

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

NEW MEXICO FOUNDATION
FOR OPEN GOVERNMENT,

Plaintiff,

Case assigned to Mathew, Francis J.

v.

No. D-101-CV-2025-02734

RECORDS CUSTODIAN OF THE NEW MEXICO
DEPARTMENT OF PUBLIC SAFETY and
THE NEW MEXICO DEPARTMENT OF PUBLIC SAFETY,

Defendants.

COMPLAINT TO ENFORCE THE INSPECTION OF PUBLIC RECORDS ACT

Plaintiff New Mexico Foundation for Open Government (“NMFOG”), for its complaint against Defendants Records Custodian of the New Mexico Department of Public Safety and the New Mexico Department of Public Safety (collectively, “DPS”), alleges and states as follows:

Introduction

1. This case concerns a denial of the public’s right to inspect records of the New Mexico State Police, a division of DPS, under the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 – 12 (“IPRA”).
2. DPS has wrongfully denied access to public records requested by Plaintiff NMFOG.
3. Furthermore, DPS has a pattern and practice of unlawfully denying and delaying access to public records by wrongly claiming public records do not have to be disclosed when they relate to an “ongoing investigation,” and by wrongly claiming any IPRA requests for records related to an ongoing investigation are excessively broad and burdensome in order to avoid and delay disclosure of records.

Parties

4. Plaintiff NMFOG is a New Mexico nonprofit, nonpartisan organization whose mission is to help individuals, businesses, students, educators, journalists, lawyers, and other engaged citizens understand, obtain, and exercise their rights under IPRA, the Open Meetings Act, the Arrest Record Information Act, the First Amendment to the United States Constitution and Article II Section 17 of the New Mexico Constitution, as well as to help public officials understand and discharge their obligations under those statutes and constitutional provisions. NMFOG has its principal place of business in Bernalillo County, in the state of New Mexico.
5. Plaintiff NMFOG submits requests to inspect public records under IPRA as part of its mission to advocate for government transparency. Plaintiff expects to file IPRA requests with DPS in the future, including requests related to ongoing law enforcement investigations.
6. Defendant DPS is the primary state law enforcement agency in New Mexico and is a public body within the meaning of IPRA, NMSA 1978, Section 14-2-6 (G) (2023).
7. DPS has not clearly designated a records custodian as required by Section 14-2-7 of IPRA. NMSA 1978, § 14-2-7 (2001). Pursuant to Rule 1-025(D)(2) NMRA, NMFOG names the Defendant Records Custodian by her/his official title. NMRA, Rule 1-025.

Jurisdiction and Venue

8. The Court has jurisdiction over the parties and subject matter of the action under NMSA 1978, Section 38-3-1.1 (1988) and Section 14-2-12 (1988).
9. Venue is proper under NMSA 1978, Section 38-3-1(A) (1988).

General Allegations

10. IPRA declares that “all persons are entitled to the greatest possible information regarding

the affairs of the government and the official acts of public officers and employees” and that “provid[ing] persons with such information is an essential function of a representative government.” NMSA 1978, § 14-2-5 (1993). Under IPRA, “the citizen’s right to know is the rule and secrecy is the exception.” *Republican Party of N.M. v. N.M. Tax’n & Revenue Dep’t*, 2012-NMSC-026, ¶ 12,283 P.3d 853, 859.

11. IPRA requires a public body to furnish copies of public records upon request immediately, or at the very least, within fifteen days of receiving the request. NMSA 1978, § 14-2-8(D) (1993).
12. DPS failed to comply with its statutory obligations under IPRA to allow inspection of public records requested by NMFOG.
13. First, DPS unlawfully failed to provide records in responses to NMFOG’s July 9, 2025, IPRA request for records related to a State Police investigation of an alleged assault of a juvenile that took place at a Children, Youth and Families Department (“CYFD”) office in Albuquerque.
14. Second, DPS unlawfully refused to provide complete records in response to NMFOG’s May 9, 2025, request for public records related to a State Police investigation into the death of former Rio Arriba County Sherrif Billy Merrifield.
15. Last, DPS has a pattern and practice of unlawfully denying and delaying inspection of public records when a law enforcement investigation is ongoing, in spite of the New Mexico Supreme Court’s ruling in *Jones v. City of Albuquerque Police Department*, 2020-NMSC-013, specifically stating that the fact of an ongoing criminal investigation is not a reason to except public records related to the investigation from inspection under IPRA. *Id.* ¶ 37, 470 P.3d 252, 262. DPS also has a pattern and practice of unlawfully claiming that records are “excessively broad and burdensome” in order to delay or withhold altogether its public

records, and not because the request is in fact broad or burdensome.

