

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

**In re: Representative Carl Trujillo,
Respondent.**

OMNIBUS ORDER

On October 25, 2018, the Subcommittee of the Interim Legislative Ethics Committee directed the Co-chairs to appoint an attorney to serve as Special Master with authority to resolve all evidentiary and discovery matters and alter the Subcommittee's pre-existing Scheduling Order, if necessary. (Order attached as Exhibit A). The Subcommittee appointed me to serve as Special Master. Since that time, I have held two hearings, on October 29, 2018 and on November 18, 2018. The parties filed a variety of motions and the decisions made are described below.

1. MATTERS HEARD AT THE OCTOBER 29, 2018 HEARING AND DECISIONS RENDERED.

The first motions heard were Respondent's Objections to Laura Bonar's Letter Objection to Written Discovery and Motion to Exclude Laura Bonar's testimony because she had refused to appear for her October 22, 2018 deposition or provide responses to Respondent's discovery requests. On October 19, 2018, one day after the deadline for responding to discovery, Ms. Bonar's counsel told Representative Trujillo's attorneys that Ms. Bonar objected to the procedural validity of the Scheduling Order (attached as Exhibit B) and that she would not appear at her deposition until these procedural problems were addressed. (Letter attached as Exhibit C). Ms. Bonar's counsel believed that the Scheduling Order was not procedurally valid

because, as her attorney, he should have participated in drafting the order. He also believed the scope of discovery provided for under the Scheduling Order was overly broad.

The Subcommittee's September 26, 2018 Scheduling Order states "Failure of a witness to appear or cooperate shall be grounds to preclude the witness from testifying at the formal hearing, or other sanctions." ¶4(a) and "Failure of a witness to timely respond or cooperate with written discovery shall be ground to preclude the witness from testifying at the formal hearing, or other sanctions." ¶4(b).

I denied Representative Trujillo's Motion to Exclude Ms. Bonar's testimony and, instead, ruled on the propriety of the discovery requests. The discovery requests included both Interrogatories and Requests for Production. (Attached as Exhibit D). At the hearing, Ms. Bonar's attorney stated that Ms. Bonar did not disagree with some of the requests. After the hearing he delineated, in writing, which requests she would answer. In addition to those requests she agreed to answer, I ruled that certain other requests were valid under the broad discovery rules set forth in the New Mexico Rules of Civil Procedure, which applied to this matter pursuant to the Subcommittee's Scheduling Order. Other requests were denied and some requests were narrowed. I also required the parties to agree to a mutually acceptable time to take Ms. Bonar's deposition.

My specific rulings on the Interrogatories and Requests for Production 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 a 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 items regarding audio recordings, transcriptions and memorandum are in Ms. Bonar's possession. However, "documentation" is overly broad and may refer to information that is not otherwise discoverable. Therefore, other "documentation" need not be provided;

7. Interrogatory No. 5 is to be answered in deposition. "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 in the interrogatory;

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 Ms. Bonar 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 Ms. Bonar's 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 but limited to documents reflecting activities between 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 Ms. Bonar's employment records from APNM and APV only;
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 as soon as possible. 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.

2. MATTERS HEARD AT THE NOVEMBER 15, 2018 HEARING.

a. Motion for Clarification of Special Master's Decision on Laura Bonar's Objection to Discovery.

After my rulings, the parties agreed to set Ms. Bonar's deposition for November 11, 2018. On November 9, 2018 Mr. Hansko and Ms. Parrish received a letter from Ms. Bonar in which she stated she would not produce the documents I ordered be produced nor would she submit to her deposition. In the motion, the charging party stated Ms. Bonar's decision was based on a misbelief that one of my previous rulings required her to disclose the identities of women who made confidential and anonymous allegations of sexual harassment to her. The charging party wished me to clarify that my ruling only required her to disclose those people to whom Ms. Bonar told of her allegations against Representative Trujillo. At the hearing, I stated that my ruling only required Ms. Bonar to provide the names of the people *she* told about *her* allegations against Representative Trujillo *and in no way required her to disclose confidential communications she made have had with others about their allegations against him or anyone else.*

b. Respondent's Second Motion to Exclude Ms. Bonar as a Witness and to Recommend Dismissal of the Charge.

