

SEVENTH JUDICIAL DISTRICT COURT
COUNTY OF CATRON
STATE OF NEW MEXICO

JESSE CHILDERS, INDIVIDUALLY
Plaintiff,

v.

Case No.: D-728-CV-2024-00026

ALAN DUGAN, PRESIDENT;
JIM FEEHAN, SECRETARY AND DIRECTOR;
CARMEN BRONOWSKI, TREASURER;
JERRY FOWLER, DIRECTOR;
GREG BRONOWSKI, EX-DIRECTOR;
RON RACICOT, EX-DIRECTOR;
MITZY LADRON-NICHOLS, EX-DIRECTOR;
STEVE MALVITZ, EX-DIRECTR;
RACHEL PONDER, DIRECTOR
ANDY RHOMBERG, DIRECTOR;
Defendants.

EMERGENCY MOTION TO RECONSIDER AND SET ASIDE ORDERS

COMES NOW Plaintiff, Jesse W. Childers, appearing pro se, and pursuant to Rule 1-060(B)
NMRA and the Court's inherent authority, respectfully moves this Honorable Court on an
emergency basis to reconsider and set aside its prior orders, including but not limited to:

the Order Denying Plaintiff's Motion for Extension of Time to Respond and Obtain Counsel;

the Order Denying Plaintiff's Motion for Preliminary Injunction;

Any Orders granting Defendants' motions to dismiss, substitute parties, or for other relief.

This emergency request is essential to prevent irreparable harm to Plaintiff's rights due to manifest injustice, the absence of counsel through no fault of Plaintiff, and the potential for irreversible prejudice if immediate relief is not granted.

In support thereof, Plaintiff states:

1. Procedural Background

Plaintiff was previously ordered by the Court on August 1, 2024, to retain legal counsel due to the complexity of this matter. Plaintiff did so in good faith. However, a conflict of interest arose when the Court determined that the named Defendants effectively control the Association central to this litigation, forcing Plaintiff's counsel to withdraw. Despite diligent efforts, Plaintiff has been unable to retain new counsel due to the remote location and limited financial means.

Consequently, Plaintiff was left unrepresented against multiple complex motions, resulting in adverse rulings without proper representation or argument, contrary to the Court's prior order requiring counsel.

2. Grounds for Emergency Relief

Rule 1-060(B)(1) and (6) NMRA authorize relief for "mistake, inadvertence, surprise or excusable neglect," and for "any other reason justifying relief." Courts must liberally apply this rule to secure justice. See *Edington v. Alba*, 1967-NMSC-020, 5.

The withdrawal of counsel due to conflict — a situation neither foreseen nor caused by Plaintiff — created a due process violation and justifies emergency relief. See *Orion Technical Res., LLC v. Los Alamos Nat'l Sec., LLC*, 2012-NMCA-097, 9.

Immediate reconsideration is warranted to prevent irreparable harm and ensure fundamental fairness.

3. Manifest Injustice and Irreparable Harm

The failure to set aside these orders will irreversibly deprive Plaintiff of the ability to present the case on the merits, resulting in manifest injustice. See *Gonzalez v. Gonzalez*, 1970-NMSC-111, 7.

4. No Undue Prejudice to Defendants

Defendants will suffer no substantial prejudice from reinstating fair proceedings. This relief preserves the status quo until Plaintiff secures proper counsel and ensures that this dispute is decided on its merits. See *Resolution Trust Corp. v. Ferri*, 1995-NMCA-055, 7.

5. Good Faith and Diligence

Plaintiff has acted in good faith and continues to diligently pursue the replacement of counsel.

6. Emergency Basis

Plaintiff requests expedited consideration because continued enforcement of the orders without representation causes ongoing and irreparable prejudice. Plaintiff seeks immediate relief to prevent further due process violations.

WHEREFORE, Plaintiff respectfully requests that the Court:

A. **GRANT** this Emergency Motion;

B. Reconsider and set aside the identified orders;

C. Stay all further proceedings and deadlines for sixty (60) days to allow Plaintiff to secure new counsel and permit counsel adequate time to respond;

D. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 23rd day of June, 2025.

/s/ Jesse W. Childers
Jesse W. Childers, Pro Se
25 Victoria Ct.
Pie Town, NM 87827
(505) 898-1175

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June, 2025, I served a true and correct copy of the foregoing Emergency Motion to Reconsider and Set Aside Orders upon all counsel of record via electronic filing/email.

/s/ Jesse W. Childers