

**THIRTEENTH JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SANDOVAL**

FILED
13th JUDICIAL DISTRICT COURT
Sandoval County
8/14/2019 3:58 PM
PHILLIP A ROMERO
CLERK OF THE COURT
KB

Human Rights Defense Center,
Plaintiff,
v.
Board of County Commissioners
for the County of Sandoval,
Melissa Perez,
Lt. John Castaneda,
Victoria Aragon
Collin Stradling, and
John or Jane Doe(s) 1-5,
Defendants.

Cause No. D-1329-CV-2019-01797

**COMPLAINT FOR PRODUCTION OF PUBLIC RECORDS,
FOR MANDAMUS, DAMAGES, AND DECLARATORY AND
INJUNCTIVE RELIEF**

1. The Human Rights Defense Center brings these causes of action to enforce the New Mexico Inspection of Public Records Act, NMSA 1978, §§ 14-2-1 to -12 (“IPRA”).

I. INTRODUCTION

2. Public transparency is a key part of the foundation of a strong democracy.
3. The Human Rights Defense Center, a nonprofit journalism and advocacy organization, brings this action under IPRA to compel production of records maintained or controlled by Sandoval County for injunctive relief and damages arising from the willful failure and refusal to produce public records as required by law.

4. The incomplete records reveal that at least \$3,784,704.70 has been spent on behalf of Sandoval County for legal violations.
5. The Human Rights Defense Center is seeking records that will explain how and why over \$3.75 million was authorized, and what else was spent.

II. PARTIES, JURISDICTION, AND VENUE

6. The Human Rights Defense Center is a nonprofit organization, incorporated in the state of Washington, with headquarters in Lake Worth Beach, Florida and offices in Nashville, Tennessee, Washington, DC, and Seattle, Washington. It is a “person” as defined by IPRA.
7. Defendant Board of County Commissioners for the County of Sandoval (“Sandoval County”) is a duly authorized governmental agency under the laws of the State of New Mexico. Under NMSA 1978, § 4-46-1, all suits against a county are to be brought in the name of the board of county commissioners of that county. The county may sue or be sued in its name. Defendant Sandoval County is a “public body” as defined by IPRA.
8. Sandoval County requests for public records are processed either through the Public Information Office or through the Sheriff’s Office.
9. Melissa Perez is the Public Information Officer for Sandoval County. She is responsible for the Public Information Office’s processing and responding to requests made under IPRA.
10. Lt. John Castaneda and Victoria Aragon are the assigned Public Records Custodians for the Sandoval County Sherriff’s Office.
11. Colin Stradling is the assigned Public Records Custodian and IPRA Assistant County Attorney for any departments outside the Sherriff’s Office.

12. Upon information and belief, John or Jane Doe Defendants are or were officials employed by Sandoval County and are classified as records custodians, participated in the decision, or were responsible for denying the inspection of records responsive to Plaintiff's records request.
13. Jurisdiction and venue are proper under IPRA and the general venue statute NMSA 1978, § 38-3-1(G).
14. There is an actual controversy between the parties about the Defendants' duties under IPRA. As a result, an action for declaratory relief is authorized under NMSA 1978, § 44-6-2 and § 44-6-4.

III. FACTUAL ALLEGATIONS

A. **The Human Rights Defense Center sent public records requests to Sandoval County.**

15. IPRA creates a foundation for an open, functioning democracy. It is the public policy of this state, that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees. It is further the intent of the legislature, and it is declared to be the public policy of this state, that to provide persons with such information is an essential function of a representative government and an integral part of the routine duties of public officers and employees.

NMSA 1978, § 14-2-5.
16. IPRA broadly defines the records which the public may access: "all documents ... that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained."

NMSA 1978, § 14-2-6(G).
17. IPRA also broadly defines the organizations to which it applies to include "all advisory boards, commissions, committees, agencies or entities created by the constitution or any

branch of government that receives any public funding, including political subdivisions, special taxing districts, school districts and institutions of higher education.” NMSA 1978, § 14-2-6(F).

