

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

**JESSE CHILDERS,**  
Plaintiff,

v.

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

**WILD HORSE RANCH LANDOWNERS' ASSOCIATION,**  
Defendant.

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR  
SANCTIONS**

**COMES NOW** the Plaintiff, Jesse Childers, pro se, and hereby respectfully submits this Opposition to Defendant's Motion for Sanctions. Defendant's Motion for Sanctions is frivolous, legally deficient, and factually unfounded. Plaintiff has proceeded in good faith to seek resolution of critical issues impacting the governance of the Wild Horse Ranch Landowners Association (the "Association").

**I. OPPOSITION TO MOTION FOR SANCTIONS**

1. Plaintiff Jesse W. Childers respectfully opposes Defendant's Motion for Sanctions brought under Rule 1-011 NMRA. The motion is procedurally deficient, legally unsupported, and factually inaccurate. It mischaracterizes the Plaintiff's conduct, misconstrues the purpose of Rule 1-011, and appears to be retaliatory in nature rather than a legitimate invocation of the Court's sanctioning authority.

2. As required by Rule 1-011(C)(1) NMRA, Plaintiff engaged in multiple good-faith telephonic communications with counsel for Defendants, Mr. McKade Loe, to discuss the underlying issues in dispute and to attempt resolution of concerns regarding motions filed in this matter. These discussions occurred prior to the filing of several contested motions and reflect Plaintiff's effort to narrow issues and avoid unnecessary court intervention.
3. Plaintiff's filings were neither excessive, frivolous, nor lacking in legal or factual foundation. Each submission to the Court was made in good faith and for a proper purpose under Rule 1-011(A), including but not limited to the following objectives:
  - a. To seek clarification from the Court on unsettled legal questions arising from the WHRLA's bylaws and governance practices (e.g., Motion to Clarify Voting Rules);
  - b. To challenge what Plaintiff reasonably and in good faith believes to be unlawful conduct by the WHRLA Board, including the appointment of directors without a member election in violation of the Association's governing documents;
  - c. To preserve Plaintiff's individual legal rights and standing after being compelled to retain new counsel due to a breakdown in representation arising from a conflict of interest;
4. None of Plaintiff's filings were presented for an improper purpose such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation, as prohibited by Rule 1-011(A). Rather, Plaintiff acted with due diligence, transparency, and consistent legal justification in an effort to protect member voting rights, fiduciary accountability, and due process within the WHRLA.
5. Defendant's request for sanctions is itself contrary to the spirit and letter of Rule 1-011. The motion was filed without proper notice or opportunity to cure under the 21-day "safe

harbor” provision and should be summarily denied on procedural grounds alone.

Moreover, the remedy sought—monetary and procedural sanctions—would chill meritorious advocacy and improperly penalize Plaintiff for exercising rights to petition the Court for redress.

6. Plaintiff’s filings, including the **Emergency Motion for Clarification of Voting Rules** and **Motion to Vacate under Rule 1-060(B) NMRA**, were submitted after reasonable legal and factual inquiry and in good faith. These filings are grounded in legitimate disputes regarding governance, due process, and voting rights, and are therefore protected under Rule 1-011.
7. Defendant falsely accuses Plaintiff of fraudulent conduct and unauthorized representation. These allegations disregard the long-standing ambiguity surrounding Board elections and appointments, and the contested nature of the July 5, 2024, members’ meeting. These are material questions currently before this Court and not grounds for sanctions.
8. Under **Rule 1-011 NMRA**, sanctions may be imposed only where a filing is objectively unreasonable or made for an improper purpose. See *Rivera v. Brazos Lodge Corp.*, 1991-NMSC-030, ¶ 9, 111 N.M. 670 (Rule 11 sanctions are inappropriate where a reasonable argument can be made for the legal theory presented). Plaintiff’s actions do not meet this standard.
9. Defendant also raises vague and unsupported claims of ex parte communications. Plaintiff categorically denies initiating or engaging in any prohibited communications with the Court, and no evidence has been presented to the contrary. (Please see Exhibit 4 & Exhibit 5)

10. The Motion for Sanctions appears retaliatory and seeks to chill Plaintiff's efforts to pursue judicial resolution of substantial legal disputes. Such misuse of the judicial process itself warrants caution from the Court. See *Smith v. Amer. Online, Inc.*, 2001-NMCA-094, ¶¶ 18–19 (abuse of procedural rules for intimidation or tactical advantage may be grounds for judicial admonishment).

