

BEFORE THE HEARING SUBCOMMITTEE  
OF THE INTERIM LEGISLATIVE ETHICS COMMITTEE

In re: Representative Carl Trujillo.

**CHARGING PARTY'S MOTION FOR CLARIFICATION OF  
THE SPECIAL MASTER'S DECISION ON  
LAURA BONAR'S OBJECTION TO DISCOVERY**

Charging Party submits this motion for clarification of the Special Master's Decision on Laura Bonar's objections to the discovery propounded to her by Respondent, Representative Carl Trujillo ("Rep. Trujillo"). Laura Bonar and her counsel have indicated they cannot proceed with the deposition of Ms. Bonar set for Sunday, November 11, 2018, based on a misapprehension that the Special Master's ruling requires Ms. Bonar to reveal the identities of other women who have anonymously accused Rep. Trujillo of sexual harassment. Because the Special Master's Decision does not require Ms. Bonar to reveal any such information, clarification from the Special Master will allay Ms. Bonar's concerns on this matter and accommodate a deposition as soon as possible.

**Relevant Background**

On October 30, 2018, the Special Master provided all counsel with her decision on Ms. Bonar's objections to the discovery propounded by Rep. Trujillo ("Special Master's Decision"). In relevant part, the Special Master's Decision directed Ms. Bonar to answer Interrogatory No. 5, which requested that Ms. Bonar "identify each and every person with whom you, or someone on your behalf, has communicated regarding the allegations of sexual harassment *made by you*" against Rep. Trujillo. *See* Exhibit A, Interrogatory No. 5 (emphasis added). The Special Master's Decision further excepted from the request any information regarding "any action taken by you" as a result of the communications identified in the answer, because such questions were more

properly asked during a deposition and not in written discovery. *See* Exhibit B, Special Master’s Decision. The Special Master further ordered that the information subject to disclosure under the Special Master’s Decision be provided to all counsel at least two (2) days prior to Ms. Bonar’s deposition. *Id.*

The parties agreed to set Ms. Bonar’s deposition on Sunday, November 11, 2018. On Friday, November 9, 2018, counsel for the parties received an e-mail correspondence from Ms. Bonar’s counsel, Levi Monagle, attached to which was a letter written by Ms. Bonar. *See* Exhibits C and D, e-mail correspondence from Levi Monagle dated 11/9/18; letter signed by Laura Bonar dated 11/9/18. In her letter, Ms. Bonar informed Special Counsel that she must “respectfully decline” to produce documents or be deposed by Rep. Trujillo’s attorneys because she will not identify women who contacted her with their own stories of alleged harassment by Rep. Trujillo. *See* Exhibit D, highlighted portions.

As the letter makes clear, Ms. Bonar’s decision to “respectfully decline” to respond to discovery and sit for her deposition is entirely based on her perception that in doing so, she would be compelled to disclose the identities of women who also made anonymous complaints of sexual harassment *against* Rep. Trujillo. *See* Exhibit D, highlighted portions. The e-mail from Ms. Bonar’s counsel further reveals that Ms. Bonar desires to “protect the women who confided in her” regarding their own experiences. *See* Exhibit C.

A review of the Interrogatory at issue, and the Special Master’s Decision itself, demonstrate that Ms. Bonar and her counsel have misapprehended the Special Master’s Decision. The Interrogatory at issue clearly requests information concerning communications about *Ms. Bonar’s allegations* against Rep. Trujillo, and not information concerning another person’s anonymous complaints against him. Accordingly, the Special Master’s Decision finding that Ms. Bonar should

respond to Interrogatory No. 5, subject to a caveat unrelated to this motion, does not require or compel Ms. Bonar to disclose any confidential information related *to her* regarding allegations by *other women* of alleged harassment committed by Rep. Trujillo against them, including the identities of those women. The Special Master's Decision merely requires Ms. Bonar to answer questions about communications regarding *her own* allegations against Rep. Trujillo, which is a common area of inquiry in any disputed civil case or proceeding.

### **Conclusion**

Because Ms. Bonar and her counsel have incorrectly interpreted the Special Master's Decision to require disclosure of the identity of other women who made anonymous complaints against Rep. Trujillo, clarification from the Special Master – that Ms. Bonar will not be required to reveal the identity of women who confided in her about their experiences – will allow discovery to be completed and the hearing to proceed as contemplated by the Hearing Subcommittee's Scheduling Order.