I. Plaintiff NMFOG's July 9, 2025, IPRA Request

16. NMFOG was contacted around July of 2025 by multiple reporters who were experiencing difficulties obtaining public records from DPS relating to a State Police Investigation into an alleged assault of a juvenile that happened at a CYFD office in Albuquerque, NM, on or around January 3, 2025.
17. At the time the reporters contacted NMFOG, their requests to inspect the State Police records concerning the investigation had been pending for many months.
18. Ed Williams of *Searchlight New Mexico* was one of the reporters who requested these records in January of 2025.
19. Mr. Williams's request had been pending for approximately seven months when he contacted NMFOG. During the pendency of Mr. Williams's request, DPS contacted Mr. Williams approximately seven times, each time telling him that "due to the excessively burdensome or broad nature of the request," DPS needed additional time to fulfill the request. With each communication, DPS provided a new response deadline it later ignored.
20. On May 13, 2025, approximately five months after Mr. Williams submitted his request, DPS told him, "[d]ue to the fact that the contents of this request are also being requested by several media outlets, we are unable to release anything to the public until the entirety of the case file has been reviewed and redacted, so that all requests linked can be released at the same time."
21. DPS contacted Mr. Williams again on May 30, 2025, and repeated its earlier assertion that his request was "excessively burdensome or broad" and claimed DPS would need additional time to respond until June 28, 2025.
22. NMFOG requested the same records as Mr. Williams on July 9, 2025.

23. On July 10, 2025, NMFOG wrote a letter addressed to DPS's IPRA department at dps.ipra@dps.nm.gov, requesting that DPS provide the outstanding records to Mr. Williams without delay as DPS had violated IPRA's time limits for permitting inspection of its public records, and even assuming the request truly was unreasonably broad or burdensome, a delay of seven months was not reasonable under Section 14-2-10 of IPRA. NMSA 1978, § 14-2-10 (1993).
24. DPS did not respond to NMFOG's July 10, 2025, letter.
25. On July 28, 2025, DPS responded to NMFOG's July 9, 2025, IPRA request and stated that it was unable to locate any records responsive to NMFOG's request. DPS closed NMFOG's request.
26. On October 3, 2025, DPS provided Mr. Williams with 18 pages of police reports responsive to his January 24, 2025. Prior to production of these records, DPS had not contacted Mr. Williams since its May 30, 2025, communication.
27. The 18 pages of reports provided to Mr. Williams are responsive to NMFOG's July 9, 2025, request, yet DPS did not provide these records to NMFOG, and instead, untruthfully told NMFOG it had no responsive records.

II. Plaintiff NMFOG's May 9, 2025, IPRA request

28. In May of 2025, NMFOG was contacted by multiple reporters who had been unsuccessful in obtaining public records from DPS related to an investigation into the death of former Rio Arriba County Sheriff Billy Merrifield.
29. DPS told at least two reporters that because the records related to an "active/ongoing investigation," the records were "not approved for release."
30. After contacting NMFOG for assistance with her request, on April 23, 2025, reporter Jennifer Garcia with the *Rio Grande Sun* confronted DPS about its denial of her public

records request, reminding DPS that the New Mexico Supreme Court had explicitly ruled that public agencies – specifically, Defendant DPS – may not use the fact of an ongoing investigation to withhold public records. *Jones v. City of Albuquerque Police Dep’t*, 2020-NMSC-013, ¶ 37.

31. After receiving this communication from Ms. Garcia, DPS reopened her request and told her that “due to the over burdensome nature of the request, additional preparation time is required for receiving all proper documentation, until 6/9/2025.”
32. On May 9, 2025, NMFOG submitted an IPRA request to DPS for the same records sought by Ms. Garcia and other reporters in New Mexico related to the Merrifield investigation. In its request, NMFOG asked for DPS reports, as well as any notes or reports from the Office of the Medical Investigator (“OMI”) in DPS’s possession related to the investigation. DPS informed NMFOG that its request was “over burdensome” in nature.
33. On June 5, 2025, DPS finally released responsive records to Ms. Garcia and to NMFOG, including a police report that referenced the OMI component of the investigation, and noted that “copies of the OMI photographs were uploaded into the Axon Digital Evidence Management System and the original copy was entered into evidence.”
34. Despite this, DPS did not provide the referenced OMI records for inspection.
35. NMFOG asked DPS to provide the OMI records. DPS responded, “[u]nfortunately, we do not hold the records from the office of the medical investigation. My recommendation would be to reach out to their office directly.”
36. To date, DPS has not provided the requested OMI records in its possession, nor did DPS forward NMFOG’s request in accordance with Section 14-2-8 (E) of IPRA, which obligates the custodian to “promptly forward the request to the custodian of the requested public records, if known,” in the event “a written request is not made to the custodian having

