

SEVENTH JUDICIAL DISTRICT COURT
COUNTY OF CATRON
STATE OF NEW MEXICO

FILED
7th JUDICIAL DISTRICT COURT
Catron County
7/3/2025 2:26 PM
RACHEL GONZALES
CLERK OF THE COURT
/s/ Micaela Zamora

JESSE CHILDERS,

Plaintiff,

v.

No. D-728-CV-2024-00026

WILD HORSE RANCH LANDOWNER'S ASSOCIATION,

Defendant.

OPPOSED MOTION FOR SANCTIONS AND ORDER TO SHOW CAUSE

COMES NOW, Defendant, WILD HORSE RANCH LANDOWNER'S ASSOCIATION, by and through undersigned counsel, McKade R. Loe, Rosebrough, Fowles & Foutz, P.C., and hereby moves this Court to sanction Plaintiff Jesse Childers pursuant to the Court's inherent powers and Rule 1-011 NMRA and as grounds therefore states as follows:

REQUEST FOR SANCTIONS

1. Trial courts have inherent power to impose a variety of sanctions on both litigants and attorneys in order to regulate their docket, promote judicial efficiency, and deter frivolous filings. *See State ex rel. New Mexico State Highway & Transp. Dept. v. Baca*, 1995-NMSC-033, ¶ 11, 120 N.M. 1, 4, 896 P.2d 1148, 1151.

2. The principle of inherent power protects the integrity of the judicial process by concerning itself with the proper functioning of the court system. *See Seipert v. Johnson*, 2003-NMCA-119, ¶ 11, 134 N.M. 394, 134, 77 P.3d 298, 302.

3. Since June 9, 2025, Jesse Childers has filed approximately twelve (12) motions and other pleadings with the Court, causing nothing but confusion and unnecessary delay, forcing Defendant to incur unnecessary attorney fees and costs.

4. Not once, prior to filing any of his motions has Jesse Childers complied with the requirements for filing a motion under the Rules of Civil Procedure (the “Rules”).

5. The Rules require that the movant shall request the concurrence of the opposing party and determine if the motion will be opposed. *See* Rule 1-007.1.

6. Jesse Childers has never reached out to Counsel prior to filing his Motions to seek concurrence or to determine if the Motion will be opposed.

7. The Rules require that all pleadings, motions, and other papers shall be signed by the party certifying that the pleading, motion or other paper is supported by good grounds, and not interposed for delay. *See* Rule 1-011(A).

8. Rule 1-011 NMRA was designed to encourage honesty in the bar when bringing and defending actions. *See Rivera v. Brazos Lodge Corp.*, 1991-NMSC-030, ¶ 13, 111 N.M. 670, 674, 808 P.2d 955, 959.

9. Rule 1-011 NMRA further provided that an attorney or a party may be subject to appropriate disciplinary or other actions for willful violations. *See* Rule 1-011 NMRA.

10. District courts may exercise discretion to impose sanctions when a pleading or other paper signed by an attorney is not well grounded in fact. *See Benavidez v. Benavidez*, 2006-NMCA-138, ¶ 14, 140 N.M. 637, 641, 145 P.3d 117, 121.

11. Here, none of the Motions filed by Jesse Childers contain his signature, only his name typed in a different font, seemingly with A.I. assistance.

12. Jesse Childers’ motions have caused unreasonable delay, which was the goal for Jesse Childers.

13. This all began when the Court denied Jesse Childers' request to grant him a sixty (60) day extension to respond to motions.

14. At that point, there were no motions that needed to be resolved, as all had been fully briefed, and the Court had already entered its orders. Realistically, this matter was near resolution.

15. Nonetheless, after being denied, Jesse Childers began filing various motions every few days.

16. Some motions may have been withdrawn; others appear to have not.

17. Every motion which he claims to have "withdrawn," was only done to allow him additional time to rework his "withdrawn" motion and file it again, which has effectively kept the motions from being fully briefed, depriving Defendant from reaching a swift resolution. This effort has been meticulously calculated by Jesse Childers in effort to prolong this matter for sixty (60) days, which is his goal.

18. Because of the consistent filings, none of which are supported by good grounds, Jesse Childers should be sanctioned by the Court. He alone has caused this matter, which was near resolution, to be blown up again. Now, there are approximately a dozen motions and pleadings to which Defendant will be forced to respond to, unnecessarily.

19. Further, in his *Motion to Show Conflict on Interest and to Oppose Substitution of Party*, which may have been withdrawn, and his *Motion to Set Aside Order of Substitution and Related Order Denying Preliminary Injunction*, Jesse Childers tells a complete lie. He claims that he did not have the opportunity to review the Motion for Substitution of Parties and/or the Order Substitution prior to it being filed.