Respectfully Submitted,

HINKLE SHANOR LLP

By: /s/ Thomas M. Hnasko

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RODEY, DICKASON, SLOAN, AKIN  
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(505) 765-5900  
tparrish@rodey.com

*Special Counsel and Charging Party*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 9, 2018, I caused a true and correct copy of the foregoing *Charging Party's Motion for Clarification of the Special Master's Decision on Laura Bonar's Objection to Discovery* to be served via electronic communication on the following:

Travis G. Jackson  
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Jackson Loman Stanford & Downey, P.C.  
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Hearing Subcommittee of the Interim  
Legislative Ethics Committee  
c/o Raul Burciaga, Director  
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Staff to the Hearing Subcommittee of the  
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Honorable Wendy E. York  
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/s/ Thomas M. Hnasko  
Thomas M. Hnasko

**BEFORE THE HEARING SUBCOMMITTEE  
OF THE INTERIM LEGISLATIVE ETHICS COMMITTEE**

In re: Representative Carl Trujillo,

Respondent.

**RESPONDENT'S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS TO LAURA BONAR**

TO: Laura Bonar  
c/o Levi Monagle  
Attorney at Law  
Law Offices of Brad D. Hall, LLC  
320 Gold Ave SW, Suite 1218  
Albuquerque, NM 87102  
[levi@bhallfirm.com](mailto:levi@bhallfirm.com)

Thomas M. Hnasko  
Hinkle Shanor LLP  
P.O. Box 2068  
Santa Fe, New Mexico 87504  
[thnasko@hinklelawfirm.com](mailto:thnasko@hinklelawfirm.com)

Pursuant to Paragraph 4(b) of the Scheduling Order entered in the above captioned matter, please answer the below interrogatories and respond to the below requests for production within ten (10) days, or by October 18, 2018. In accordance with Rule 1-033(C), please provide a signed verification of your answers to these interrogatories under oath (attached as Exhibit 3). Please provide records and information in their native electronic format, if possible. If you have any question as to the meaning of word or phrase, please contact counsel for Respondent (Travis G. Jackson), whose contact information is provided below.

**Exhibit  
A**

INTERROGATORY NO. 4: Please identify each and every audio or video recording, transcription, or other memorandum or documentation in your possession that concerns, refers or relates to the allegations of sexual harassment made by you against Representative Carl Trujillo.

ANSWER:

REQUEST FOR PRODUCTION NO. 2: Please produce each and every audio or video recording, transcription, memorandum, or other documentation in your possession, custody, or control that concerns, refers or relates to the allegations of sexual harassment made by you against Representative Carl Trujillo.

RESPONSE:

INTERROGATORY NO. 5: For the period of January 1, 2013 through the date of your answer to this interrogatory, please identify each and every person with whom you, or someone on your behalf, has communicated regarding the allegations of sexual harassment made by you against Representative Carl Trujillo, and for each such person, please describe the approximate date of the communication, the method and substance of the communication, and any action taken by you as a result of the communication.

ANSWER:

REQUEST FOR PRODUCTION NO. 3: For the period of January 1, 2018 up to the date of your response to this request for production, please produce all communications

**Exhibit  
B**

**From:** Wendy E. York <wey@sheehansheehan.com>  
**Sent:** Tuesday, October 30, 2018 3:31 PM  
**To:** levi@bhallfirm.com; travis@jacksonlomanlaw.com; eric@jacksonlomanlaw.com; Tom Hnasko <thnasko@hinklelawfirm.com>; tparrish@rodey.com  
**Cc:** raul.burciaga@nmlegis.gov; Boller, Jon (Jon.Boller@nmlegis.gov) <Jon.Boller@nmlegis.gov>  
**Subject:** FW: re: Decision on Laura Bonar's objection to discovery and Respondent's opposition to Objections

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**From:** Wendy E. York  
**Sent:** Tuesday, October 30, 2018 2:55 PM  
**To:** Wendy E. York  
**Cc:** Teresa M. Montoya  
**Subject:** re: Decision on Laura Bonar's objection to discovery and Respondent's opposition to Objections

Dear Counsel:

I know that the parties want this decision as quickly as possible so I am relaying via email. We will draft a formal order when I return from my trip.