possession of or responsibility for the public records requested.” NMSA 1978, § 14-2-8 (E) (2009).

III. DPS’s pattern and practice of unlawfully delaying access to public records

37. The New Mexico Supreme Court could not have been clearer in its ruling against DPS five years ago in the *Jones* decision that the plain language of IPRA does not exempt from IPRA inspection all law enforcement records relating to an ongoing criminal investigation, and that the fact of an ongoing law enforcement investigation is immaterial to whether the records may be withheld. 2020-NMSC-013, ¶ 37.
38. Despite this, DPS continues to thwart access to its public records related to ongoing investigations in disregard of New Mexico’s highest court’s ruling.
39. On April 16, 2025, DPS wrote in response to a request by reporter Phaedra Haywood with the *Santa Fe New Mexican* for a single police report, that the report could not be disclosed because “certain exceptions apply, particularly regarding law enforcement records related to open or pending investigations,” and wrongfully claimed that the Supreme Court’s ruling in *Jones* permits DPS to withhold records related to an ongoing investigation when disclosure of those records “would interfere with law enforcement functions.”
40. In this response, DPS appears to rely on the standard the Supreme Court clearly overruled when it held that the standard articulated by DPS is “untethered from the plain language of IPRA.” *Jones*, 2020-NMSC-013, ¶ 38.
41. NMFOG requested the same police report on June 11, 2025. DPS told NMFOG at least three times that it would need additional time beyond 15 days to provide the report due to the “overburdensome” nature of the request.
42. After the third communication from DPS that the request for the single police report was “overburdensome,” on July 1, 2025, NMFOG replied to DPS,

I don't see how you can classify this request as overly broad and burdensome. The request is simple and narrow. It is for one incident report from an event that happened several months ago. Please provide the report for inspection immediately, as required by IPRA. Thank you for your attention to this request.

43. On July 2, 2025, DPS responded to NMFOG, “This case is still under investigation so I'm still waiting for the OK from the state police to release the report. I followed back up with them this morning to see what can be done. You can still expect to send a response by 3pm today.”
44. On July 3, 2025, DPS provided the report to NMFOG. The responsive records included 22 pages of reports dating back to March of 2023 and concerned an investigation into human remains found in Taos County.
45. The foregoing examples of DPS’s delay in providing records demonstrate that when DPS is confronted with its unlawful practice of withholding public records on the basis the records relate to an “ongoing investigation,” DPS has a practice of claiming the request is overly broad and burdensome, so that it may continue to delay disclosure of records related to ongoing investigations and circumvent the ruling in *Jones*.
46. DPS employed this tactic in response to the *Rio Grande Sun*’s request for incident reports related to the investigation into the death of Billy Merrifield.
47. It also employed this tactic in response to a request from reporter Nicholas Gordon with the *Santa Fe New Mexican* for the same records of the Merrifield investigation.
48. If the reporters from both news outlets had not received assistance from NMFOG in addressing DPS’s handling of these two requests, the reporters likely would never have received the requested public records.
49. Mr. Gordon, a staff reporter with the *New Mexican*, routinely experiences delays obtaining public records from DPS and has sought redress for DPS’s delays with the New Mexico

Department of Justice (“NMDOJ”). He often is only successful obtaining public records from DPS once NMDOJ instructs DPS to produce the requested records.

