

STATE OF NEW MEXICO
COUNTY OF SANDOVAL
THIRTEENTH JUDICIAL DISTRICT

THE NEW MEXICAN, INC.,
d/b/a THE SANTA FE NEW MEXICAN, and
NEW MEXICO FOUNDATION FOR
OPEN GOVERNMENT,

Plaintiffs,

v.

No. D-1329-CV-2022-00259

CITY OF RIO RANCHO and
DANIEL VALENZUELA,

Defendants.

DEFENDANTS' MOTION FOR MORE DEFINITE STATEMENT

Defendants City of Rio Rancho and Daniel Valenzuela (“City”) file this Motion for More Definite Statement pursuant to Rule 1-012(E) NMRA, asking the Court to order Plaintiffs to amend their Complaint to Enforce the Inspection of Public Records Act (“Complaint”) so that the City may be informed as to the basis, nature, and purpose of the allegations in the Complaint and to enable the City to frame a meaningful and accurate responsive pleading. In support of this motion, the City states:

Pleadings must give fair notice of the claims, defenses, and counterclaims asserted so that the adverse party may file a meaningful responsive pleading and prepare for trial. *See Hambaugh v. Peoples*, 1965-NMSC-044, ¶ 11, 75 N.M. 144, 401 P.2d 777. Rule 1-012(E) is a mechanism for ensuring that the pleadings comply with the requirement of Rule 1-008(E)(1) NMRA that pleadings be, “simple, concise, and direct.” Moreover, a pleading, “which sets forth a claim for relief . . . shall contain . . . a short and plain statement of the claim showing that the

pleader is entitled to relief.” Rule 1-008(A). Rule 1-012(E) provides, in part: “If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, he may move for a more definite statement before interposing his responsive pleading.”

Hambaugh explained a motion for more definite statement is properly granted where the pleading “does violence to the purpose of the Rule not only because of extremely confused multiple sets of circumstances stated within many given paragraphs, but even more significantly, because of the utter impossibility of isolating and defining the precise claims plaintiff is alleging against particular defendants or combinations thereof,” *id.* ¶ 14, quoting *Vance v. American Society of Composers, etc.*, 13 F.R.D. 109 (D.C.S.D.N.Y. 1952). The Supreme Court recognized that justice required that the opposing party in that case be given clear notice of the claims against them in the pleading:

[I]n simple and clear fashion [with] only the essential facts which are the bases of what will have to be clearly stated and well-defined claims. The parties against whom such claims are made must be equally well defined. Only then will a court be able to treat his claims intelligently and fairly. Only then will the defendants be able to set forth their respective defenses to what is now a jumbled mass of claims. And only then can the litigants be given the substantial justice which they have sought so long.

Id.

As stated above, Rule 1-008(A)(2) requires that a pleading contain a short and plain statement of the claim showing the pleader is entitled to relief. NMRA Rule 1-008(E)(1) requires that each averment of a pleading be simply, concise and direct. NMRA Rule 1-010(B) requires “[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances... Each claim founded upon a separate transaction or occurrence ... shall be stated in a separate

count ... whenever a separation facilitates the clear presentation of the matters set forth.” Plaintiffs’ Complaint does none of these. The City requests a more definite statement from Plaintiffs due to the “utter impossibility of isolating and defining the precise claims” that Plaintiffs may be attempting to assert in the Complaint. Like the pleading in *Hambaugh*, Plaintiffs’ Complaint fails to set forth “clearly stated and well-defined claims.” Instead, it includes “a jumbled mass of claims,” including many extraneous and hyperbolized statements, that are so vague that the City is not reasonably able to prepare a responsive pleading.

Examples of the type of confusing, extraneous, hyperbolic, or multitudinous phrasing in the allegations of the Complaint, which support the City’s motion for a more definite statement, can be found in the following paragraphs: ¶¶ 2, 9, 16, 18, 29, 31, 34 – 48. The “allegations” in Plaintiffs’ Complaint can be more properly described as a soliloquy, monologue, or a press release rather than simple, concise and direct averments directed to the City and supporting Plaintiffs’ claim for relief. Because of this, it is impossible for the City to isolate and define any precise claims in the Complaint, rendering the task of crafting a responsive pleading difficult if not impossible.

As filed, the Complaint does not come close to complying with the requirements of Rules 1-008 and 1-101. Without more particularity, the City is unable to reasonably frame a responsive pleading and respectfully requests that the Court order Plaintiffs to provide a more definite statement, pursuant to Rule 1-012(E).

Counsel for Plaintiffs oppose this motion.

Respectfully Submitted,

MONTGOMERY & ANDREWS, P.A.

By: /s/ Randy S. Bartell

Randy S. Bartell

Michael R. Heitz

Attorneys for Defendants

P. O. Box 2307

Santa Fe, New Mexico 87504

(505) 982-3873

rbartell@montand.com

mheitz@montand.com

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2022, I filed the foregoing electronically through the Court's E-File system, which caused all counsel of record to be served by electronic means, via the Court's electronic service system.

/s/ Randy S. Bartell

Randy S. Bartell