

BEFORE THE HEARING SUBCOMMITTEE
OF THE INTERIM LEGISLATIVE ETHICS COMMITTEE

In re: Representative Carl Trujillo.

**CHARGING PARTY'S NOTICE OF SUPPLEMENTAL EXHIBIT TO
CHARGING PARTY'S MOTION TO COMPEL ANSWERS TO INTERROGATORIES
AND DEPOSITION QUESTIONS AND FOR ATTORNEYS' FEES**

Charging Party provides this Notice of Supplemental Exhibit to its Motion to Compel Answers to Interrogatories and Deposition Questions and for Attorneys' Fees ("Motion to Compel") to the Special Master and Respondent Representative Carl Trujillo ("Rep. Trujillo"). The supplemental exhibit, attached as Exhibit A, consists of the relevant portions of Rep. Trujillo's deposition transcript referenced in the Motion to Compel. The deposition transcript was provided on Tuesday, November 14, 2018, and was not available at the time Charging Party filed the Motion to Compel.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2018, I caused a true and correct copy of the foregoing *Charging Party's Notice of Supplemental Exhibit* to be served via electronic communication on the following:

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1 believe this a politically-motivated allegation,
2 correct, at least at the time you wrote the letter?

3 **A. I believe that it's suspect to the timing.**

4 **Q. And I'm -- I'm asking you a general**
5 **question, Representative. Do you believe, as a**
6 **member of the House of Representatives, that the**
7 **leadership in the House does not have the ability or**
8 **duty to investigate allegations of harassment unless**
9 **those allegations are stated with reasonable**
10 **particularity?**

11 **MR. JACKSON: Same objection.**

12 **Q. You may have -- you may not have a belief.**
13 **I just want to know where you are on it.**

14 **A. I stand with my lawyer.**

15 **Q. He's not -- he's not directing you not to**
16 **answers the question.**

17 **MR. JACKSON: He's answered the question**
18 **that he thinks the policies were violated, and that's**
19 **sufficient for purposes today. Let's move on.**

20 **MR. HNASKO: No, it's not.**

21 **Q. (By Mr. Hnasko) I want to know, as a**
22 **legislator, sitting legislator, whether you believe**
23 **that the House of Representatives does not have the**
24 **ability to investigate its own members based on**
25 **allegations of harassment unless those allegations**

Exhibit
A

1 are stated with reasonable particularity?

2 MR. JACKSON: Same objection. This is a
3 legal question for lawyers.

4 MR. HNASKO: I agree with that, but it
5 doesn't matter. I want to know what he believes.

6 MR. JACKSON: You're asking him a legal
7 question, and I'm objecting to it. I'm going to
8 instruct you not to answer. Move on.

9 MR. HNASKO: You're instructing the witness
10 not to answer a non-privileged question?

11 MR. JACKSON: Yeah.

12 MR. HNASKO: Okay, we'll take that up
13 later. Are you sure you want to do that?

14 MR. JACKSON: I am. I've let you ask this
15 question ten times.

16 MR. HNASKO: All right, well, he's --

17 MR. JACKSON: Let me finish. Don't talk
18 over me.

19 MR. HNASKO: Don't talk to me that way.

20 MR. JACKSON: I've let you ask --

21 MR. HNASKO: Don't talk to me that way.

22 MR. JACKSON: I've let you ask this
23 question ten times.

24 (Simultaneous cross-talk.)

25 MR. JACKSON: I've let you ask this

1 Q. (By Mr. Hnasko) Could you briefly review
2 and identify Exhibit 3, please.

3 MR. JACKSON: I'd like to make an objection
4 on the record first, please. Respondent objects to
5 any line of inquiry regarding Martha Trujillo on
6 grounds it is not relevant, it is intended to harass
7 and annoy. Counsel have discussed this objection on
8 multiple occasions in advance of this deposition;
9 charging party was aware of the objection before
10 taking the deposition and elected to proceed anyway.
11 Charging party has indicated that it is going to file
12 a motion to compel regarding discovery on Martha
13 Trujillo, and we're going to object to any type of
14 questioning today until that motion is resolved.

15 MR. HNASKO: All right, I'll make my
16 record.

17 Q. (By Mr. Hnasko) Could you identify
18 Exhibit 3, please.

19 MR. JACKSON: I'm going to object and
20 instruct the witness not to answer.

21 MR. HNASKO: To identification of the
22 exhibit? We need to have a record of what you're
23 objecting to. Let him identify the exhibit.

24 Q. (By Mr. Hnasko) Can you identify the
25 exhibit?

1 **A. I'm following my counsel...**

2 **Q. I'm asking, would you please identify**
3 **Exhibit 3**

4 **MR. JACKSON: I've objected and instructed**
5 **him not to answer any questions relating to Martha**
6 **Trujillo. This appears to be a letter from Martha**
7 **Trujillo dated September 19, 2018. For all the**
8 **reasons we've already discussed in advance of this**
9 **deposition, I object to you asking him questions**
10 **about it.**

11 **MR. HNASKO: Let the record reflect that**
12 **counsel is preventing the witness from identifying an**
13 **exhibit I've offered in this deposition.**

14 **Q. (By Mr. Hnasko) Exhibit 3 is a letter dated**
15 **September 19, 2018, purportedly from Martha Trujillo,**
16 **encaptioned "Dear Senator." Have you seen this**
17 **letter before?**

18 **MR. JACKSON: Same objection. Instructing**
19 **the witness not to answer.**

20 **Q. (By Mr. Hnasko) Mr. Trujillo, did you have**
21 **any involvement in the preparation of this letter?**

22 **MR. JACKSON: Same objection. I'm not**
23 **going to allow you to ask every question you have**
24 **about Martha Trujillo.**

25 **MR. HNASKO: I'm going to make my record,**

1 and then you can object and instruct him not to
2 answer.