Respondent requested that I recommend to the Subcommittee that Ms. Bonar be barred from testifying at the hearing in this matter and further recommend dismissal of the charges due to her ongoing refusal to provide written discovery and her failure to appear at the second

scheduled deposition. The basis of her reluctance to testify a second time appeared to be based on a misinterpretation of a previous ruling. Now that Ms. Bonar would be assured that the ruling did not require her to provide confidential communications that she may have been told by others, Ms. Bonar should be afforded an opportunity to determine whether she wishes to testify.¹

c. Charging Party's Notice of Intent to Limit Testimony.

In the previous ruling arising out of the October 29, 2018 ruling, ¶19, I stated:

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 as soon as possible. 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;

The Anti-Harassment Policy requires the Charging Party to prove that the prohibited conduct interfered with Ms. Bonar's work. The Charging Party stated that Ms. Bonar would be asked whether the prohibited conduct interfered with her work and, if so, how and to what extent. The Charging Party acknowledges that such questions have an "emotional component" but the question "is not designed to elicit testimony about emotional damages or harm." Therefore, Special Counsel and Charging Party ask that I reverse the ruling set forth in ¶19.

Respondent objects on the grounds that the issue is not whether emotional distress damages are sought, but rather that the Anti-Harassment Policy requires the Charging Party to prove that the prohibited conduct interfered with her work and that necessarily involves an emotional component. The respondent contends that since Ms. Bonar will be asked about the emotional impact of the prohibited conduct, Respondent should be able to challenge that.

¹ It is my understanding that after the hearing this was relayed to Ms. Bonar, but she has determined that she still does not wish to testify.

The ruling set forth in ¶19 is one that balances the privacy rights of the accuser with the due process rights of the accused.² The Anti-harassment policy requires the charging party to elicit testimony on the emotional effect of the prohibited conduct. The issue is not whether emotional distress damages are sought. The accused is entitled to challenge the charges and to be provided with information regarding whether the alleged prohibited conduct did, in fact, interfere with her work. Special Counsel acknowledges that, under the facts of this case, that necessarily involves an emotional component. My ruling is that Ms. Bonar's mental health records be provided to me, should this matter proceed. I will then review those records, if any, to determine if the records, or a portion of those records, are to be turned over to the respondent's attorney. Changing the ruling would not comport with due process and the request is denied.

d. Charging Party's Motion to Compel Discovery re: Martha Trujillo.

Representative Trujillo refused to answer Interrogatories and deposition questions regarding Martha Trujillo who had submitted letters in support of Representative Trujillo. The Scheduling Order makes clear that the broad discovery rules under the New Mexico Rules of Civil Procedure apply to this matter and, should this matter proceed, Representative Trujillo is ordered to respond to the interrogatories and return for a second deposition to answer those questions he refused to answer previously.

e. Respondent's Motion to Compel Production of Transcript of Laura Bonar's June 7, 2018.

Respondent was provided with a partially redacted transcript of Laura Bonar's June 7, 2018 statement to the charging party. Respondent moves to compel production of the entire

² I do not know if any records exist or, if they do, whether I would determine that any part of those records should be turned over to Respondent's attorney. The *in camera* inspection is conducted by me alone and would be produced only if I found evidence supporting or refuting that the prohibited conduct interfered with Ms. Bonar's work.

transcript. The charging party states the redacted portions relates to charges for which no probable cause was found and that pursuant to §2-15-9(E)(3) NMSA 1978 evidence for which there is no finding of probable cause remain confidential.

Whether the redacted portions should be disclosed at Representative's Trujillo's request is a matter of interpretation of the Interim Legislative Ethics Committee's Rules and, therefore, the appropriate body to determine whether the entire transcript should be provided is either the Subcommittee or the Committee.

f. Charging Party's Motion to Exclude Testimony of Jennifer Noya.

