

Description D-725-CV-2014-05

STATE OF NEW MEXICO  
SEVENTH JUDICIAL DISTRICT  
COUNTY OF SOCORRO

STATE OF NEW MEXICO  
SEVENTH JUDICIAL DISTRICT COURT  
FILED

FEB 7 2014 11:50 a.m.  
*Virginia Huva*  
COURT CLERK

HON. MATTHEW G. REYNOLDS  
DIVISION II

MONITOR, PATRICK O'NEAL AVALOS #214 *[Signature]* BY \_\_\_\_\_ DEPUTY

CASE: CHARLES WAGNER V. BRUCE E. WIGGINS  
CAUSE NO.: D-0725-CV-2014-05  
HEARING: TEMPORARY RESTRAINING ORDER HEARING  
ATTORNEYS: PRO SE; PATRICIA GREENE WILLIAMS

STARTING TIME: 1:35:15 PM  
ENDING TIME: 2:31:40 PM

NOTE: THIS LOG IS NOT THE OFFICIAL RECORD. THE OFFICIAL RECORD IS THE CD. THE LOG IS CREATED TO ASSIST IN LOCATING INFORMATION ON THE CD. THE LOG IS NOT THE VERBATIM RECORD OF THE PROCEEDINGS .

LEGEND:

J - JUDGE DEX - DIRECT EXAMINATION BW - BENCH WARRANT P -  
PLAINTIFF'S ATTY XEX - CROSS EXAMINATION OBJ - OBJECTION D -  
DEFENDANT'S ATTY  
VD - VOIR DIRE EXAMINATION O - OVERRULED PLF - PLAINTIFF  
RB - REBUTTAL EXAMINATION S -SUSTAINED  
DFT -DEFENDANT RDEX - RE-DIRECT EXAMINATION  
IVR - INVOKE THE RULE W1-WITNESS NO. RXEX - RE-CROSS  
EXAMINATION M - MONITOR

Date

2/6/2014 Location SOCD CR 2

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>1:36:15 PM</u>	J	OTR
<u>1:36:16 PM</u>	J	CHARLES WAGNER V. BRUCE E. WIGGINS; D-0725-CV-2014-05
<u>1:36:16 PM</u>	J	<b>PRESENT: CHARLES WAGNER, D- PATRICIA WILLIAMS FOR DFT- BRUCE E. WIGGINS</b>
<u>1:37:04 PM</u>	J	I REMEMBER DOING A RESTRAINING ORDER BEFORE- REGARDING THE GRAPES- SO THINGS ARE NOT PEACEFUL IN THE BOARD MEETINGS-
<u>1:37:29 PM</u>	PLF	I PREPARED A BRIEF HERE - THIS WILL COVER MY COMPLAINT-
<u>1:38:05 PM</u>	J	DID I SIGN OFF ON A TEMPORARY RESTRAINING ORDER-
<u>1:38:17 PM</u>	D	THE ONLY THING FILED WAS THE TRO- WE FILED A RESPONSE-
<u>1:38:36 PM</u>	J	WHEN IS THE NEXT MEETING FOR THE
<u>1:38:44 PM</u>	PLF	4TH MEETING OF FEBRUARY IN THE AFTERNOON-
<u>1:39:02 PM</u>	D	I HAVE NO PROBLEM WITH THE PLF READING-
<u>1:40:19 PM</u>	D	ARE WE GOING TO HAVE THE PLF UNDER OATH WHEN READING THIS
<u>1:40:37 PM</u>	J	PLF- TO GET ON THE WITNESS STAND-
<u>1:40:49 PM</u>	D	THERE IS A PRELIMINARY MATTER- PLF DOES NOT HAVE STANDING-
<u>1:41:08 PM</u>	J	I READ SOME OF THIS
<u>1:41:16 PM</u>	J	<b>SWEARS IN PLF- CHARLES WAGNER</b>
<u>1:41:37 PM</u>	PLF	<b>I AM ASKING FOR THIS RESTRAINING ORDER- READS THE BRIEF/ DOCUMENT-</b>
<u>1:43:08 PM</u>	PLF	<b>CONTINUES TO READ- I REQUEST THE RESTRAINING ORDER-</b>
<u>1:44:59 PM</u>	PLF	THAT IS AS MUCH AS I HAVE TO SAY ABOUT THIS- GIVES A BRIEF HISTORY- BOARD OF SCC- MEETINGS TO BE OPEN TO THE PUBLIC OR PRESS- INSPECTION OF RECORDS-HALF A MILLION DOLLARS SPENT ON TRUSTEE'S- THEY DID NOT OBEY THE JUDGES ORDER TO HAVE OPEN MEETINGS UNDER THE OPEN MEETINGS ACT-
<u>1:46:41 PM</u>	D	<b>OBJ</b> THE COOP IS NOT ON TRIAL
<u>1:46:59 PM</u>	J	IT IS AGAINST MR WIGGINS-
<u>1:47:06 PM</u>	PLF	DFT HAS JOINED IN WITH THE BOARD-
<u>1:47:37 PM</u>	J	WHAT SPECIFICALLY HAS THE DFT DONE TO YOU

