

SEVENTH JUDICIAL DISTRICT COURT
COUNTY OF CATRON
STATE OF NEW MEXICO

JESSE CHILDERS, Individually
Plaintiff,

v.

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-DIRECTOR;
RACHEL PONDER, DIRECTOR;
ANDY RHOMERG, DIRECTOR;
Defendants.

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

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

1. Background and Procedural Posture

Plaintiff initiated this action both individually and on behalf of the Wild Horse Ranch Landowners’ 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 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 the individual Defendants as parties. This maneuver would effectively remove the individual Defendants from personal liability and leave the Association (under their current control) defending claims arising from their own misconduct.

5. Conflict of Interest

This creates a direct and irreconcilable conflict of interest because:

- Mr. Loe represents the Association, which remains a Defendant under Plaintiff's original claims;
- Mr. Loe simultaneously represents the same individual Defendants accused of harming the Association and its members;

- Allowing substitution would shift liability from the individuals to the Association itself, preventing recovery for wrongdoing committed by those individuals and harming the interests of the Association's membership;
- This undermines the Association's independent interest in pursuing claims against its former officers and directors.

6. Misrepresentation and Coercion

Plaintiff, acting pro se, was not properly advised of the legal consequences of consenting to substitution and misunderstood it as a procedural step rather than a waiver of substantive rights and claims.

7. Request for Time to Retain New Counsel

Plaintiff has requested additional time to obtain new, independent counsel and respectfully asks that no substitution or dismissal of parties occur until such counsel is secured.

8. Relief Requested

WHEREFORE, Plaintiff respectfully requests that this Court:

- a) Find that a conflict of interest exists for Mr. Loe in representing both the Association and the individual Defendants;
- b) Deny Defendants' Motion for Substitution of Party;
- c) Stay any substitution or dismissal of parties until Plaintiff retains new counsel;
- d) Grant such other and further relief as this Court deems just and proper.

Respectfully submitted this 21st day of June, 2025.

/s/ Jesse W. Childers
Jesse Childers, Pro Se
25 Victoria Ct.
Pie Town, NM 87827
505/898-1175
jwchild007@hotmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all counsel of record via electronic filing this 21st day of June, 2025.

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