

SEVENTH JUDICIAL DISTRICT COURT  
COUNTY OF CATRON  
STATE OF NEW MEXICO

FILED  
7th JUDICIAL DISTRICT COURT  
Catron County  
6/6/2025 11:59 AM  
RACHEL GONZALES  
CLERK OF THE COURT  
/s/ Micaela Zamora

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.

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**UNOPPOSED MOTION FOR SUBSTITUTION OF PARTY UNDER RULE 1-021 NMRA**

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COMES NOW, Defendants, by and through its undersigned counsel, and pursuant to Rule 1-021 NMRA moves to substitute WILD HORSE RANCH LANDOWNER'S ASSOCIATION, as a Defendant in place of 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 and remove the WILD HORSE RANCH LANDOWNER'S ASSOCIATION as Plaintiff. In support of this motion, Plaintiff states as follows:

1. At the time this suit was filed, the Plaintiff Jesse Childers initiated the case and filed the complaint as *Pro Se*.

2. He brought this action on behalf of the Wild Horse Ranch Landowner's Association (the "Association") as "Chairman of the Board."

3. It has been determined that Jesse Childers did not have the authorization to bring this action on behalf of the Association pursuant to the governing documents of the Association or NMSA 1978, §53-8-17.

4. As such, his claims can only be prosecuted by him individually.

5. When filing the original suit, Jesse Childers named all potential board members of the Board of Directors for the Association in their individual capacities.

6. Many of the named Defendants no longer hold any positions as board members, and thus there is no claim to be stated against them pursuant to Rule 1-012(b)(6), and the parties agree that they should be dismissed.

7. Pursuant to NMSA 1978, §53-8-25, §53-8-25.2 and §53-8-25.3, the named Defendants have immunity.

8. Thus, the suit should be directed to the Wild Horse Ranch Landowner's Association.

9. Jesse Childers was contacted about this motion and he does not oppose this motion.

10. Rule 1-021 NMRA provides that parties may be dropped or added by order of the court on motion of any party or on its own initiative at any stage of the action and on such terms as are just.

WHEREFORE, Plaintiff respectfully requests the court to enter an order granting this motion to substitute WILD HORSE RANCH LANDOWNER'S ASSOCIATION, as a Defendant in place of 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 in this action, and remove the WILD HORSE RANCH LANDOWNER'S ASSOCIATION as Plaintiff.

Respectfully submitted,

ROSEBROUGH, FOWLES, & FOUTZ P.C.

By   
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**CERTIFICATE OF SERVICE**

I certify that on June 6, 2025, a true and correct copy of the foregoing was electronically filed through the Odyssey File & Serve system and served on the Plaintiff by mail/e-mail.

  
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McKade R. Loe