18. In June 2018, the Human Rights Defense Center sent to the Sandoval County Manager a records request for verdicts and settlements related to all claims or lawsuits brought against the Sandoval County Sheriff’s Office and/or any of its agents or employees in which the Sandoval County Sheriff’s Office (or any agent, insurer, or entity acting on its behalf) made Payments totaling \$1,000 or more to resolve such claims or lawsuits (each a “Relevant Claim”) from January 1, 2010 to the present. That letter is attached as Exhibit A.
19. The Sandoval County Public Information Officer immediately acknowledged the request and then on July 9, Sandoval County invoked its right to extend the time to answer until August 11.
20. On July 24, Sandoval County responded to the request, producing some records. Sandoval County Attorney Robin S. Hammer determined that Sandoval County did not have claim forms, complaints, or settlement agreements, beyond the tort claim forms released. The County further directed HRDC to check with the New Mexico Association of Counties (“NMAC”). That response email is attached as Exhibit B.
21. Human Rights Defense Center submitted a similar request to the Sandoval County Detention Center in August 2018. That request is attached as Exhibit C.
22. On August 15, Human Rights Defense Center received a notice that some responsive records were available through Sandoval County’s web portal. Human Rights Defense Center downloaded the available records.

23. Because the Human Rights Defense Center had previously sent a similar records request to NMAC and was refused, it did not request further records from NMAC.

24. The correspondence with NMAC is attached as Exhibit D and E.

B. Sandoval County maintains responsibility for its own records, no matter where the physical case files or electronic records are housed.

25. Under IPRA, the records custodian is “responsible for the maintenance, care or keeping of a public body’s public records, regardless of whether the records are in the [custodian’s] actual physical custody and control[.]” NMSA 1978, § 14-2-6(A).

26. Under IPRA, public records are any records “that are used, created, received, maintained or held by or on behalf of any public body and relate to public business.” NMSA 1978, § 14-2-6(G).

27. Claims, pleadings, and legal settlement papers all relate to the business of Sandoval County.

C. The documents provided were incomplete.

28. Sandoval County provided a set of documents that was both over inclusive and under inclusive of the request.

29. Many documents involved claims involving less than \$1,000 in pay outs, and thus were over inclusive.

30. Some documents involved cases which were dismissed or ended in a defense verdict. One example of such a document is the summons and complaint in case D-1329-cv-2017-2069 on behalf of Jensen, Nathan, alleging cruel and unusual punishment and First Amendment claims, released by the Sandoval County Detention Center.

31. Some documents involved cases which are still ongoing. One example is the summons and complaint in case D-1329-cv-2018-1522 on behalf of former warden Matthew Elwell under the New Mexico Whistle Blower Protection Act, released by the Detention Center.
32. The County provided documents revealing at least seven settlements for which no initiating or concluding documents were provided as requested.
 - a. The Sheriff's Department print out of NMAC Multi-Line cases closed in November 2017 included a notation that a claim involving a 2015 Ford Explorer was resolved for \$12,693.84;
 - b. The Sheriff's Department print out of NMAC Multi-Line cases closed in April 2018 included a notation that a claim submitted on behalf of Jamie Frasier for "[e]mployment discrimination on the basis of sex" was resolved for \$30,102.39;
 - c. The Sheriff's Department print out of NMAC Multi-Line cases closed in May 2018 included a notation that a claim involving a 2013 Ford Explorer was resolved for \$3,337.48;
 - d. The Sandoval County Detention Center's print out for NMAC Law Enforcement cases closed in September 2017 reported that the County paid \$2,172,516.60 to the estate of Raynbow Gignilliat noting "no medical/mental care in jail, health deteriorated & committed suicide (out of jail)," and paid \$1,238,211.20 to Sharon Vanwagner, noting "[h]eld in segregation, mental health deteriorated and no mental health care provided";

- e. The Sandoval County Detention Center's print out for NMAC Law Enforcement cases closed in October 2017 reports that the County paid \$256,581.54 to the estate of Daniel Boscon for a "[w]rongful death claim while in jail"
 - f. The Sandoval County Detention Center's print out for NMAC Multi-Line cases closed in February 2018 includes a notation that a claim arising from a motor vehicle crash involving Michaella Arnijo, a minor, was resolved for \$18,500.00;
33. At least five documents appear to be part of larger cases. The publicly available information suggests that there should have been further documents produced.
- a. The Sheriff's Office released a tort claim notice on behalf of the Ben C de Baca estate for the September 6, 2015 death of Mr. C de Baca after excessive force and suffocation from a spit shield applied during arrest. A court approval of settlement can be found at *De Baca v. Town of Bernalillo ex rel. Town of Bernalillo Police Dep't*, No. CIV 17-1058 JB\LF, 2019 U.S. Dist. LEXIS 57333 (D.N.M. Apr. 3, 2019).
 - b. Two tort claims were released from the Sheriff's Office related to the death of Linda Baragiola on September 28, 2017, when she was struck and run over by a Sandoval County Sheriff's Deputy. A suit was reported in the media, Katy Barnitz, "Suit: Deputy on phone when woman was killed" *Albuquerque Journal*, Mar. 12, 2019, available at <https://perma.cc/T9GJ-GJHU>.
 - c. The Detention Center released the summons and complaint in case D-1329-cv-2018-01381 on behalf of Linda Higgenbotham for pay discrimination, unpaid wages, retaliation, and breach of contract. Although the case was voluntarily dismissed, no settlement was provided.

