


Joey D. Moya

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

**ADOBE WHITEWATER CLUB OF NEW
MEXICO, a non-profit corporation,
NEW MEXICO WILDLIFE FEDERATION,
a non-profit corporation, and NEW MEXICO
CHAPTER OF BACKCOUNTRY HUNTERS
& ANGLERS, a non-profit organization.**

Petitioners,

vs.

S-1-SC-38195

STATE GAME COMMISSION,

Respondent,

and

**CHAMA TROUTSTALKERS, LLC;
RIO DULCE RANCH;
Z & T CATTLE COMPANY, LLC;
RANCHO DEL OSO PARDO, INC.;
RIVER BEND RANCH; CHAMA III, LLC; FENN FARM;
THREE RIVERS CATTLE LTD., CO.;
FLYING H. RANCH INC.; SPUR LAKE CATTLE CO.;
BALLARD RANCH; DWAYNE AND CRESSIE BROWN;
COTHAM RANCH; WAPITI RIVER RANCH;
MULCOCK RANCH; WILBANKS CATTLE CO.;
130 RANCH; WCT RANCH;
THE NEW MEXICO FARM AND LIVESTOCK BUREAU;
CHAMA PEAK LAND ALLIANCE;
NEW MEXICO CATTLE GROWERS' ASSOCIATION;
NEW MEXICO COUNCIL OF OUTFITTERS AND GUIDES;
AND UPPER PECOS WATERSHED ASSOCIATION**

Intervenors-Respondents.

RESPONDENT NEW MEXICO GAME COMMISSION
RESPONSE
TO INTERVENORS-RESPONDENTS' MOTION TO
STRIKE DUE TO APPARENT FRAUD ON THE COURT

COMES NOW Respondent the New Mexico State Game Commission (“Commission”), by and through the attorneys of record Office of the New Mexico Attorney General and Cuddy & McCarthy LLP (Aaron J. Wolf) and hereby responds to Intervenors-Respondents’ Motion to Strike due to Apparent Fraud on the Court as follows:

On September 17, 2019, Assistant Attorney General John Grubestic emailed Department of Game and Fish Director Michael Sloane. Email correspondence indicates that the attached memorandum is in “draft form” and for discussion purposes. Grubestic further stated that the attorney-client privileged memorandum only be shared with Commission members. The Commission reviewed said memorandum at their regularly scheduled meeting on September 18, 2019.

On November 21, 2019, the Commission again discussed the memorandum and voted in open session to release the memorandum to the public. The memorandum was then subsequently placed on the Department of Game and Fish website.

Requests to review the documents related to said memorandum have been submitted to the Commission and the Department of Game and Fish. Requests

pursuant to the Inspection of Public Records Act are handled by Game and Fish Records Custodian in accordance with the Act, NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2018).

As such, the Commission takes no position with regard to arguments premised on the allegations set forth in the Motion, other than to state that it agrees with Petitioners' Response to Intervenors-Respondents' Motion to Strike Due to Apparent Fraud on the Court insofar as it requests that this Court decline to exercise its jurisdiction over this matter. The Commission has openly provided the memorandum discussed and therefore, the Commission denies any assertions of fraud.

Respectfully Submitted,

HECTOR H. BALDERAS
NEW MEXICO ATTORNEY GENERAL

/s/ Tania Maestas _____

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*Counsel for Respondent, the
New Mexico State Game Commission*

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of October, 2020, a copy of the foregoing *Respondent New Mexico Game Commission Response to Intervenors-Respondents' Motion to Strike Due to Apparent Fraud on the Court* was filed and served through the Odyssey E-File and Serve System, providing notice to all counsel of record as more fully reflected on the Notice of Electronic Filing.

/s/ Tania Maestas
Tania Maestas