Charging Party moves to exclude the testimony of Jennifer Noya, Esq. who would be called by the respondent to testify about the law in sexual harassment cases. Charging Party argues that the legislature could interpret its policy without utilizing was not required to follow law from outside sources. The Motion to Exclude Testimony of Jennifer Noya is denied. The Subcommittee, rather than the Special Master, is in the best position to determine whether it wants to utilize state and federal law in interpreting its Anti-Harassment Policy.

Respectfully submitted,

SHEEHAN & SHEEHAN, P.A.
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Post Office Box 271
Albuquerque, New Mexico 87103
(505) 247-0411

BY: 
WENDY E. YORK
Special Master

BEFORE THE HEARING SUBCOMMITTEE
OF THE INTERIM LEGISLATIVE ETHICS COMMITTEE

In re: Representative Carl Trujillo,

Respondent.

ORDER

The Hearing Subcommittee in the above-captioned matter has met and renders the following pre-hearing decisions:

1. The Hearing Subcommittee directs the Co-Chairs to appoint an attorney as a Special Master with authority to resolve all evidentiary and discovery matters and to do so expeditiously. In that regard, the Special Master shall also have authority to alter the Hearing Subcommittee's preexisting Scheduling Order of September 26, 2018 in any manner deemed necessary to the final resolution of all evidentiary and discovery matters well in advance of the previously scheduled final hearing on the merits that will remain scheduled for December 3-4, 2018.

2. With respect to the following pending motions:

Respondent's Motion to Allow Respondent to Issue Subpoenas and Request for Expedited Consideration;

Respondent's Motion to Appoint an Independent Hearing Officer and Request for Expedited Consideration;

Respondent's Motion to Dismiss; and

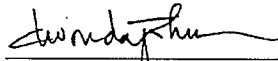
The Charging Party's responses to each.

The Hearing Subcommittee has considered the written submissions of the parties, finds a formal hearing is unnecessary and oral arguments are not required and hereby DENIES Respondent's motions.

EXHIBIT A


3. The Hearing Subcommittee reiterates that its duty is to determine whether or not, based upon the testimony given and evidence proffered, the legislator being charged has committed an offense that justifies the imposition of sanctions. To that end, it has authorized the appointment of a Special Master to ensure that the process of discovery and submission of evidence are carried out in a manner that will allow the Hearing Subcommittee to meet its obligations while preserving the due process protections afforded to the parties by Subsections K and L of Legislative Council Policy No. 16.

ORDER OF OCTOBER 25, 2018



D. WONDA JOHNSON

Co-Chair, Hearing Subcommittee of the Interim Legislative Ethics Committee



GAIL ARMSTRONG

Co-Chair, Hearing Subcommittee of the Interim Legislative Ethics Committee

EXHIBIT A

BEFORE THE HEARING SUBCOMMITTEE
OF THE INTERIM LEGISLATIVE ETHICS COMMITTEE

In re: Representative Carl Trujillo,

Respondent.

SCHEDULING ORDER

THIS MATTER came before the Hearing Subcommittee based on the determinations of probable cause by the Investigative Subcommittee of the Interim Legislative Ethics Committee, dated July 27, 2018. Pursuant to Legislative Council Policy No. 16, the Hearing Subcommittee hereby adopts the determinations of the Investigative Subcommittee and issues a written finding of probable cause, consistent with the Report and Recommendations of Special Counsel to the Investigative Subcommittee, dated July 25, 2018.

Pursuant to Legislative Council Policy No. 16, Section J, a formal hearing is hereby initiated, and the Hearing Subcommittee establishes the following procedures for the hearing:

1. **Formal Hearing Date/Location.** The Formal Hearing in this matter shall be held in Room 307, at the State Capitol, beginning **December 3, 2018, beginning at 9:00 a.m.** The Formal Hearing shall last for no more than two (2) days. Pursuant to Legislative Council Policy No. 16(J)(1), the Special Counsel to the Investigative Subcommittee “are hereby appointed to be the charging party and present the case against the legislator being charged.” The time shall be divided equally between the Charging Party’s presentation of its case-in-chief and any rebuttal case, and Respondent’s presentation of its case-in-chief and any sur-rebuttal.