34. At least fifteen documents either should have other associated documents, such as complaints or settlements, associated with them, or they were produced in error because they were not responsive.

- a. The Sheriff's Office released a tort claim from Murphy Becenti, related to failure to respond properly to his daughters' kidnapping over January 5 to 10, 2017, leading eventually to their deaths.
- b. The Sheriff's Office released a tort claim filed on behalf of the estate of Brian Lang for failure to respond properly to a 911 call on March 1, 2017, leading to drowning.
- c. The Sheriff's Office released a tort claim filed by Nancy Donally on September 20, 2017 for wrongful termination.
- d. The Sheriff's Office released a tort claim filed by Jacqueline Wheeler for a January 19 or 20, 2018 motor vehicle accident with a Deputy.
- e. The Sheriff's Office supplied a letter submitted by Kristin Fragua requesting hearing on vehicle towed and impounded on February 15, 2018.
- f. The Sheriff's Office released a tort claim filed by Jerome Gallegos and Paul Gonzales for injuries sustained in a collision with police vehicle on January 19, 2018.
- g. The Sandoval County Detention Center released a tort claim filed on behalf of Adam Chavez for excessive force suffered on October 12, 2016.
- h. The Sandoval County Detention Center released a tort claim filed on behalf of Armando Molina Mason, Jr. for overcrowding and sexual assault in the jail.

- i. The Sandoval County Detention Center released a tort claim filed on behalf of the estate of Ruben Toledo who was injured in Sandoval County Detention Center, and died on July 1, 2017 in Cibola County General Hospital.
- j. The Sandoval County Detention Center released a tort claim filed on behalf of John Fabry, who was injured because of negligent maintenance of flooring in jail kitchen.
- k. The Sandoval County Detention Center released a tort claim submitted on October 5, 2017 on behalf of Paul Gonzalez-Avalos, who was beaten unconscious by two other prisoners.
- l. The Sandoval County Detention Center released a tort claim filed on behalf of the estate of Jordan Carter who died on or about October 27, 2017 in the jail. This release also includes a redacted page, claiming attorney-client privilege. It is not clear on whose behalf the privilege is being claimed, as the county has no privilege in the submissions of a claimant's counsel.
- m. The Sandoval County Detention Center released a tort claim and unfiled complaint from Larry J. Buffaloe, dated April 13, 2018, describing excessive force, improper use of an isolation cell, and sexual abuse.
- n. The Sandoval County Detention Center released a tort claim from Andrew Lawrence Keyser, dated April 14, 2018, describing dental and eye injuries.
- o. The Sandoval County Detention Center released a tort claim and unfiled complaint from Manuel Porfirio Chavez, describing dental malpractice over the period of June 1 to 9, 2018.

35. The County also released NMAC Workers' Compensation Pool print outs that revealed at least twelve payouts with no initiating or concluding documentation produced, as requested. These payments were:

- a. To Armstrong, Dustin, \$2,583.34 in November 2017;
- b. To Castell, Dora A., \$20,659.55 in June 2017, \$3,424.00 in December 2017, and \$6,459.60 in April 2018;
- c. To Donofria, Frank, \$1,327.56 in June 2018;
- d. To Esquibel, Olga, \$1,257.68 in October 2017 and \$2,250.78 in November 2017;
- e. To Gallardo, Gus, \$1,181.53 in March 2018;
- f. To Gallegos, Michael A, \$1,065.06 in March 2018;
- g. To Kenner, Tory R, \$1,162.02 in February 2018;
- h. To Kerner, Ryan, \$19,558.58 in September 2017;
- i. To Lopez, Stephen, \$1,203.98 in August 2017;
- j. To Lowrance, Pamela, \$1,065.01 in December 2017;
- k. To Lozoya-Henandes, Misacl, \$1,843.87 in December 2017;
- l. To Lucaro, Elijah, \$1,400.00 in May 2018;
- m. To Miller, Daniel James, \$1,133.08 in November 2017;
- n. To Newman, Corey, \$1,631.94 in November 2017;
- o. To Shahabuddin, Shaikh, \$1,445.63 in April 2018;
- p. To Vann, Mia, \$1,017.99 and \$1,750.00 in November 2017;