50. This practice is an abuse of IPRA’s allowance of more time for a public body to respond to a request that is truly excessively broad or poses a burden on an agency. Unfortunately, these are not the only examples of DPS’s misuse of this section of IPRA.
51. When a reporter with *Source New Mexico* experienced weeks of delay in obtaining DPS records related to an investigation into the death of an inmate in a New Mexico prison, he contacted NMFOG for assistance.
52. In June of 2025, the reporter requested the incident reports of the investigation of the death that had occurred a month prior, in May of 2025. By July 24, 2025, the reporter had still not received any records from DPS, and DPS had repeatedly told him the request was overly broad and burdensome.
53. NMFOG requested the single “primary incident report” related to this same incident from DPS on June 27, 2025. Approximately three months later, DPS provided the report to NMFOG, on September 25, 2025. During the three months NMFOG’s request was pending, DPS repeatedly told NMFOG the request was overly broad and burdensome and that DPS would need more time to fulfill the request.
54. The report DPS provided NMFOG in September of 2025 had been authored on May 14, 2025, over a month prior to the date of NMFOG’s request; yet DPS delayed three months in providing it and insisted repeatedly that NMFOG’s request was overly broad and burdensome.
55. DPS’s approximate 10-month delay in disclosing reports related to the assault of a juvenile at a CYFD office is prime example of DPS’s abuse of IPRA’s time limits. The primary incident report was dated January 4, 2025, yet DPS did not provide the records to Mr.

- Williams until October 3, 2025, even when he repeatedly followed up and asked for the report.
56. What's more, 18 pages of reports is far from burdensome to produce for inspection, nor was the request itself excessively broad.
57. Reporter Esteban Candelaria with the *Santa Fe New Mexican* requested the same records as Mr. Williams in January of 2025. Esteban Candelaria, *Records related to alleged assault in CYFD facility delayed five months*, SANTA FE NEW MEXICAN (May 30, 2025) [Records related to alleged assault in CYFD facility delayed five months | Local News | santafenewmexican.com](#). Mr. Candelaria also received the records from DPS in October of 2025, approximately ten months after he requested them.
58. None of the foregoing requests for police reports were overly broad, nor did they impose a burden on DPS to fulfill. The requests were for ordinary investigative incident reports that were authored before or around the time the IPRA requests for the reports were submitted. In each case the reports were few in number. None of the reports were voluminous, either individually or in the aggregate.
59. Because DPS routinely obstructs access to its public records, requestors often must resort to lawsuits against DPS to obtain records.
60. In *Consuelo Contreras v. Luis Lopez*, cause number D-101-CV-2025-00179, Petitioner Contreras was granted a permanent Writ of Mandamus against DPS's then records custodian, Luis Lopez, for DPS's failure to provide records relating to the shooting death of Petitioner's brother by officers of the Santa Fe Police Department.
61. Petitioner Contreras submitted her IPRA request to DPS on September 23, 2024. DPS repeatedly claimed the request to be overly burdensome for a period of approximately four months and offered no other explanation for its delay in providing the requested records,

even after Contreras asked in writing why the request was delayed.

62. On January 21, 2025, Contreras filed a petition for Writ of Mandamus seeking production of the requested records. At a show cause hearing on the petition, DPS offered no explanation for its delay in producing the records, other than what the court characterized as the “flawed legal argument” that an ongoing law enforcement investigation prohibited DPS from releasing the records. The First Judicial District Court ordered DPS to produce all records responsive to the Petitioners’ request, pay \$100 per day each day responsive records were not produced, and pay Petitioner’s reasonable attorney fees and costs.
63. DPS was again sued in *Patricia Gabaldon v. Luis Lopez*, cause number D-101-CV-2025-01318, for its failure to respond to Petitioner Gabaldon’s request for records relating to the shooting death of Petitioner’s husband by Valencia County Sheriff’s Deputies.
64. Petitioner Gabaldon submitted an IPRA request for the records on February 7, 2025. DPS provided some responsive records approximately two weeks later but failed to provide all responsive records. Petitioner requested the missing records. DPS did not respond and ceased communication with the Petitioner. Three months later, Petitioner filed her petition for writ, asking the court to compel DPS to produce the records. DPS failed to appear at a hearing on the petition for writ and lost by default. To date, the matter is pending in the First Judicial District Court.
65. In *Martin Beltran v. Luis Lopez*, cause number D-101-CV-2025-01543, Petitioner requested records from DPS relating to the shooting death of his nephew by New Mexico State Police Officers on January 7, 2025. DPS repeatedly claimed Petitioner’s request to be broad and burdensome without further information and did not produce any records over a period of five months. In an order dated June 20, 2025, the court found DPS failed to comply with its statutory duty to timely produce records and had failed to honor IPRA’s policy that such

production should be undertaken diligently and the status of Petitioner's request should be communicated to him. The court ordered DPS to produce all responsive records, pay statutory damages of \$100 per day, and Petitioner's attorney fees and costs. To date, DPS has not produced the records or paid the judgment against it.

