, created by his board, to be immediately deleted.

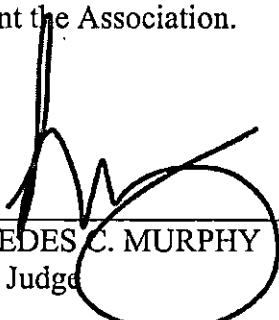
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff shall cause that all messages and announcements sent to members of the Association by him or his board should be corrected, letting members know that his board does not represent the Association.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED because Plaintiff and Defendant were unable to work together to determine a resolution to fill the three vacant seats on the Board of Directors in accordance with the governing documents of the Association within

thirty days of the date of the hearing, the Court will hold a hearing on all pending Motions for more specificity.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the current counsel for the Association, Mr. Andrew M. Sanchez, shall file a withdrawal as counsel for the Association and the Association shall select another attorney to represent the Association.

SO ORDERED.



HON. MERCEDES C. MURPHY
District Court Judge

SUBMITTED BY:

/s/ McKade R. Loe
McKade R. Loe
Attorney for Defendants

APPROVED AS TO FORM:

Not Approved
Andrew M. Sanchez, Esq.
Attorney for Plaintiff