COUNT ONE:

VIOLATIONS OF THE INSPECTION OF PUBLIC RECORDS ACT

36. The Plaintiff incorporates by reference the above allegations.
37. The Defendants have violated IPRA in these ways:
 - a. All Defendants failed to produce the documents requested by the Plaintiff and as required by IPRA; and
 - b. If any Defendant is relying on any exemption as a basis for withholding records, then each has failed, when withholding documents responsive to the records requests, to issue a proper denial of the records requests.
38. The Plaintiff has a right to recover damages, at up to \$100 per day per violation of each denied document under Section 14-2-11(C) of the IPRA;
39. The Plaintiff has a right to recover its costs and attorneys' fees in pursuing this action under Section 14-2-12(D) of IPRA.

COUNT TWO:

DECLARATORY RELIEF

40. The Plaintiff incorporates by reference the above allegations.
41. There is an actual controversy between the Plaintiff and the Defendants whether the Defendants' conduct, as alleged above, violates IPRA, including whether Sandoval County can refuse to retrieve public records from its attorneys, in this case NMAC.
42. Plaintiff is entitled to declaratory relief that Defendants have violated IPRA, and that Defendants must provide the requested records to Plaintiff, even if the records are currently

in the possession of Sandoval County's attorneys or any other entity conducting public business on its behalf.

COUNT THREE:

INJUNCTIVE RELIEF AND MANDAMUS

43. The Plaintiff incorporates by reference the above allegations.
44. Under NMSA 1978, § 14-2-12(B) (2010), Plaintiff is entitled to a writ of mandamus or injunction ordering the Defendants to produce all relevant public records, as provided in Plaintiff's request.

Wherefore, the Plaintiff prays that

1. the Court declare that the Defendants have violated IPRA in responding to Plaintiff's records requests;
2. the Court issue a writ of mandamus or injunction ordering the Defendants to produce the records and information requested without further delay, to produce all similar such documents in the future, and to adopt policies and procedures and training sufficient to correct the policies and practices that have led to the improper denials here; and
3. the Court enter an order for such other and further relief as the Court deems just and proper, including, but not limited to, damages, costs, and reasonable attorneys' fees.

Date:

Respectfully Submitted:

ROTHSTEIN DONATELLI, LLP

/s/ Mark H. Donatelli

Mark H. Donatelli
Caroline "KC" Manierre
P.O. Box 8180
Santa Fe, NM 87504
Tel: (505) 988-8004
mhd@rothsteinlaw.com
cmanierre@rothsteinlaw.com

/s/ Sabarish Neelakanta

Sabarish Neelakanta
Pro Hac Vice affidavit forthcoming
Human Rights Defense Center
P.O. Box 1151
Lake Worth, FL 33460
Tel: (561) 360-2523
sneelakanta@humanrightsdefensecenter.org



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

June 26, 2018

Sandoval County Manager
Attn: Dianne Maes
1500 Idalia Road, Building D
Bernalillo, NM 87004

Re: Request for Settlements and Verdicts Records

Dear Ms. Maes,

The Human Rights Defense Center (HRDC) makes this request pursuant to the New Mexico Inspection of Public Records Act, N.M. Stat. Ann. § 14-2-1, *et seq.*

HRDC is seeking records related to all claims or lawsuits brought against the Sandoval County Sheriff's Office and/or any of its agents or employees in which the Sandoval County Sheriff's Office (or any agent, insurer, or entity acting on its behalf) made Payments totaling \$1,000 or more to resolve such claims or lawsuits (each a "Relevant Claim"). For the purposes of this request:

- The relevant time period is January 1, 2010 to the present.
- "Payments" includes, without limitation, settlements, damages, attorneys' fees, and sanctions.
- Records shall be produced in electronic native format where possible, and otherwise in electronic format. To the extent production in electronic format is not possible, records may be produced in hard copy.