2. **Pre-Hearing Motions.** The parties may file written motions before the Hearing Subcommittee. The party against whom the motion is filed may file a response no later than seven (7) days after service of the motion. All pre-hearing motions must be filed by October 31, 2018.

The Hearing Subcommittee shall hold a hearing on all outstanding motions (“Motion Hearing”) before the Formal Hearing.

3. **Presiding Officers.** Representative D. Wonda Johnson and Representative Gail Armstrong, as Co-Chairs of the Hearing Subcommittee, shall preside over the Motion Hearing and Formal Hearing, and render decisions on motions concerning evidentiary and discovery matters. All other motions shall be heard and determined by the Hearing Subcommittee.

4. **Discovery.** In advance of the formal hearing, the parties may engage in written and oral discovery, including:

(a) Depositions. Any party may take the depositions of any witness designated by the other party by issuing a Notice of Deposition in substantially the same form required by Rule 1-030 NMRA. The deposition shall be taken under oath, and requirements of Rule 1-030 shall apply except that the deponent shall have ten (10) days from the receipt of transcript to review and make any changes. Failure of a witness to appear or cooperate shall be grounds to preclude the witness from testifying at the formal hearing, or other sanctions.

(b) Written Discovery. Any party may serve upon the other party or that party’s witness (1) written interrogatories, not exceeding twenty-five (25) in number; and (2) requests for production, not exceeding twenty-five (25) in number. Service upon a party’s witness shall be accomplished by serving the attorney for the party calling the witness. The requirements of Rules 1-033 and 1-034 NMRA shall apply, except that the responding party shall serve a written response and produce any responsive records and information within 10 days after service. Failure of a witness to timely respond or cooperate with written discovery shall be grounds to preclude the witness from testifying at the formal hearing, or other sanctions. Any objection to written discovery that cannot be resolved by the parties must be made by motion and filed with the

Legislative Council Service, and shall be decided following a preliminary hearing held sufficiently in advance of the Formal Hearing to allow the party seeking such information to obtain and consider use of it at the formal hearing.

(c) Discovery Deadline. The deadline to serve discovery is October 31, 2018.

5. Witness Disclosures.

(a) On or before September 28, 2018, the Charging Party shall disclose to Respondent and to the Hearing Subcommittee all witnesses intended to be called by the Charging Party for the case-in-chief at the hearing (this designation shall not apply to rebuttal witnesses called by the Charging Party whose testimony cannot be reasonably anticipated).

(b) On or before October 19, 2018, Respondent shall disclose to the Charging Party and to the Hearing Subcommittee all witnesses Respondent intends to call for Respondent's case-in-chief at the hearing (this designation shall not apply to sur-rebuttal witnesses called by Respondent whose testimony cannot be reasonably anticipated).

6. Exhibit Disclosure.

(a) On or before October 5, 2018, the Charging Party shall submit to Respondent copies of all documents Special Counsel intends to introduce as evidence at the hearing.

(b) On or before October 19, 2018, Respondent shall submit to the Charging Party copies of all documents Respondent intends to introduce as evidence in the hearing.

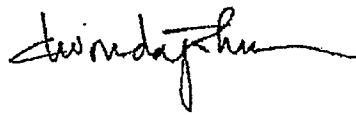
(c) Either party may supplement this disclosure if relevant information or records are subsequently obtained through discovery or by order of the Hearing Subcommittee.

7. Trial Brief. Each party may submit a trial brief to the Hearing Subcommittee no later than five (5) business days before the Formal Hearing. The purpose of such briefs is to

explain each party's position on the applicable law to assist the Hearing Subcommittee render its determination.