**WHEREFORE**, Plaintiff respectfully requests that this Court:

- **Deny** Defendant's Motion for Sanctions in its entirety;
- **Caution** Defendant against further unfounded or retaliatory allegations;
- Grant such **other and further relief** as the Court deems just and proper.

**Respectfully submitted,**  
Dated: July 14, 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 July 14, 2025, I caused a true and correct copy of the foregoing **Opposition to Motion for Sanctions and Notice of Service of Formal Discovery** to be served via email upon:

**McKade R. Loe**  
Rosebrough, Fowles & Foutz, P.C.  
[Address / Email if available]  
Counsel for Defendant

/s/Jesse W Childers  
**Jesse W. Childers**

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## **EXHIBITS**

- |           |  |
|-----------|--|
| Exhibit 1 | (Attached Catron County Sheriff's Report) 1 page   |
| Exhibit 2 | (Attached Declaration by Michael Steele) 3 pages   |
| Exhibit 3 | (Attached Letter of Ex-Parte communication to the Judge);2 pages   |
| Exhibit 4 | (Attached email to Judge, Judicial Assistant, Clerk of the Court, and Mr. Loe, attorney of record) 3 pages |
| Exhibit 5 | (Attached 1 <sup>st</sup> & 2 <sup>nd</sup> Request for Records) 2 pages                                   |
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## Catron County Sheriff's Office

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**Keith Hughes**

Sheriff of Catron County

100 Main Street, PO Box 467, Reserve, NM 87830

Tel: (575) 533-6222 Fax: (575) 533-6722

[www.catroncounty.us](http://www.catroncounty.us)

On July 6, 2024, I, Catron County Sheriff Deputy Kaleb Wilson, was advised by the Catron County Sheriff, Keith Hughes, to attend the landowners meeting in Wild Horse Subdivision. I was informed by an attendee by phone call that things may get out of hand and that they requested that the Catron County Sheriff's Office provide a Deputy to attend.

When I arrived at the meeting I was asked if I was there just in case the meeting got out of hand. I was unaware of the issues between several individuals that were attending the meeting. The meeting took place in a pavilion located in the Wild Horse Subdivision, there were approximately 50 to 60 people attending the meeting. When the meeting started there was a male subject that was carrying a walking stick that began informing the attendees about their meeting topics. I observed a taller, slim subject began to get aggravated and got into a verbal disagreement with the male subject holding the walking stick. As the two male subjects were in their verbal disagreement both male subjects began closing distance on one another. Both male subjects were at very close proximity of each other with little to no space between them. I made contact with both male subjects and told them both "you needed to get out of each other's faces". Both male subjects disengaged in the verbal argument and were separated.

As the taller, slim male subject was walking away he advised me that "I had made it clear that he needed to leave". I advised him several times that he did not need to leave but that he could not get into the other subject's face. He then willingly left the meeting on his own with multiple other attendees. After the subject left there were no more verbal arguments or disagreements from any other attendees or parties that were involved. I left the meeting after I was informed that there were no other things that needed to be discussed at the meeting.

No further information

Sheriff Deputy Kaleb Wilson

**5. FEEHAN'S PARTICIPATION IN THE MEETING**

I personally witnessed Director/Secretary Jim Feehan participate in the July 5, 2024 Members Meeting. He accepted a nomination, engaged in the voting process, and was ultimately voted down—1 in favor, 16 against.

I certify under penalty of perjury under the laws of the State of New Mexico that the foregoing is true and correct.

Executed this 14 day of JULY, 2024.

Michael Steele

**Michael Steele**

STATE OF NEW MEXICO  
COUNTY OF CATRON

SEVENTH JUDICIAL DISTRICT COURT  
D-728-CV-2024-00026

**DECLARATION OF MICHAEL STEELE**

I, Michael Steele, declare under penalty of perjury that the following is true and correct:

**1. PROXIES**

On the afternoon of July 5, 2024, I attended the Annual Members Meeting of the Wild Horse Ranch Landowners Association. During the meeting, I had a brief two-minute conversation with Director Jim Feehan regarding proxies. I informed Mr. Feehan that we had the proxies in our possession. Mr. Feehan left the meeting without the proxies.