I have considered the oral and written arguments of all attorneys. My ruling is regarding the Interrogatories and Requests for Production propounded by Respondent to Laura Bonar are as follows:

1. Interrogatory No. 1 is to be answered;
2. Interrogatory No. 2 is to be answered with general contact information. Ms. Bonar is not required to provide the residential address, business address, telephone number(s), etc. or a summary of their knowledge;
3. Interrogatory No. 3 is to be answered with the agreement of respondent's counsel that a "written statement" is an affidavit or statement that Ms. Bonar had the person write down;
4. Request for Production No. 1 is to be answered;
5. Interrogatory No. 4 is to be answered except that "documentation" is overly broad and may refer to information that is not otherwise discoverable;
6. Request for Production No. 2 is to be answered if the item is in Ms. Bonar's possession except to the extent that "documentation" is overly broad and may refer to information that is not otherwise discoverable;
7. Interrogatory No. 5 is to be answered except that "any action taken by you as a result of the communication" is not clear and is better asked in deposition. It need not be answered;
8. Request for Production No. 3, limited to communication related to sexual harassment allegations against the respondent, is to be answered;
9. Request for Production No. 4 is overly broad. It will be limited to communication relating to sexual harassment allegations against respondent between 1/24/14 and 3/15/14, if any. The email Mr. Grant sent to her on May 8, 2018 is to be produced;
10. Regarding Interrogatory No. 6, the objection is sustained;
11. Request for Production No. 5 is overly broad but is to be answered for communications in her possession between 1/24/14 and 7/24/18 and between 4/2/18 and 6/2/18;
12. Regarding Interrogatory No. 7 and Request for Production No. 6, the objections are sustained;
13. Interrogatory No. 8 is to be answered;
14. Request for Production No. 7 is to be answered from January 28, 2014 and March 15, 2014;
15. Interrogatory No. 9 is to be answered regarding where Ms. Bonar has worked from 2008 to present. However, the remaining information need not be provided;
16. Regarding Request for Production No. 8 the objection is sustained except that respondent is entitled to receive Bonar's employment records from APNM and APV;
17. Request for Production No. 9 is to be answered if Ms. Bonar has a current resume or CV in her possession. However, she is not required to draft one to respond to this request;
18. Interrogatory No. 10 is to be answered;
19. Interrogatory No. 11 and Request for Production No. 10: If Mr. Hnasko intends to introduce any evidence regarding Ms. Bonar's emotional reaction to the alleged harassment, respondent is entitled to records that may exist to support or refute her testimony. That being said, I am extremely reluctant to have all psychological records of a non-party produced to a party. Therefore, I am directing Mr. Monagle to immediately request copies of those records and further request that they be provided asap. I will conduct an in camera review of the records to determine if they are discoverable unless Mr. Hnasko advises me that he does not intend to introduce any evidence regarding the emotional and psychological effect of the alleged harassment;
20. Interrogatory No. 12 is to be answered;
21. Regarding Interrogatory No. 13 the objection is sustained;
22. Regarding Request for Production No. 11, the objection is sustained;
23. Request for Production No. 12 is to be answered;
24. Regarding Requests for Production 13, 14 and 15, these requests are duplicative and are fully covered in previously asked Interrogatories and Requests for Production.

This information is to be provided at least 2 days prior to Ms. Bonar's deposition. To the extent the information cannot be provided at that time it may be that Ms. Bonar's deposition would have to be reconvened for the narrow purpose of questioning on that information not able to be produced. Unfortunately, it is unlikely that any psychological records will be received and reviewed by me prior to her November 9 deposition.

Sincerely,  
Wendy York



## Tom Hnasko

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**From:** Levi Monagle <levi@bhallfirm.com>  
**Sent:** Friday, November 09, 2018 11:04 AM  
**To:** Tom Hnasko; Theresa Parrish  
**Cc:** Travis G. Jackson; Eric Loman; Burciaga, Raul; Boller, Jon  
**Subject:** Respectfully Declining to Produce Names in Discovery  
**Attachments:** 11.9.18 LB Letter to Special Counsel.pdf

Counsel:

Please find attached correspondence from my client, Laura Bonar, directed to the Special Counsel.