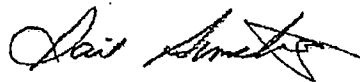
8. Respondent does not agree to all proposed procedures in this Order, and reserves the right to contest them and propose alternative procedures by motion.

HEARING SUBCOMMITTEE OF THE INTERIM
LEGISLATIVE ETHICS COMMITTEE



Representative D. Wonda Johnson, Co-Chair

Date: 9/26/18



Representative Gail Armstrong, Co-Chair

Date: 9/26/18

HINKLE SHANOR LLP

/s/ Thomas M. Hnasko

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/s/ Theresa W. Parrish

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Charging Party

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/s/ Travis G. Jackson/s/
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LEVI A. MONAGLE

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October 19, 2018

Travis G. Jackson
Jackson Loman Stanford & Downey PC
201 Third St. NW #1500
Albuquerque NM 87102-4382

Via Email Only

Re: Objections to Discovery Requests to Laura Bonar

Mr. Jackson,

I am writing to inform you that I object to the procedural validity of the interrogatories and requests for production that you sent to my client in this case.

The procedural validity of these interrogatories and requests for production relies entirely on the procedural validity of the Scheduling Order entered by the Subcommittee on September 26, 2018 – and the Scheduling Order appears to be the result of a negotiation between your office and the office of the Special Counsel, from which my client was entirely excluded. As Ms. Bonar's attorney, I was never included in any phase of this negotiation – or even alerted to the fact that a negotiation was ongoing – and only became aware of this negotiation recently, after it had long-since concluded.

Had I been included at any point in these negotiations regarding the substantive and procedural provisions of the Scheduling Order, I would have argued that the the scope of relevance in this case should be determined by reference to the Probable Cause Report, and I would have argued (in the unjustifiable and tremendously problematic absence of any rules of evidence) for significant preliminary limitations as to the scope of any contemplated discovery by either side. Unfortunately, I was not given the opportunity to make these arguments in the process of crafting the Scheduling Order, so I will likely be left to make these arguments to the co-chairs of the Subcommittee in the context of a ruling on these objections.

EXHIBIT C

I also learned yesterday that your office has filed multiple procedural motions and motions to dismiss in this case. This was the first that I had heard of these motions. Your office never provided me with copies of these motions, or with the Special Counsel's responses to them, and I was therefore never given an opportunity to respond to any of these motions on my client's behalf. I only received copies of these motions this morning, after requesting them from the Legislative Counsel Service. This is completely improper. As an experienced and accomplished attorney, I am sure you know of the uniform expectation that copies of all motions are to be provided to all parties in interest, to allow them an opportunity to respond.

Until these procedural invalidities are addressed, my objections to your pending discovery requests will stand, and I will not be producing my client for a deposition. Once these procedural invalidities are addressed, I will be happy to revisit and attempt to negotiate a Scheduling Order with your office and the office of the Special Counsel. In the meantime, I would recommend that we bring these objections to the attention of the Subcommittee, so that they may be addressed in a timely manner.

In any event, the relevant documents and statements in this case have already been turned over to the Special Counsel's office, and can be obtained through that office. It nonetheless remains my duty to object to the manner in which this discovery process has been handled, and to request that these mistakes be remedied before we move forward.

If you would agree to re-open the Scheduling Order negotiations, so that all parties in interest may fairly participate in them, please let me know. If you intend to use these objections to discovery as an opportunity to file another motion to dismiss, please provide me with a copy this time, so that I may fairly respond.

Thank you.

Sincerely,



Levi A. Monagle

cc. Tom Hnasko
Raul Burciaga
Jon Boller

EXHIBIT C

**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
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levi@bhallfirm.com

Thomas M. Hnasko
Hinkle Shanor LLP
P.O. Box 2068
Santa Fe, New Mexico 87504
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 D

INTERROGATORY NO. 1: Please provide the name, title, address, and telephone number of each individual who provided information in answering these interrogatories.