66. In *Victor Avila v. Luis Lopez*, D-101-CV-2025-02056, Petitioner Avila requested records from DPS related to his traffic stop. DPS claimed the request was overbroad and burdensome and sent Avila monthly communications for approximately six months, each time claiming it needed additional time to fulfill the request. The court issued a writ ordering DPS to comply with IPRA, and DPS produced the responsive video records within hours, and paid fees, costs and damages to Avila and his attorneys. During this litigation, DPS acknowledged that its system generated monthly "overbroad and burdensome" letters to requestors automatically.

67. On information and belief, there are many other instances of DPS's failure to comply with IPRA by unlawfully claiming requests are excessively broad and burdensome to delay providing records.

68. Despite successful lawsuits against DPS for its practice of indefinitely delaying fulfilling requests by repeatedly claiming requests are "overly broad and burdensome," failing to properly communicate with requestors, and failing to provide the records within a reasonable timeframe, DPS remains undeterred and persists in these practices.

69. DPS's pattern and practice of delay in providing records by repeatedly claiming the requests are "broad and burdensome" is unreasonable and a violation of IPRA.

70. On information and belief, there are many other instances of DPS's failure to comply with IPRA by denying requests for records relating to ongoing investigations.

71. DPS's pattern and practice of denying public records requests on the basis the records relate

to ongoing investigations is a violation of IPRA and contrary to the Supreme Court's ruling in *Jones*.

Violations of the Inspection of Public Records Act
Counts I-II

72. Plaintiff incorporates the foregoing allegations of its complaint as if the same were fully set forth herein.
73. Section 14-2-1 of IPRA guarantees the right of every person to inspect public records of this state. NMSA 1978, § 14-2-1.
74. Section 14-2-5 of IPRA provides that “all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees. It is the further intent of the legislature, and it is declared to be the public policy of this state, that to provide persons with such information is an essential function of a representative government and an integral part of the routine duties of public officers and employees.” NMSA 1978, § 14-2-5 (1993).
75. The New Mexico Supreme Court has held that “[a] citizen has a fundamental right to have access to public records. The citizen's right to know is the rule, and secrecy is the exception. Where there is no contrary statute or countervailing public policy, the right to inspect public records must be freely allowed.” *State ex rel. Newsome v. Alarid*, 1977-NMSC-076, ¶ 34, 568 P.2d 1236.
76. DPS has a clear, nondiscretionary duty to “permit the inspection immediately or as soon as is practicable under the circumstances, but not later than fifteen days after receiving a written request.” NMSA 1978, § 14-2-8(D).
77. “If the inspection is not permitted within three business days, the custodian shall explain in writing when the records will be available for inspection or when the public body will

respond to the request.” *Id.* If timely inspection is not permitted, the person requesting the records may pursue the remedies provided in IPRA. NMSA 1978, § 14-2-11 (1993).

78. Only in the event that a written request is excessively burdensome or broad may a public body be permitted “an additional *reasonable* period of time” to comply with the request. NMSA 1978, § 14-2-10 (1993) (emphasis added).

79. IPRA requires records custodians to “diligently undertake their responsibility to process and fully respond to requests, including determining what public records are responsive to the request and what records or portions thereof may be exempt from disclosure, communicating the status of a request to the requester, and ultimately providing for inspection of all nonexempt records.” *Britton v. Office of Att’y Gen.*, 2019-NMCA-002, ¶ 31, 433 P.3d 320.

Count I

Violation of NMSA 1978, Sections 14-2-1 and 14-2-11 Plaintiff’s July 9, 2025, Request

80. DPS violated IPRA when it denied NMFOG’s July 9, 2025, request to inspect public records related to the investigation of the alleged assault at the CYFD office.

81. DPS told NMFOG it was unable to locate any responsive records to NMFOG’s request and closed the request.

82. Responsive records existed, however, as evidenced by the fact that DPS provided public records in response to identical requests made by *Searchlight New Mexico* and the *Santa Fe New Mexican* in October of 2025.

83. DPS’s refusal to permit inspection of the requested public records and its misleading statement that the records do not exist is a violation of NMFOG’s right to inspect public records of the state under Section 14-2-1 of IPRA. NMSA 1978, § 14-2-1.