20. However, in his first version of the motion, he states that he agreed to the Motion for Substitution of Parties and the plan to substitute the parties, a position he later seemingly retracts via his affidavit and second version of the motion. Counsel for Defendant provided Jesse

Childers with the Motion and proposed Order via email on two occasions. The parties had an extensive telephone conversation wherein Jesse Childers agreed to the filing of the Motion and the Order.

21. The Motion for Substitution was only filed because the parties reached an agreement to file it. Counsel for Defendant made it clear to Jesse that he would be filing a Motion to Dismiss altogether, because Jesse Childers filed his complaint without any authority to do so. Nonetheless, through agreement, the parties agreed to substitute the parties so Jesse Childers could continue his personal claims against the Association, organizing the case caption so litigation could proceed in an organized, coherent manner.

22. Now, it appears that Jesse Childers agreed to the substitution, all while knowing he would later file his pleadings to object to the motion and order, doing nothing but causing delay and forcing the Association to litigate the very thing that it did not want to litigate. Jesse Childers has abused the process, forcing the Association to litigate a motion unnecessarily.

23. This type of behavior cannot be condoned by the Courts and should be sanctioned to deter frivolous filings and promote judicial efficiency. *See State ex rel. New Mexico State Highway & Transp. Dept. v. Baca*, 1995-NMSC-033, ¶ 11, 120 N.M. 1, 4, 896 P.2d 1148, 1151.

24. Jesse Childers' actions have done nothing but cause unreasonable delay, confusion, and hardship on both parties and the Court.

25. Lastly, this Court has already made statements, warning against *ex parte* communications, because various landowners have sent letters directly to the Court in support of Jesse Childers.

26. The Court made it very clear that such communications are strictly prohibited.

27. Further, the prohibition against *ex parte* communications is a fundamental principal for New Mexico courts to ensure the integrity and reputation of the legal system. *See In re Naranjo*, 2013-NMSC-026, ¶ 12, 303 P.3d 849, 852.

28. Rule 21-209(A) requires that a judge shall not permit *ex parte* communications. *See* Rule 21-209.

29. Regardless of the warning from the Court and the legal standard, Jesse Childers had made it clear that he has made multiple attempts to engage in *ex parte* communications with the Court.

30. This type of behavior undermines the judicial system and should be punished as a deterrent to others. *See In re Naranjo*, 2013-NMSC-026, ¶ 15, 303 P.3d 849, 853.

31. Jesse Childers continuously asks for the Courts leniency because he is *pro se*, but such leniency should not be granted, given the totality of the circumstances. *See Bruce v. Lester*, 1999-NMCA-051, ¶ 4, 127 N.M. 301, 302, 980 P.2d 84, 85 (stating that pro se litigant is not entitled to special privileges because of his pro se status).

32. Defendant should be awarded attorney fees pursuant to NMSA 1978, §47-16-14.

REQUEST FOR ORDER TO SHOW CAUSE

33. An Order was entered by this Court on May 14, 2025, following the hearing held on February 17, 2025.

34. In that Order, the Court found that the current members of the board of directors for the Wild Horse Ranch Landowners Association (the “Association”) were not removed and are the sitting members of the board of directors.

35. The Court further found that Jesse Childers was holding himself out as one with authority to act on behalf of the Association.

36. The Court ordered that Jesse Childers shall immediately cease acting on behalf of the Association and that he shall cause that all messages and announcements sent to members of the Association by him or his board should be corrected, letting members know that he does not represent the Association.


37. On or about July 2, 2025, Jesse Childers sent an email to all members of the Association claiming that he had the authority to act on behalf of the Association and the current board members were removed.

38. Defendant seeks that the Court hold Jesse Childers in contempt of court for violating the Court's order and continuously causing confusion amongst members of the Association.

39. Jesse Childers has been contacted regarding his position on this Motion and he opposes.

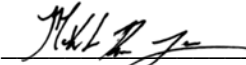
WHEREFORE, Defendant respectfully requests the Court grant this Motion and order sanctions which should include: (1) dismissing Jesse Childers' Complaint altogether; (2) award Defendant's attorney's fees and costs; (3) award punitive damages; and (4) any other award the Court deems just and proper.

ROSEBROUGH, FOWLES, & FOUTZ P.C.

By  _____
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CERTIFICATE OF SERVICE

I certify that on July 3, 2025, a true and correct copy of the foregoing was electronically filed through the Odyssey File & Serve system and served upon Plaintiff by mail.



McKade R. Loe