

**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, Ex-President,
JIM FEEHAN, Ex-Secretary and Ex-Director,
CARMEN BRONOWSKI, Ex-Treasurer,
JERRY FOWLER, Ex-Director,
GREG BRONOWSKI, Ex-Director,
RON RACICOT, Ex-Director,
MITZY LADRON-NICHOLS, Ex-Director,
STEVE MALVITZ, Ex-Director,
RACHEL PONDER, Ex-Director,
ANDY RHOMBERG, Ex-Director,
Defendants.

**MOTION FOR AN EMERGENCY CLARIFICATION OF VOTING RULES AND TO
PROTECT THE INTEGRITY OF THE ELECTION PROCESS**

COMES NOW Plaintiff, Jesse Childers, appearing pro se, and respectfully moves this Honorable Court for an **emergency order** clarifying the voting rules governing the upcoming election of the Wild Horse Ranch Landowners' Association ("WHRLA"), scheduled for July 5, 2025, and protecting the integrity of the election process. In support of this Motion, Plaintiff states as follows:

I. PROCEDURAL BACKGROUND

1. This matter came before the Court for hearing on May 9, 2025, on Plaintiff's Motion for Preliminary Injunction.
 2. The Court ordered that a membership meeting shall occur on July 5, 2025, at which all seven (7) seats on the Board of Directors shall be subject to election.
 3. The Court did not provide additional direction concerning election procedures, rules, or oversight, which Plaintiff now seeks to clarify on an **emergency basis** to ensure a fair and lawful election given the imminent date and procedural defects.
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II. FACTUAL BACKGROUND

4. On or about May 13, 2025, ballots for the election were distributed to WHRLA members via U.S. Mail.
5. It was discovered that the ballots included an incorrect mailing address, listing a ZIP code for Aragon, New Mexico (87820) instead of the correct address for ballot receipt and tabulation.
6. At a Board meeting on June 6, 2025, the Board admitted this defect and stated that the USPS could not guarantee proper redirection or timely delivery.
7. Given that the election is only **two weeks away**, there is an immediate risk that misaddressed ballots will be delayed, lost, or voided, undermining the integrity of the vote.

8. The Board attempted to notify members through the Association website, but this is inadequate to fully cure the defect.
 9. A true and correct copy of the Association's **2025 Election Update** showing the number of ballots mailed and the number of landowners excluded is attached hereto as **Exhibit 1**.
 10. A copy of the defective ballot is attached as **Exhibit 2**.
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III. DISENFRANCHISEMENT OF MEMBERSHIP

11. In addition to the ballot defect, the Board unilaterally imposed new voting restrictions without proper notice or legal authority, including:
 - a. A March 15, 2025, payment deadline as a condition to vote;
 - b. An increase in dues effective January 15, 2025;
 - c. Adoption of these changes through an unrecorded amendment never filed with the Catron County Clerk.
12. According to Association records:
 - a. 398 ballots should have been mailed to 261 landowners;
 - b. Only 247 ballots were mailed to 158 landowners;
 - c. 151 ballots were withheld, and 103 landowners — about one-third of the membership — were improperly excluded.
13. For the past **27 years**, WHRLA has consistently allowed members to defer dues payments until December each year to accommodate financial needs. No members have historically lost voting rights for non-payment; late fees and penalties were waived as a

matter of long-established practice. Late payments could be paid up to the day of the July 4th picnic, and ballots could be cast in the past.

14. Verified Catron County Clerk records show that in the past two years, the **only valid, filed Resolutions** were submitted by Plaintiff Jesse Childers. No other alleged amendments were properly filed, rendering the Board's rule changes legally invalid.
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IV. LEGAL IMPLICATIONS

15. The sudden imposition of new voting restrictions without proper notice, member approval, or filing violates due process, Association bylaws, and New Mexico law.
16. The changes conflict with longstanding precedent and risk depriving members of their voting rights without justification.
17. Proceeding with the election under these circumstances will irreparably harm the rights of the membership and subject the Association to further litigation.
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V. REQUEST FOR EXPEDITED EMERGENCY RELIEF

18. Due to the fact that the election is scheduled for **July 5, 2025**, immediate intervention is necessary to prevent imminent disenfranchisement and irreparable harm.
19. Plaintiff therefore respectfully requests that the Court consider this Motion on an **emergency basis**, and issue immediate orders to safeguard the election process.
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VI. REQUEST FOR COURT DIRECTION

20. Plaintiff requests that the Court order the following emergency relief:

- a. Permit **all landowners** to vote, suspending the March 15, 2025, dues deadline;
- b. Require the election and vote counting to be administered by a **neutral third party**, with Judge Johnny Valdez appointed as observer/arbitrator;
- c. Require vote counting to occur under Judge Valdez's direct supervision, without unsupervised involvement by current or former Directors;
- d. Require the presence of **Law Enforcement** during voting and counting to maintain order;
- e. Reinstate all members previously denied the right to vote or run for office due to disputed payments or Board authority;
- f. Place Plaintiff's Petition to Remove Directors on the next Board agenda with timely notice;
- g. Restore eligibility for any candidate improperly disqualified.

VII. CONCLUSION

21. Plaintiff submits this Motion in good faith and not for purposes of delay. Immediate Court intervention is necessary to protect voting rights and maintain the integrity of the Association's governance.

WHEREFORE, Plaintiff respectfully requests that the Court **GRANT this Motion on an emergency basis**, enter the requested orders, and grant such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 19th day of June, 2025.

/s/ Jesse W. Childers

Plaintiff, Pro Se

25 Victoria Ct.

Pie Town, NM 87827

(505) 898-1175

jwchild007@hotmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June, 2025, I caused a true and correct copy of the foregoing Motion to be served via email to:

McKade R. Loe

101 West Aztec Ave., Suite A

P.O. Box 1027

Gallup, NM 87305-1027

mckade@rf-lawfirm.com

/s/ Jesse W. Childers

EXHIBITS

Exhibit 1 – 2025 Election Update

Exhibit 2 – Copy of Ballot with incorrect address