I don't have much to add to it, other than to say that my client has agonized over this decision ever since the Special Master issued her ruling on October 20, 2018. I understand Judge York's ruling, from perspective of a neutral arbiter, and would not expect to modify her ruling in response to a letter like this, and I have advised my client as such - but I also fully understand and respect my client's decision, particularly in light of the limited options that are available to her. It is more important to my client to the protect the women who confided in her than it is for her to complete a process which ultimately offers no threat of meaningful sanction to Rep. Trujillo.

I will be out of the office today, but I can be reached on my cell (if necessary) at (505) 803 1274.

Respectfully,

Levi Monagle  
Attorney at Law  
Law Offices of Brad D. Hall, LLC  
320 Gold Ave SW, Suite 1218  
Albuquerque, NM 87102  
(505) 255 6300

Exhibit  
C

November 9, 2018

Thomas M. Hnasko  
Hinkle Shanor LLP  
P.O. Box 2068  
Santa Fe, NM 87504-2068

Theresa W. Parrish  
Rodey, Dickason, Sloan, Akin & Robb, P.A.  
P.O. Box 1888  
Albuquerque, NM 87103-1888

Via Email Only

Re: Respectfully Declining to Produce Names and Communications

Mr. Hnasko and Ms. Parrish:

On May 2, 2018, I made a very pointed, very public accusation against Mr. Trujillo – to stand up for myself after years of feeling powerless, and to protect other women at the Legislature from experiencing the same harassment that I experienced. As things stand, I believe that I have accomplished both of those objectives.

You thoroughly investigated my allegations against Mr. Trujillo. The Report that you submitted on July 25, 2018, and which was agreed to and adopted by the Investigative Subcommittee on July 27, 2018, was thorough and fact-oriented. While I do not agree with every conclusion drawn in that Report, it is the end result of a meticulous process: the collection of evidence from both sides, the weighing of evidence from both sides, and the drawing of conclusions based on the assessed weight of evidence, all by experienced legal professionals. Based on the assessed weight of evidence, the Report – which is analytical, rather than personal or political – found probable cause that Mr. Trujillo violated our Legislature's Anti-Harassment Policy on multiple occasions. The truth of my account has been corroborated by multiple credible witnesses, with nothing to gain and a great deal to lose by standing with me.

**Exhibit**

**D**

Furthermore, I was not the only woman to accuse Mr. Trujillo of sexual harassment. At least two other women have publicly accused Mr. Trujillo of sexual harassment as well. That they felt compelled to do so anonymously is a testament to the intense public pressure, scrutiny, and attempts at humiliation and attack that women face in these circumstances for telling the truth. Perhaps, one day, these other women who have accused Mr. Trujillo will feel that it is safe for them to tell their stories publicly, as I have done – but that is entirely up to them. I respect them and stand with them no matter what.

Mr. Trujillo has made it clear from the outset that he wants the names of all the women who contacted me regarding the allegations I made on May 2, 2018. I have refused to divulge the names of these women, or any other victims of sexual harassment, knowing in my heart that it was not my place to do so. Now, after months of fighting to protect these names, I have been ordered to disclose them, and to submit to a deposition where I am forced to disclose the contents of conversations of the most personal and painful nature – conversations that unfolded in strictest confidence, due to fear of retaliation that I believe to be well-justified.

To disclose these names and submit to such a deposition would inevitably require me either to violate my commitment to women who placed their trust in me, or to perjure myself. I refuse to do either. To betray the trust these women placed in me, and to expose them to the same attacks that I have experienced from Mr. Trujillo's supporters inside and outside of this process, would be an unacceptable violation of my own personal integrity. Therefore, knowing the approach that Mr. Trujillo has taken with his discovery and the approach he intends to take with my deposition, I respectfully decline to produce the requested documents, or to be deposed by Mr. Trujillo's attorneys. If the Special Master's discovery order is revisited, I may reconsider this position. But as things stand, I cannot move forward.

If that means that this process must end, then so be it. To both of you, I will say that I appreciate the manner in which you approached your task. Moving forward, I believe that the utilization of trauma-informed special counsel should play a major part in legislative investigations under any anti-harassment policies that the Legislature may formulate or re-formulate. But I cannot violate the trust of other victims. My integrity, and the safety, security, and privacy of victims, takes precedence.

Thank you for your work.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Bonar', with a stylized, cursive script.

Laura Bonar