3 MR. JACKSON: Standing objection.

4 MR. HNASKO: There's no such thing as a
5 standing objection.

6 MR. JACKSON: I'm making a standing
7 objection to all lines of inquiry relating to Martha
8 Trujillo.

9 MR. HNASKO: You can, you can direct him
10 not to answer if you want.

11 MR. JACKSON: I already have.

12 Q. (By Mr. Hnasko) Who is Martha Trujillo?

13 MR. JACKSON: Same objection.

14 Q. Do you know Martha Trujillo?

15 MR. JACKSON: Same objection.

16 Q. Did you prepare this letter for Martha
17 Trujillo's signature?

18 MR. JACKSON: Same objection.

19 Q. Why did you do it?

20 MR. JACKSON: Same objection.

21 Q. Is Martha Trujillo related to you?

22 MR. JACKSON: I'll let you answer that.

23 A. Yes.

24 Q. Who is she?

25 A. She's my aunt.

1 Q. And does she live in Nambe?

2 A. She lives in Pojoaque.

3 Q. Does she have a job?

4 MR. JACKSON: Objection.

5 Q. What does she do for a living?

6 MR. JACKSON: Objection. Same objection.

7 Q. Let me just be very clear. I want you to
8 be on the record on this, Mr. Trujillo. Your counsel
9 has directed you not to answer these questions; I
10 want it to come from your mouth, as well. Are you
11 refusing to answer any questions about the letter
12 dated September 19, 2018, identified as Exhibit 3
13 purportedly sent by Martha Trujillo to members of the
14 New Mexico Senate?

15 MR. JACKSON: I've instructed him not to
16 answer; he's following my instruction.

17 MR. HNASKO: Well, I want him to say he's
18 not going to answer.

19 Q. (By Mr. Hnasko) Are you going to follow
20 your counsel's advice?

21 A. I stand with my counsel's advice.

22 Q. All right. And you know that if you come
23 back here, just so you're not surprised, that we will
24 be asking for attorney's fees when we bring you back
25 here, okay? Do you understand that?

1 **A. Yes.**

2 **Q. Okay.**

3 (Exhibit 4 marked.)

4 Q. (By Mr. Hnasko) Let me hand you what will
5 be marked as Exhibit 4. In the interest of time, let
6 me represent to you this is part of the legislative
7 council rules, including Rule 16. Do you recognize
8 this rule?

9 (Ms. Julie Sakura left the deposition.)

10 **A. I do.**

11 Q. (By Mr. Hnasko) You've seen it before?

12 **A. Yes.**

13 Q. I'm going to direct your attention over to
14 what is denominated as page 25 of Exhibit 4,
15 paragraph H. Do you see that?

16 **A. Yes.**

17 Q. Could you read it to yourself and make sure
18 you've been through it all.

19 **A. Okay, I've read it.**

20 Q. All right. Paragraph H, is this the
21 paragraph, Mr. Trujillo, to which you referred when
22 you stated that the allegations of Ms. Bonar in her
23 open letter were required to be with reasonable
24 particularity?

25 **A. I see the words reasonable particularity in**

1 Q. All right. Let's go -- let's move on.

2 I handed you Exhibit 7, which is an e-mail
3 dated October 7, 2018, again from Martha Trujillo.
4 Have you seen this e-mail before?

5 MR. JACKSON: I'm going to make the same
6 objections that I made before. Instruct the witness
7 not to answer any questions with regard to Martha
8 Trujillo.

9 MR. HNASKO: I'm sorry, I couldn't hear the
10 last part?

11 MR. JACKSON: I'm going to make the same
12 objection I made earlier regarding Martha Trujillo
13 and instruct the witness not to answer any questions
14 relating to Martha Trujillo --

15 MR. HNASKO: Okay, well, you can --

16 MR. JACKSON: -- on the same grounds.

17 MR. HNASKO: Let me make my offer of proof,
18 and then you can object, it will take about a second,
19 and then we'll have a record on that.

20 Q. (By Mr. Hnasko) Mr. Trujillo, have you seen
21 this e-mail before?

22 MR. JACKSON: Same objection, same
23 instruction.

24 Q. And you're following your counsel's
25 instructions not to answer whether you have seen this

1 e-mail before?

2 **A. I'm following my counsel's recommendation.**

3 Q. And you're not going to answer that
4 question.

5 All right, did you participate in the
6 preparation of this e-mail?

7 MR. JACKSON: Same objection; same
8 instruction.

9 Q. Where did Martha Trujillo get her
10 information to put in this e-mail?

11 MR. JACKSON: Same objection, same
12 instruction.

13 Q. And to whom was this e-mail disseminated?

14 MR. JACKSON: Same objection; same
15 instruction.

16 Q. Did you direct Martha Trujillo to
17 disseminate this e-mail to the entire House of
18 Representatives?

19 MR. JACKSON: Same instruction; same
20 objection.

21 Q. And, finally, do you recognize Exhibit 7?

22 MR. JACKSON: Same objection; same
23 instruction.

24 MR. HNASKO: Okay, good luck with that.
25