

/s/ Thomas Wilson 11/27/2017

**STATE OF NEW MEXICO
SEVENTH JUDICIAL DISTRICT
COUNTY OF TORRANCE
No. D-0722-CV-2017-104**

**AUBREY L. DUNN,
Plaintiff,**

vs.

**NEW MEXICO DEPARTMENT
OF GAME AND FISH,
Defendant.**

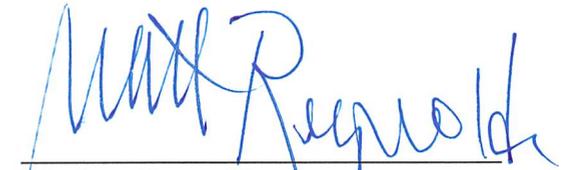
**MEMORANDUM DECISION ON
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

This matter comes before this Court on Plaintiff's motion for summary judgment. Having reviewed all the papers related to the motion, the Court determines that there is no genuine issue of material fact. The parties agree that Defendant has refused to provide Plaintiff with email addresses for hunters on file who applied for licenses in 2015 and 2016, in spite of Plaintiff's request under the New Mexico Inspection of Public Records Act, NMSA 1978, 14-2-1 through 14-2-12 (2011) (IPRA). The only decision for the Court to make is whether Plaintiff is entitled to judgment as a matter of law.

This Court must limit its analysis to "whether disclosure under IPRA may be withheld because of a specific exception contained within IPRA, or statutory or regulatory exceptions, or privileges adopted by this Court or grounded in the constitution." *Republican Party of N.M. v. N.M. Taxation & Revenue Dep't*, 2012-NMSC-026, ¶ 16, 283 P.3d 853. No such exception has been cited by Defendant for withholding the email addresses. Instead, Defendant made a policy decision to protect applicants from potential harassment by anti-hunting groups. This Court cannot weigh Defendant's policy considerations against the clear mandate of IPRA. Our Supreme

Court has abrogated case law applying “the rule of reason” to IPRA. *Id.* Accordingly, Plaintiff is entitled to judgment as a matter of law.

Defendant must promptly provide Plaintiff with the names and corresponding email addresses of hunters who applied for licenses in 2015 and 2016. Plaintiff’s counsel shall prepare the order reflecting this decision. Plaintiff may then file a motion for attorney fees and submit a cost bill.



Matthew Reynolds
District Judge – Division II