ANSWER:

INTERROGATORY NO. 2: Please identify all persons whom you believe may have knowledge or information, or claim to have knowledge or information relevant to the allegations of sexual harassment made by you against Representative Carl Trujillo, and for each such person, please state their name, residential address, business address, telephone number(s), email address, occupation and current job title and place of employment, as well as a summary of their knowledge or information.

ANSWER:

INTERROGATORY NO. 3: Please identify each and every person from whom you, or someone on your behalf, has obtained a written statement relevant to the allegations of sexual harassment made by you against Representative Carl Trujillo.

ANSWER:

REQUEST FOR PRODUCTION NO. 1: Please produce any written statement obtained by you, or that is otherwise 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. 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

(including email and text messages) between you or and anyone on your behalf (including your attorney) and the following individuals:

- a. Representative Brian Egolf, or anyone acting on his behalf;
- b. Special Counsel Tom Hnasko;
- c. Special Counsel Theresa Parish;
- d. Raul Burciaga, Director of the Legislative Council Service, or anyone acting on his behalf;
- e. Julianna Koob;
- f. Andrea Romero, or anyone acting on her behalf.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: For the period of January 1, 2013 up to the date of your response to this request for production, please produce all communications (including email and text messages) between you and Gene Grant. This includes, but is not limited to, any email sent by Mr. Grant to you on May 8, 2018.

INTERROGATORY NO. 6: Please identify each and every email address that you have had and/or used for the period January 1, 2013 through the date of your answer to this interrogatory.

ANSWER:

REQUEST FOR PRODUCTION NO. 5: Please produce all communications (including email and text messages) in your possession, custody or control that concern, refer, or relate to:

- a. Representative Carl Trujillo;
- b. The allegations of sexual harassment made by you against Representative Carl Trujillo; or
- c. Andrea Romero.

RESPONSE:

INTERROGATORY NO. 7: Please identify each social media site, including but not limited to Facebook, Linked In, Twitter, Instagram, Pinterest, Reddit, YouTube, Google+ on which:

- a. You have a presence, profile, page, listing, or account.
- b. You have ever posted or communicated (on your page or on the page of any other individual or entity) any statement, status update, wall writing, tweet, or other information that in any way related or refers to:
 - i. Representative Carl Trujillo;
 - ii. The allegations of sexual harassment made by you against Representative Carl Trujillo; or
 - iii. your physical and/or emotional state from January 2013 to the present.
- c. For each site identified, provide
 - i. the date of the post
 - ii. a summary of the content of the post

ANSWER:

REQUEST FOR PRODUCTION NO. 6: Please produce a copy of all social media posts responsive to Interrogatory No. 7

RESPONSE:

INTERROGATORY NO. 8: Please describe whether you kept a journal, wrote in a diary, used a calendar, or utilized any other form of daily, monthly, or yearly record of events in 2013, 2014, and/or 2018.

ANSWER:

REQUEST FOR PRODUCTION NO. 7: Please produce a copy of any journal, diary, calendar, or other form of daily, monthly, or yearly record of events in 2013, 2014, and/or 2018.

RESPONSE:

INTERROGATORY NO. 9: Please describe your employment history from the earlier of your first full-time position or your graduation from high school/high school equivalent up to the present, including any periods of self-employment or unemployment, identifying for each: the employer's name, address and telephone number; the dates of employment or unemployment; your position title and a full recounting of the types of duties you performed; the name of your supervisor or manager; and the reason for the termination of your employment.

ANSWER:

REQUEST FOR PRODUCTION NO. 8: For each employer identified above in Interrogatory No. 11 within the of January 1, 2013 through the date of your response to this request for production, please fill and sign a copy of the attached Employment Records Release (attached as Exhibit 2).

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Please produce a copy of your current resume or curriculum vitae.

RESPONSE:

INTERROGATORY NO. 10: Please identify every legal and administrative proceeding, lawsuit, arbitration and mediation in which you have been involved with in any capacity from 2008 to the present time and list the court and cause number of each such proceeding.

