

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT COURT

HAUSSAMEN PUBLICATIONS, INC.

Plaintiff,

D-307-CV-2018-01655
Judge Manuel I. Arrieta

v.

NEW MEXICO SPACEPORT AUTHORITY,

Defendant.

**DEFENDANT NEW MEXICO SPACEPORT AUTHORITY'S ANSWER TO
PLAINTIFF'S FIRST AMENDED COMPLAINT TO ENFORCE THE NEW MEXICO
INSPECTION OF PUBLIC RECORDS ACT AND FOR WRIT OF MANDAMUS**

Defendant, New Mexico Spaceport Authority, by and through its counsel of record, HOLT MYNATT MARTÍNEZ P.C. (Blaine T. Mynatt), submits the following Answer to Plaintiff's *First Amended Complaint to Enforce the New Mexico Inspection of Public Records Act and for Writ of Mandamus*.

PARTIES

1. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of Plaintiff's First Amended Complaint and therefore, denies the same.

2. Defendant admits the allegations in paragraph 2 of Plaintiff's First Amended Complaint.

JURISDICTION AND VENUE

3. No response is required to paragraph 3 and 4 of Plaintiff's First Amended Complaint, to the extent a response is required, the allegations are denied.

4. Defendant admits the allegations in paragraphs 5 and 6 of Plaintiff's First Amended Complaint.

FACTUAL ALLEGATIONS

5. No response is required to paragraph 7 of Plaintiff's First Amended Complaint. To the extent a response is required, the Defendant denies the allegations contained in paragraph 7.

6. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 8, 9, 10, 11 and 12 of Plaintiff's First Amended Complaint and therefore, denies the same.

COUNT I

NEW MEXICO INSPECTION OF PUBLIC RECORDS ACT (NMSA 1978 § 14-2-1, et. seq.)

(UNLAWFUL DENIAL OF REQUEST OR REFUSAL OR TO DISCLOSE)

7. No response is required to paragraph 13 of Plaintiff's First Amended Complaint. To the extent a response is required, Defendant denies the allegations contained in paragraph 13.

8. NMSA 1978 § 14-2-12 speaks for itself and Defendant therefore denies the remainder of the allegations set forth in paragraph 14 of Plaintiff's First Amended Complaint.

9. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 15 and 16 of Plaintiff's First Amended Complaint and therefore, denies the same.

10. Defendant denies the allegations contained in paragraph 17 of Plaintiff's First Amended Complaint.

COUNT II

NEW MEXICO PUBLIC RECORDS ACT (NMSA 1978 § 14-2-1, et. seq.)

(UNLAWFUL ASSESSMENT OF FEES TO COPY OR PRODUCE)

11. No response is required to paragraph 18 of Plaintiff's First Amended Complaint. To the extent a response is required, Defendant denies the allegations contained in paragraph 18.

12. NMSA 1978 § 14-2-9(C) speaks for itself and Defendant therefore denies the remainder of the allegations set forth in paragraphs 19 and 20 of Plaintiff's First Amended Complaint.

13. Defendant denies the allegations contained in paragraph 21 of Plaintiff's First Amended Complaint.

COUNT III

WRIT OF MANDAMUS OR ALTERNATE RELIEF

14. No response is required to paragraph 22 of Plaintiff's First Amended Complaint. To the extent a response is required, Defendant denies the allegations contained in paragraph 22.

15. Defendant denies the allegations contained in paragraphs 23 and 24 of Plaintiff's First Amended Complaint.

16. All allegations in Plaintiff's Complaint not specifically admitted herein are denied.

AFFIRMATIVE DEFENSES

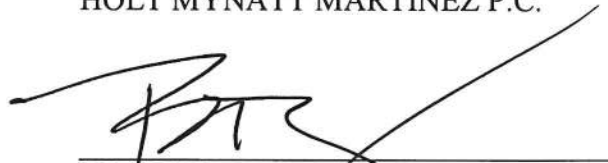
1. Defendant complied with the statutory requirements in good faith.
2. Defendant acted reasonably in responding to the records requests.
3. Plaintiff is not entitled to both statutory and actual damages.

4. Defendant reserves the right to amend its answer to include additionally discovered affirmative defenses.

WHEREFORE, having fully answered Plaintiff's First Amended Complaint, Defendant respectfully request that Plaintiff's First Amended Complaint be dismissed with prejudice; that Defendant be awarded their costs and attorney's fees; and that the Court provides for such other and further relief as the Court deems appropriate under the circumstances.

Respectfully submitted,

HOLT MYNATT MARTÍNEZ P.C.

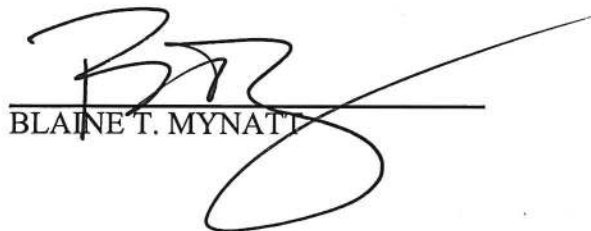


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CERTIFICATE OF SERVICE

I hereby certify that on this 19 day of October 2018, I served a true and correct copy of the foregoing pleading to all counsel of record via the Odyssey File and Serve System.

C.J. McElhinney
cjm@cjmlawfirm.com



BLAINE T. MYNATT