**2. QUORUM**

I did not discuss quorum matters at the meeting. It has long been established within the Association that the original quorum requirement was unattainable. According to Article III, Section 4 of the original By-Laws, a quorum required "the presence of Members or proxies of Members entitled to cast 50% of all votes." With 400 lots in total, this threshold was never met. As a result, the quorum requirement was formally amended.

On January 20, 2007, Amendment #4 was adopted. Later, on April 4, 2022, Amendment #7 revised Article III, Section 4 to state:

"The presence of Members or proxies of Members entitled to cast 20% of all votes shall constitute a quorum. If the required quorum is not present, another meeting may be called, and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. Upon the holding of a meeting at which a quorum is present, the quorum for the next succeeding meeting shall be Members or proxies of Members entitled to cast 20% of all votes."

Given this, I believe Mr. Feehan did not question the quorum issue.

During the meeting, a dispute broke out between Mr. Feehan and landowner Nesbitt Hagood. A Catron County Sheriff's deputy (Kaleb Wilson) present at the meeting



intervened and instructed both men to either cease the argument or leave the premises. Mr. Feehan chose to leave and exited immediately without further discussion or collecting the proxies I held. I also witnessed the anger when Mr. Feehan and Mr. Childers were speaking during the nomination.

**3. ESTABLISHED A PRECEDENT SINCE 1998**

Since the inception of the Association, it has been the accepted practice that landowners elect Directors during the Annual Members Meeting. In 2017, this practice was followed when Directors were elected in accordance with Amendment #7, Article III. Additionally, New Mexico state law requires a meeting of the landowners for such elections. With the election of a new board, the proxies were given to the new secretary a day later.

**4. AUTHORITY TO CALL THE MEETING**

Per Article V, Section 6 of the By-Laws, the duties of Officers are outlined as follows:

**President:** "The President shall preside at all meetings of the Board, shall see that orders and resolutions of the Board are carried out, shall sign all approved leases, mortgages, deeds, and other written instruments, and perform other such duties as may be required by the Board."

There is no provision in the By-Laws stating that only an Officer or the President must call or run the Annual Members Meeting. While it has traditionally been a courtesy extended to the President to preside over such meetings, it is not a formal requirement. During the meeting, Director Feehan actively participated. He accepted a nomination, and when a hand vote was conducted, he lost by a vote of 1 in favor and 16 against. I was prepared to address any concerns, but Feehan's participation signaled to me that he recognized the validity of the meeting.

**5. FEEHAN'S PARTICIPATION IN THE MEETING**

I personally witnessed Director/Secretary Jim Feehan participate in the July 5, 2024 Members Meeting. He accepted a nomination, engaged in the voting process, and was ultimately voted down—1 in favor, 16 against.

I certify under penalty of perjury under the laws of the State of New Mexico that the foregoing is true and correct.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Michael Steele

SEVENTH JUDICIAL DISTRICT COURT  
COUNTY OF CATRON  
STATE OF NEW MEXICO

JESSE CHILDERS, Individually,  
Plaintiff,

v.  
00026

Case No. D-728-CV-2024-

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

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**NOTICE OF ATTEMPT TO CONTACT CHAMBERS  
REGARDING EMERGENCY MOTIONS AND REQUEST FOR COURT ACTION**

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Dear Honorable Mercedes C. Murphy;

I, Jesse W. Childers, Plaintiff pro se in the above-captioned matter, respectfully submit this letter to formally notify the Court of multiple attempts I have made to contact chambers regarding emergency motions filed on June 20, 2025. These motions concern time-sensitive matters relating to a community-wide vote scheduled for \*\*July 5, 2025\*\*, after which the relief sought will be moot and irreparable harm will result.

**To date, I have:**

- Called chambers and left detailed voicemail messages on three separate occasions,

- Emailed chambers regarding the emergency motions and request for a hearing or response,
- Received no response or acknowledgment from the Judicial Assistant or the Court.

I understand the Court may be dealing with other pressing matters, or the Judicial Assistant may be unavailable for legitimate reasons. However, due to the **\*\*urgent nature\*\*** of this matter and the approaching **\*\*irreversible deadline\*\***, I respectfully request that:

1. The Court set an emergency hearing, or alternatively,
2. Enter an order staying the July 5<sup>th</sup> vote pending resolution of the pending emergency motions.

If necessary, I am available on short notice via phone or video conferencing.

I am also filing this notice and letter with the Clerk to ensure there is a formal record of my good-faith efforts to communicate and to seek timely intervention.