ANSWER:

INTERROGATORY NO. 11: Identify, by name(s), address(es) and telephone number(s), each psychiatrists, psychologist, counselor, social worker, or other mental health practitioner from whom you have sought treatment, assistance or consultation from January 1, 2013 to the present. In so doing, please set forth the nature of services provided to you by each such person, the nature of the reason or malady for the treatment and the dates of such service.

ANSWER:

REQUEST FOR PRODUCTION NO. 10: For each psychiatrist, psychologist, counselor, social worker, or other mental health practitioner identified above in Interrogatory No. 11, please fill and sign a copy the attached Mental Health Records Release (attached as **Exhibit 1**). *Respondent agrees that all mental health records obtained shall be kept confidential, and shall not be publicly disclosed to anyone other than Respondent and Respondent's Counsel, except that Respondent may seek to admit such records at the Formal Hearing in this matter if Respondent determines they are relevant to allegations made by you against Representative Trujillo. If Respondent intends to use your mental health records at the Formal Hearing, Respondents' counsel will alert Special Counsel and your counsel in advance, and request that such portion of the Formal Hearing be closed to protect your confidential mental health records from public disclosure.*

RESPONSE:

INTERROGATORY NO. 12: If you have ever been arrested, charged with, or convicted of any crime, please identify: the date of the arrest, charge, or conviction; the nature and circumstances of the arrest, charge, or conviction; and the jurisdiction of the arrest, charge, or conviction.

ANSWER:

INTERROGATORY NO. 13: Please identify each and every cellular phone number that you have had and/or used for the period January 1, 2013 through the date of your answer to this interrogatory.

ANSWER:

REQUEST FOR PRODUCTION NO. 11: For the period of January 1, 2013 through the present, please produce each monthly billing statement for each cellular phone used by you, and/or any other similar such document from your cell phone provider which identifies all phone numbers with whom you communicated (by phone or text) during the billing period.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Please produce the original electronic file, including all metadata, of your memo to Danial Abrams and Lisa Jennings dated March 19, 2018.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: To the extent not already produced, please produce all communications between you and any other person that concern, refer or relate to the allegations of sexual harassment made by you against Representative Carl Trujillo, except you need no produce communications between you and your attorney Levi Monagle.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: To the extent not already produced, please produce the originals of any handwritten notes, diaries, calendars, Daytimers, or similar documents or records, whether recorded on paper, computer files, or other media, reflecting your activities in 2013, 2014, and 2018, or that you could use to refresh your recollection of any dates, events, or facts related the allegations of sexual harassment made by you against Representative Carl Trujillo.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: To the extent not already requested, any and all documents relating to the allegations of sexual harassment made by you against Representative Carl Trujillo.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: For any document that is responsive to Respondent's First Requests for the Production of Documents, but is being withheld under some claim of privilege, state the name, address, and telephone number of the individual or entity having custody or control of the document, the participants in the communications, set forth a general description of the document, and specify the factual basis on which you claim the document is privileged.

RESPONSE:

HIPAA
AUTHORIZATION TO DISCLOSE PROTECTED HEALTH INFORMATION
MENTAL HEALTH RECORDS

Patient name: Laura Bonar D.O.B.: / / S.S.N.:

Dates of Treatment: beginning 1/1/2013 through present
[relevant time period must be inserted]

AUTHORIZATION:

I, Laura Bonar, authorize the disclosure of my protected health information as described herein.

1. I authorize the following person(s) and/or organization(s) to disclose the protected health information described in paragraph 3.

[individual medical provider name must be inserted]

2. I authorize the following person(s) and/or organization(s) to receive the protected health information described in paragraph 3.