For each Relevant Claim, HRDC requests records sufficient to show:

1. the name of all parties involved;
2. the date of resolution;
3. the amount of money paid to resolve the claim;
4. the person or entity to whom the money was paid;
5. for those Relevant Claims that did not result in litigation:

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- a. the claim form or other document that describes the claim; and
 - b. the final agreement resolving the claim; and
6. for those Relevant Claims that resulted in litigation:
- a. the docket number;
 - b. the jurisdiction in which the action was brought (e.g., US District Court for the District of New Mexico, New Mexico Supreme Court, etc.);
 - c. the complaint and any amendments thereof; and
 - d. the verdict form, final judgment, settlement agreement, consent decree, or other document that resolved the case.

If any of these requests, or any portion thereof, is denied in whole or in part, please provide an accounting of each record being withheld, and the specific exemption being invoked for such record. In addition, to the extent the Sandoval County Sheriff's Office or any other party claims that any portion of a record is confidential or otherwise protected from disclosure, please redact the allegedly confidential or protected portion and produce the redacted record. By making this request, HRDC does not waive, but rather expressly reserves, its right to challenge a claim that any portion of a record is confidential or otherwise protected from disclosure.

Please contact me via email, mdillon@prisonlegalnews.org, should you require any additional information. My phone number is 206-257-1355. Thank you for your time and attention in this matter.

Sincerely,

HUMAN RIGHTS DEFENSE CENTER



Michelle Dillon
Public Records Manager

Michelle Dillon

From: Sandoval County Public Records Center <sandovalcountynm@mycusthelp.net>
Sent: Tuesday, July 24, 2018 12:50 PM
To: Michelle Dillon
Subject: [Records Center] Public Records Request :: P002024-062718

--- Please respond above this line ---

RE: Public Records Request Reference P002024-062718 received June 26, 2018

Dear Michelle Dillon,

The County received a public information request from you on June 26, 2018. Your request mentioned:

“The Human Rights Defense Center (HRDC) makes this request pursuant to the New Mexico Inspection of Public Records Act, N.M. Stat. Ann. § 14-2-1, et seq.

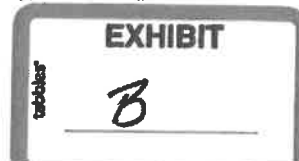
HRDC is seeking records related to all claims or lawsuits brought against the Sandoval County Sheriff’s Office and/or any of its agents or employees in which the Sandoval County Sheriff’s Office (or any agent, insurer, or entity acting on its behalf) made Payments totaling \$1,000 or more to resolve such claims or lawsuits (each a “Relevant Claim”). For the purposes of this request:

- *The relevant time period is January 1, 2010 to the present.*
- *“Payments” includes, without limitation, settlements, damages, attorneys’ fees, and sanctions.*
- *Records shall be produced in electronic native format where possible, and otherwise in electronic format. To the extent production in electronic format is not possible, records may be produced in hard copy*

For each Relevant Claim, HRDC requests records sufficient to show:

- 1. the name of all parties involved;*
- 2. the date of resolution;*
- 3. the amount of money paid to resolve the claim,*
- 4. the person or entity to whom the money was paid;*
- 5. for those Relevant Claims that did not result in litigation:*
 - a. the claim form or other document that describes the claim; and*
 - b. the final agreement resolving the claim; and*
- 6. for those Relevant Claims that resulted in litigation:*
 - a. the docket number;*
 - b. the jurisdiction in which the action was brought (e.g., US District Court for the District of New Mexico, New Mexico Supreme Court, etc.);*
 - c. the complaint and any amendments thereof; and*
 - d. the verdict form, final judgment, settlement agreement, consent decree, or other document that resolved the case.*

If any of these requests, or any portion thereof, is denied in whole or in part, please provide an accounting of each record being withheld, and the specific exemption being invoked for such record. In addition, to the extent



the Sandoval County Sheriff's Office or any other party claims that any portion of a record is confidential or otherwise protected from disclosure, please redact the allegedly confidential or protected portion and produce the redacted record. By making this request, HRDC does not waive, but rather expressly reserves, its right to challenge a claim that any portion of a record is confidential or otherwise protected from disclosure."

The County has reviewed your request and has located responsive documents for portions of your request. Those portions have been made available to you on this portal. Please log in to see the documents we have uploaded for your review.

