

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

**JESSE CHILDERS, Individually and on behalf of  
WILD HORSE RANCH LANDOWNER'S ASSOCIATION,  
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-DIRECTOR; ANDY RHOMERG, EX-DIRECTOR;  
Defendants.**

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**PLAINTIFF'S MOTION TO SHOW CONFLICT OF INTEREST AND  
TO OPPOSE SUBSTITUTION OF PARTY**

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**COMES NOW** Jesse Childers, Plaintiff pro se, and hereby submits this Motion to Show Conflict of Interest and to Oppose the Substitution of Party under Rule 1-021 NMRA, and in support thereof states as follows:

**1. Background and Procedural Posture**

Plaintiff initiated this action both individually and on behalf of the Wild Horse Ranch Landowner's Association ("Association"), challenging actions taken by the Defendants while they were acting in leadership capacities for the Association.

## **2. Court-Ordered Representation**

This Court previously ordered Plaintiff to obtain legal counsel. Plaintiff complied and retained attorney Andy Sanchez, who represented both Plaintiff and the Association under the belief that Plaintiff, as Chairman, was the rightful representative of the Association.

## **3. Withdrawal of Counsel**

Following the Court's ruling that the opposing individuals are recognized as the current Board of Directors, Mr. Sanchez was required to withdraw due to an unavoidable conflict of interest: he could not ethically represent both the Association and the undersigned Plaintiff where the Association's control was disputed and adverse to Plaintiff's claims.

## **4. Subsequent Actions by Opposition Counsel**

Counsel for Defendants, Mr. Loe, has since filed a Motion to Substitute the Association as the sole Defendant and to remove it as Plaintiff. This maneuver effectively removes the individual Defendants from liability while placing the Association (now under their control) in the posture of defending itself against the very misconduct alleged against those same individuals.

## **5. Conflict of Interest**

This substitution creates a direct conflict of interest because:

- Mr. Loe represents the Association, which has been and remains a Plaintiff under Plaintiff's original claims.

- Mr. Loe also represents the same individual Defendants whose actions harmed the Association and its members.
- Substituting the Association as a Defendant while removing the individuals shifts liability away from those individuals and deprives the Association (and its rightful stakeholders) of possible claims against them.
- This conflicts with the Association's own interest to recover damages or protect itself from harm by those same individuals.

#### **6. Misrepresentation and Coercion**

Plaintiff was not properly advised of the legal consequences of agreeing to this substitution. Plaintiff, who is not an attorney, was misled into believing this was a procedural step rather than a waiver of substantial rights and claims.

#### **7. Request for Time to Retain New Counsel**

Plaintiff has already filed for an extension of time to obtain new counsel and respectfully requests that no substantive changes to party status be permitted until independent counsel is secured.

#### **8. Relief Requested**

WHEREFORE, Plaintiff respectfully requests that this Court:

- **Find and declare** that a conflict of interest exists for Mr. Loe in representing both the Association and the individual Defendants whose conduct is at issue.
- **Deny** the Motion for Substitution of Party filed by Defendants' counsel.

- **Stay** any substitution or dismissal of parties until Plaintiff secures new, independent counsel.
- **Grant such other relief** as the Court deems just and proper to preserve the integrity of this proceeding.

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**Respectfully submitted this 17 day of June, 2025.**

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**/s/Jesse W. Childers**  
**Jesse Childers, Pro Se**  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on all counsel of record by electronic filing on this 17 day of June, 2025.

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**/s/Jesse W. Childers**  
**Jesse Childers, Pro Se**