Jackson Loman Stanford & Downey, P.C.
c/o Travis G. Jackson
201 Third St. NW
Suite 1500
Albuquerque, NM 87102
(505) 767-0577
travis@jacksonlomanlaw.com

[individual firm or lawyer must be inserted]

3. The records authorized to be released include:

complete copy of medical records

test results

other

4. I expressly waive any laws, regulations and rules of ethics which might prevent any health care provider who has examined or treated me from disclosing my records pursuant to this Authorization.
5. The purpose of this Authorization relates to a legal action now pending before
The Hearing Subcommittee of the Interim Legislative Ethics Committee.
6. I understand that I may revoke this Authorization at any time by sending a letter to the person or organization listed in paragraph one (1), except to the extent that such person(s) and/or organization(s) may have already taken action in reliance on this Authorization. If I do not sign, or if I later revoke, this Authorization, the services provided to me by such person or organization will not be affected in any way.
7. This Authorization expires one year from its date of execution.
8. THIS AUTHORIZATION DOES NOT PERMIT THE PERSON OR ORGANIZATION LISTED IN PARAGRAPH TWO (2) TO OBTAIN OR REQUEST FROM THE MEDICAL PROVIDER IDENTIFIED IN PARAGRAPH ONE (1) ORAL STATEMENTS, OPINIONS, INTERVIEWS OR REPORTS THAT ARE NOT ALREADY IN EXISTENCE.
9. Copying costs will be borne by the person or organization named in paragraph two (2).
10. A photocopy or facsimile of this Authorization is as valid as an original.
11. I understand that I have a right to examine the information to be disclosed, unless deemed that such disclosure is not in my best interest.
12. I understand that a potential exists for information that is disclosed pursuant to this Authorization to be subject to re-disclosure by the recipient and therefore be no longer protected by federal confidentiality rules.

SIGNATURE OF PATIENT OR
AUTHORIZED REPRESENTATIVE:

CAPACITY OF REPRESENTATIVE,
IF APPLICABLE:

DATE OF SIGNATURE:

EXHIBIT D

AUTHORIZATION TO RELEASE EMPLOYMENT INFORMATION

Employer Name:
Employer Address:

Employee Name: Laura Bonar
Date of Birth:
S.S. #:

I, the undersigned hereby authorize the above named facility, its directors or agents, to disclose information and records of the person identified above, which includes information that may be stored in a paper and/or electronic format. I authorize my information to be released to:

Jackson Loman Stanford & Downey, P.C.
201 3rd St. NW, Suite 1500
Albuquerque, NM 87102
(505) 767-0577
travis@jacksonlomanlaw.com

For the purpose of legal discovery, reproduction and distribution in the course of litigation. This authorization shall permit the listed recipient to examine, photocopy, and/or receive any records or information pertaining to the above named individual.

Specific records to be disclosed are those records in your possession pertaining to the above mentioned person, this includes, but is not limited to, payroll or other earning records, records regarding rates of pay, W-2 tax forms, attendance sheets, employment resumes and applications, personnel file, physical examination testing data and reports, drug testing, medical files, compensation records, workers compensation records, accident reports, insurance records, all correspondence, and any other information in your possession pertaining to the employment of the above named.

I understand that the information used or disclosed pursuant to this authorization may be disclosed and reproduced by the recipient through the course of the pending litigation and may no longer be protected by the Federal Privacy Rules or other such applicable laws.

The forgoing authorization shall continue in force for 120 days from date of signature, or until revoked by me in writing. I understand that I may revoke this consent at any time, in writing to the facility and recipient identified above, except to the extent that action has already been taken to comply with it.

This authorization is voluntary. I understand that the facility will not base treatment, payment, enrollment, or eligibility for benefits on my signing this document.

A copy of this authorization shall be as valid as the original.

Date: _____

Signature: _____

Personal Representative/Parent/Legal Guardian: _____

Subscribed and sworn to before me this _____ day of _____, 20____

EXHIBIT D

Notary Public: _____

VERIFICATION

I, Laura Bonar, being first duly sworn, state that I have read the foregoing Answers to Interrogatories and that I know the content thereof, and that the statements contained therein are true to the best of her knowledge and belief.

Laura Bonar

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

SUBSCRIBED AND SWORN to before me this _____ day of October, 2018, by
_____.

(Seal)

Notary Public

My commission expires:_____