In addition, Sandoval County Attorney Robin S. Hammer has determined that some portions of the records requested are either exempt (such as Personal Identifier Information), not housed within Sandoval County or we do not have any responsive records for portions of your request. See below for a detailed list:

- Personal Identifier information has been redacted in all documents as necessary and as permitted by the New Mexico Inspection of Public Records Act under Section 14-2-1(B).
- *"Names of all parties involved"* - Please see the spreadsheets and tort claim scans for this information
- *"Date of Resolution"* - Please see the spreadsheets for this information
- *"Amount of money paid to resolve claim"* - Please see the spreadsheets for this information
- *"The person or entity to whom the money was paid"* - Please see Claimant Name on the spreadsheets
- *"Claim Form"* - See tort claim forms for this information. All of the forms on file have been included in this request release of documents. We do not have any other responsive documents housed within Sandoval County. You may also check with the New Mexico Association of Counties (<http://www.nmcounties.org>) as they may have additional documents that could be responsive.
- *"Final Agreement Resolving Claim"* - Sandoval County does not have any responsive records for this portion of your request. You may also check with the New Mexico Association of Counties (<http://www.nmcounties.org>) as they may have additional documents that could be responsive.
- *"Docket Number"* - Sandoval County does not have any responsive records for this portion of your request other than what has been included in the tort claim form scans. You may also check with the New Mexico Association of Counties (<http://www.nmcounties.org>) as they may have additional documents that could be responsive. You may also check with the Sandoval County 13th District Judicial Court (<https://thirteenthdistrictcourt.nmcourts.gov>) as they too may have additional records.
- *"Jurisdiction"* - Sandoval County does not have any responsive records for this portion of your request other than what has been included in the tort claim form scans. You may also check with the New Mexico Association of Counties (<http://www.nmcounties.org>) as they may have additional documents that could be responsive. You may also check with the Sandoval County 13th District Judicial Court (<https://thirteenthdistrictcourt.nmcourts.gov>) as they too may have additional records.
- *"The Complaint and Any Amendments"* - Sandoval County does not have any responsive records for this portion of your request other than what has been included in the tort claim form scans. You may also check with the New Mexico Association of Counties (<http://www.nmcounties.org>) as they may have additional documents that could be responsive.
- *"The Verdict Form, Final Judgement, Settlement Agreement, Consent Decree or other document resolving case"* - Sandoval County does not have any responsive records for this portion of your request. You may also check with the New Mexico Association of Counties (<http://www.nmcounties.org>) as they may have additional documents that could be responsive. You may also check with the Sandoval County 13th District Judicial Court (<https://thirteenthdistrictcourt.nmcourts.gov>) as they too may have additional records.

Please log in to the Public Records Center to retrieve the appropriate responsive documents that have been release in response to this request. Sandoval County will now consider this request fulfilled and closed.

Best regards,
Melissa Perez
Public Information Officer
Sandoval County, NM

To monitor the progress or update this request please login to [Public Records Center](#).



To monitor the progress or update this request please log into the [Public Records Center](#).

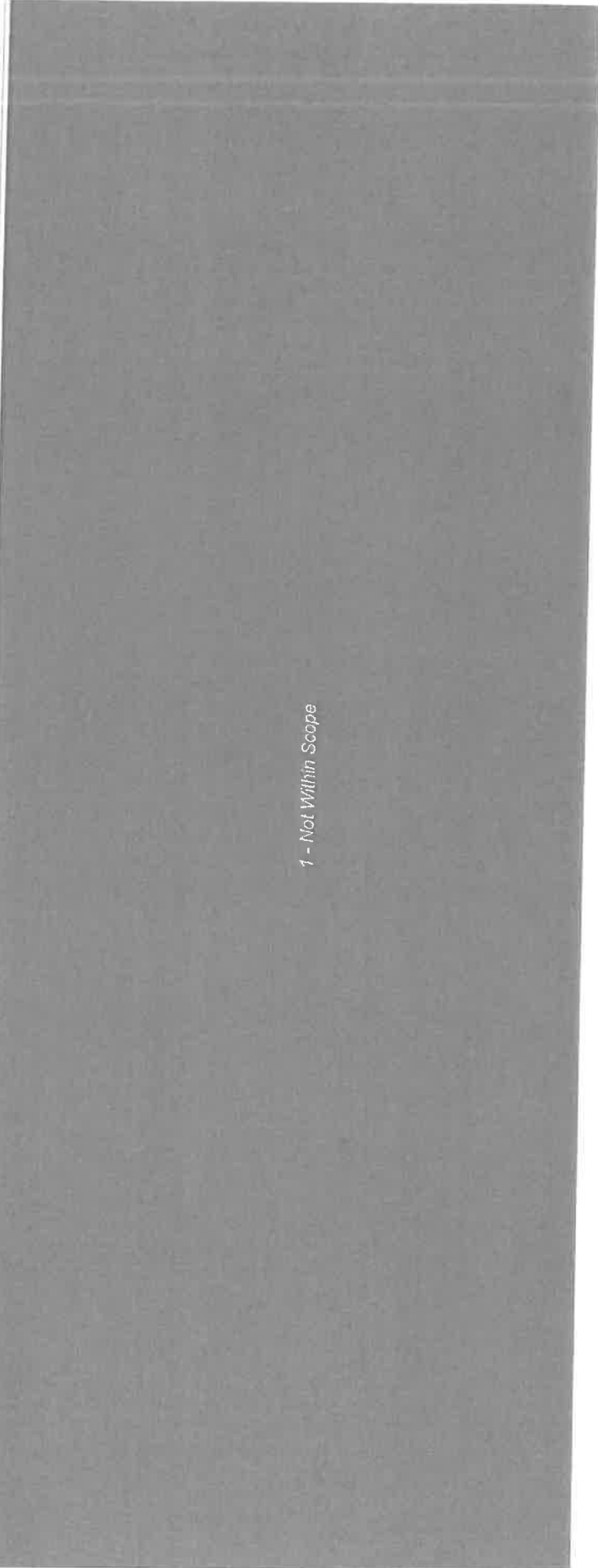
NM Association of Counties Multi-Line Pool