84. Defendant’s failure to explain its denial of NMFOG’s IPRA request is a violation of Section

14-2-11 of IPRA and the appellate courts' command that custodians diligently search for records, outlined in *Britton. Britton*, 2019-NMCA-002, ¶ 31.

85. A custodian who fails to provide a written explanation of denial is subject to an action to enforce the provisions of the Inspection of Public Records Act and subject to statutory damages of up to \$100 per day. NMSA 1978, § 14-2-11.
86. The records requested by NMFOG are public records within the meaning of Section 14-2-6(H) of IPRA.
87. DPS's violations of IPRA require a remedy under Sections 14-2-11(C) and 14-2-12(D) (1993).

Count II

Violation of NMSA 1978 Sections 14-2-1 and 14-2-11
Plaintiff's May 9, 2025, IPRA Request

88. DPS violated IPRA when it refused to provide the OMI records in its possession in response to NMFOG's May 9, 2025, request to inspect public records.
89. NMFOG specifically requested the OMI records in DPS's possession, and DPS's failure to provide those records is a violation of NMFOG's right to inspect public records of the state under Section 14-2-1 of IPRA.
90. Even in the unlikely event DPS does not possess the requested records – a probability belied by its own records which indicate it does possess the requested OMI records – it should have forwarded NMFOG's request to proper custodian of those records. DPS' failure to do this violates Section 14-2-8(E) of IPRA.
91. In addition, by statute, DPS "shall have access to all records, data and information of other state departments, agencies and institutions, including its own organizational units, not specifically held confidential by law." NMSA 1978 § 9-19-7 (2015).
92. DPS's own investigative reports indicate that it possesses the requested OMI records. The

requested OMI records are public records within the meaning of Section 14-2-6 (H) of IPRA.

93. Defendant's failure to explain its denial of the requested OMI records in its possession is a violation of Section 14-2-11 of IPRA. NMSA 1978, § 14-2-11.

94. DPS's violations of IPRA require a remedy under Sections 14-2-11(C) and 14-2-12(D).

DPS's Pattern and Practice of Violating IPRA and Request for Injunction

95. DPS's persistent failure to comply with its statutory obligations to permit timely inspection of DPS's public records requires a remedy beyond fees, costs and fines ordinarily assessed in individual IPRA enforcement actions.

96. DPS continues to categorically withhold records related to ongoing investigations five years after the New Mexico Supreme Court ruled that withholding public records on this basis violates IPRA. DPS has demonstrated an unwillingness to comply with the law when confronted with this unlawful practice; therefore, DPS's pattern and practice is unlikely to change without intervention from the court.

97. DPS systematically delays access to its public records for months, even when the records exist at the time DPS receives the requests. DPS's persistent violations of IPRA's time limits and misuse of Section 14-2-10 – claiming requests are excessively broad and burdensome when they in fact are not – requires a remedy beyond fees, costs and fines, as DPS's pattern and practice is unlikely to change without intervention from the court.

98. Injunctive relief is appropriate to bring DPS into compliance with IPRA: (1) the character of the interest to be protected is the important statutory right to inspect public records; (2) an injunction is the only adequate remedy, as imposing statutory damages and requiring payment of attorney's fees and costs for DPS's violations of IPRA will not sufficiently deter DPS from committing future violations of IPRA; (3) Plaintiff has not delayed in bringing

suit; (4) Plaintiff has committed no misconduct; (5) the third-party interests of the right of all people and journalists to inspect DPS's public records will be harmed if DPS continues to violate IPRA; (6) the court may grant and enforce an injunction against DPS under Section 14-2-12(B); and (7) no hardship will befall DPS in being ordered to comply with state law it is already obligated to follow, and Plaintiff NMFOG will continue to experience a violation of its rights under IPRA if the injunction is denied. *Aragon v. Brown*, 2003-NMCA-126, ¶ 20, 78 P.3d 913, 918.

Prayer for Relief

WHEREFORE, Plaintiff NMFOG prays that the Court enter judgment in Plaintiff NMFOG's favor and against Defendant DPS for the following relief:

- A. An order directing DPS to satisfy the above-described IPRA requests in full;
- B. An award of damages, costs, and reasonable attorneys' fees under IPRA, NMSA 1978, Sections 14-2-11(C) and 14-2-12(D);
- C. An injunction to ensure DPS's future compliance with IPRA; and
- D. Such other relief as the Court deems just and proper.

Respectfully submitted,

NEW MEXICO FOUNDATION
FOR OPEN GOVERNMENT



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