/s/ Jesse W. Childers  
Respectfully submitted,

Jesse W. Childers, Pro Se  
25 Victoria Ct.  
Pie Town, NM 87827  
(505) 898-1175  
jesse.childers@email.com

CC: Clerk of Court  
CC: Judge Mercedes C. Murphy  
CC: All counsel of record

/s/ Jesse W. Childers

Jesse W. Childers, Pro Se

From: Micaela Zamora <socdmaz@nmcourts.gov>

Sent: Wednesday, June 25, 2025 12:33 PM

To: Jesse childers <jwchild007@hotmail.com>

Subject: Re: URGENT: Filing and Request for Emergency Court Action – Case No. D-728-CV-2024-00026

Good afternoon!

Please see attached filed notice.

thank you!

On Wed, Jun 25, 2025 at 12:44 PM Jesse childers <jwchild007@hotmail.com> wrote:

Dear Clerk, attached please find a Notice of Attempt to Contact Chambers in Case No. D-728-CV-2024-00026 for filing. Please confirm receipt and filing.

I do not have an email for the Court Administrator. Can you please forward a copy to her.

Thank you.

jc

Date: June 25, 2025

To: Clerk of Court, Seventh Judicial District

Cc: Hon. Mercedes C. Murphy; Court Administrator

Subject: Filing and Request for Emergency Court Action – Case No. D-728-CV-2024-00026

Dear Clerk of Court and Honorable Judge [Insert Judge's Name]:

Please accept this email as a formal filing in the matter of \*Childers v. Dugan, et al.\*, Case No. D-728-CV-2024-00026. Attached is a document titled:

**\*\*Notice of Attempt to Contact Chambers Regarding Emergency Motions and Request for Court Action\*\***

This notice concerns multiple emergency motions filed on June 20, 2025, and the urgency of resolving those motions before a community-wide vote scheduled for **\*\*July 5, 2025\*\***, after which relief will be moot.

I have made multiple attempts to contact chambers and have received no response. I respectfully request that the Court acknowledge receipt of this notice and advise whether the Court intends to schedule a hearing or consider the emergency motions on an expedited basis.

I am acting in good faith and simply seek guidance and timely judicial review.

Please confirm that this document has been received and filed.

 Outlook

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Re: URGENT: Filing and Request for Emergency Court Action – Case No. D-728-CV-2024-00026

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From: Jesse Childers <jwchild007@hotmail.com>

Date: Wed 6/25/2025 4:14 PM

To: McKade Loe <mckade@rf-lawfirm.com>

Cc: Jesse Childers <jwchild007@hotmail.com>

Date: June 25, 2025]

To:

McCade Loe, Esq.

Rosebrough, Fowles & Foutz, P.C.

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RE: Response to Threat of Motion for Sanctions – Case No. D-728-CV-2024-00026

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Dear Mr. Loe,

I am writing in response to your recent communication alleging that I engaged in improper ex parte communications with the Court and your stated intention to file a motion for sanctions.

Let me be clear: **I have not engaged in any ex parte communication.** All filings—including my Emergency Motion and the Notice of Attempt to Contact Chambers—were **properly filed and served upon all parties of record**, including yourself. I made sure to file the Notice to **create a formal, docketed record** of my efforts, demonstrating transparency and proper procedure.

**My attempts to reach chambers were procedural in nature** and made entirely **in good faith**, as I am attempting to obtain a timely judicial review of a **time-sensitive emergency motion** that will become moot if not addressed by July 5. I did not attempt to influence the judge's ruling outside of normal proceedings, nor did I ask the Court to rule in secret or without your knowledge.

As you are aware, I am proceeding **pro se** and doing my best to follow the proper rules and procedures in a complex matter. If there is something you believe I did improperly, I respectfully ask that you **explain what specific conduct you believe violated any rule**. I am more than willing to correct any error, but I firmly believe I have acted reasonably, diligently, and transparently throughout.

If you choose to move forward with a motion for sanctions, please consider this my formal notice that I **will oppose it** and ask the Court to consider the reasonableness of my conduct, my diligence, and the fact that no prejudice has occurred as a result of my attempts to reach the Court.

Respectfully,

Respectfully,

/s/Jesse W. Childers

Jesse W. Childers

25 Victoria Ct.

Pie Town, NM 87827

(505) 898-1175

jesse.childers@email.com