Claim Summary

08/01/2017 - 08/31/2017

ML Closed Claims Sandoval
During the Month

Claim Number/ Claim Type	Claimant Name/ Claimant Status	Incident/ Closed Date	Litigated/ Examiner	Denied/ Reported Date	Paid this Period	Paid	Outstanding	Incurred	Collection
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1 - Not Within Scope

Redaction Date: Thursday, July 05, 2018 1:39:45 PM

Total Number of Redactions: 1

By Exemption:

"Redacted because section is not within the scope of the request." (Not Within Scope): 1 instance

By Page:

Page 1 - "Redacted because section is not within the scope of the request." (Not Within Scope): 1 instance



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

August 8, 2018

Sandoval County Detention Center
Attn: Public Records Custodian
1100 Montoya Road
Bernalillo, NM 87004

Re: Request for Settlements and Verdicts Records

To the Public Records Custodian:

The Human Rights Defense Center (HRDC) makes this request pursuant to the New Mexico Inspection of Public Records Act, N.M. Stat. Ann. § 14-2-1, *et seq.*

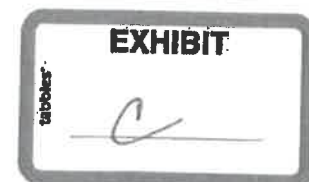
HRDC is seeking records related to all claims or lawsuits brought against the Sandoval County Detention Center and/or any of its agents or employees in which the Sandoval County Detention Center (or any agent, insurer, or entity acting on its behalf) made Payments totaling \$1,000 or more to resolve such claims or lawsuits (each a "Relevant Claim"). For the purposes of this request:

- The relevant time period is January 1, 2010 to the present.
- "Payments" includes, without limitation, settlements, damages, attorneys' fees, and sanctions.
- Records shall be produced in electronic native format where possible, and otherwise in electronic format. To the extent production in electronic format is not possible, records may be produced in hard copy.

For each Relevant Claim, HRDC requests records sufficient to show:

1. the name of all parties involved;
2. the date of resolution;
3. the amount of money paid to resolve the claim;
4. the person or entity to whom the money was paid;
5. for those Relevant Claims that did not result in litigation:

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206-257-1355 | mdillon@prisonlegalnews.org



- a. the claim form or other document that describes the claim; and
 - b. the final agreement resolving the claim; and
6. for those Relevant Claims that resulted in litigation:
- a. the docket number;
 - b. the jurisdiction in which the action was brought (*e.g.*, US District Court for the District of New Mexico, New Mexico Supreme Court, etc.);
 - c. the complaint and any amendments thereof; and
 - d. the verdict form, final judgment, settlement agreement, consent decree, or other document that resolved the case.

If any of these requests, or any portion thereof, is denied in whole or in part, please provide an accounting of each record being withheld, and the specific exemption being invoked for such record. In addition, to the extent the Sandoval County Detention Center or any other party claims that any portion of a record is confidential or otherwise protected from disclosure, please redact the allegedly confidential or protected portion and produce the redacted record. By making this request, HRDC does not waive, but rather expressly reserves, its right to challenge a claim that any portion of a record is confidential or otherwise protected from disclosure.

Please contact me via email, mdillon@prisonlegalnews.org, should you require any additional information. My phone number is 206-257-1355. Thank you for your time and attention in this matter

Sincerely,

HUMAN RIGHTS DEFENSE CENTER



Michelle Dillon
Public Records Manager



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

June 7, 2018

New Mexico Association of Counties
Attn: Public Records Custodian
444 Galisteo St.
Santa Fe, NM 87501

Re: Request for Settlements and Verdicts Records

To the Public Records Custodian:

The Human Rights Defense Center (HRDC) makes this request pursuant to the New Mexico Inspection of Public Records Act, N.M. Stat. Ann. § 14-2-1, *et seq.*

HRDC is seeking records related to all claims or lawsuits brought against any Sheriff's Office or other law enforcement agency covered by the New Mexico Association of Counties (NMAC) wherein NMAC (or any agent, insurer, or entity acting on its behalf) made Payments totaling \$1,000 or more to resolve such claims or lawsuits (each a "Relevant Claim"). For the purposes of this request:

- The relevant time period is January 1, 2010 to the present.
- "Payments" includes, without limitation, settlements, damages, attorneys' fees, and sanctions.
- Records shall be produced in electronic native format where possible, and otherwise in electronic format. To the extent production in electronic format is not possible, records may be produced in hard copy.

For each Relevant Claim, HRDC requests records sufficient to show:

1. the name of all parties involved;
2. the date of resolution;
3. the amount of money paid to resolve the claim;
4. the person or entity to whom the money was paid;
5. for those Relevant Claims that did not result in litigation:

720 3rd Avenue, Suite #1605, Seattle, WA 98104
206-257-1355 | mdillon@prisonlegalnews.org



- a. the claim form or other document that describes the claim; and
 - b. the final agreement resolving the claim; and
6. for those Relevant Claims that resulted in litigation:
- a. the docket number;
 - b. the jurisdiction in which the action was brought (*e.g.*, US District Court for the District of New Mexico, New Mexico Supreme Court, etc.);
 - c. the complaint and any amendments thereof; and
 - d. the verdict form, final judgment, settlement agreement, consent decree, or other document that resolved the case.

If any of these requests, or any portion thereof, is denied in whole or in part, please provide an accounting of each record being withheld, and the specific exemption being invoked for such record. In addition, to the extent NMAC or any other party claims that any portion of a record is confidential or otherwise protected from disclosure, please redact the allegedly confidential or protected portion and produce the redacted record. By making this request, HRDC does not waive, but rather expressly reserves, its right to challenge a claim that any portion of a record is confidential or otherwise protected from disclosure.

Please contact me via email, mdillon@prisonlegalnews.org, should you require any additional information. My phone number is 206-257-1355. Thank you for your time and attention in this matter.

Sincerely,

HUMAN RIGHTS DEFENSE CENTER



Michelle Dillon
Public Records Manager



June 15, 2018

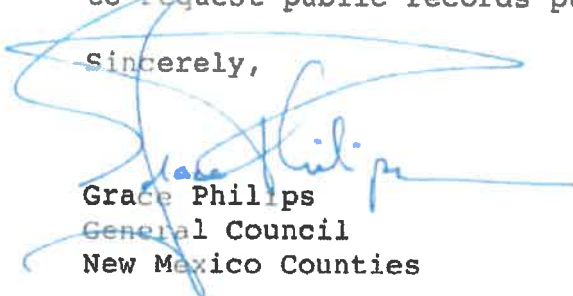
Michelle Dillon
Public Records Manager
Human Rights Defense Center
720 3rd Avenue, Suite #1605
Seattle, WA 98104

Dear Ms. Dillon:

I have received your request for "Settlements and Verdicts Records" pursuant to the New Mexico Inspection of Public Records Act (NMIPRA). The New Mexico Association of Counties is a private non-profit corporation that is not covered by the NMIPRA. Your request is therefore denied.

I suggest that you contact the relevant counties directly to request public records pursuant to the Act.

Sincerely,



Grace Philips
General Council
New Mexico Counties

444 Galisteo Street
Santa Fe, NM 87501

877-983-2101
505-983-2101
Fax: 505-983-4396

NMCOUNTIES.ORG