<u>1:47:46 PM</u>	PLF	DFT HAS CALLED THE POLICE ON ME- IT WAS DURING THE 4TH WEEK IN JANUARY- IT HAPPENS FREQUENTLY- I MAKE MY PROTEST KNOWN-THIS WAS AT OUR BOARD MEETING BETWEEN 5 AND 7 PM
<u>1:48:45 PM</u>	J	WHAT WAS THE MOST FREQUENT MEETING
<u>1:48:59 PM</u>	PLF	LAST JANUARY- I GAVE TO THE SHERIFF'S DEPUTY JARAMILLO A PAPER THAT SHOWS THEY CANNOT REMOVE ME UNLESS THERE IS RESTRAINING ORDER-
<u>1:49:48 PM</u>	J	WHAT DOES A PROTEST MEAN TO YOU-
<u>1:50:16 PM</u>	J	WE ARE TALKING ABOUT A JANUARY 2014 MEETING-
<u>1:50:34 PM</u>	PLF	THIS WAS PROBABLY IN DECEMBER 2013-
<u>1:50:43 PM</u>	J	SO A MONTH AND A HALF AGO-
<u>1:51:05 PM</u>	J	DID THEY TELL YOU WHY YOU WERE GOING TO BE REMOVED FROM THE MEETING-
<u>1:51:21 PM</u>	PLF	DFT TOLD ME I HAD TO LEAVE-
<u>1:51:32 PM</u>	PLF	I PROTESTED LEAVING- THEN I COOPERATED WITH THE OFFICER-
<u>1:51:47 PM</u>	J	SO 6 TRUSTEES WERE IN FAVOR OF YOUR REMOVAL-
<u>1:52:01 PM</u>	PLF	YES-
<u>1:52:03 PM</u>	J	THIS WAS DONE BY DFT'S REQUEST- THIS HAS HAPPENED ABOUT 20 OR 30 TIMES- STARTED IN THE MIDDLE OF 2012-
<u>1:52:39 PM</u>	PLF	YES- AND I WANT IT TO STOP- THE ALLEGATIONS THAT I RECORDED MEETINGS AND I DID- AND I VIOLATED THE CONFIDENTIALITY OF THE MEETINGS- LORNA WIGGINS VIOLATED THAT- THE ATTORNEY MISSED A SMALL PORTION OF THE RECORD- ANOTHER JUDGE THREW THAT OUT
<u>1:54:22 PM</u>	J	IS THAT CASE STILL GOING ON-
<u>1:54:34 PM</u>	J	ARE THERE ANY OTHER LAWSUITS-
<u>1:54:41 PM</u>	PLF	AT THE PRESENT TIME NO OTHER LITIGATION THAT I KNOW ABOUT-
<u>1:55:19 PM</u>	D	MOVES FOR A CLAIM OTHER THAN HIMSELF
<u>1:55:56 PM</u>	J	<b>WE ARE JUST DEALING WITH MR WIGGINS HAVING CHARLES WAGNER REMOVED</b>
<u>1:56:25 PM</u>	J	<b>THE CAPTION COUNTS- CHARLES WAGNER V. BRUCE E. WIGGINS</b>
<u>1:56:45 PM</u>	D	THERE IS NOTHING TO PROHIBIT-
<u>1:56:54 PM</u>	D	<b>DEX-PLF- DID YOU PREPARE THIS DOCUMENT-</b>
<u>1:57:03 PM</u>	PLF	YES I DID-
<u>1:57:32 PM</u>	PLF	LORNA WIGGINS HAS NOT COME BACK TO THE BOARD MEETINGS- BUT THE ACTION THEY ARE TAKING AGAINST ME IS THE SAME- ALLEGATIONS GO BACK TO 2010-

<u>1:58:18 PM</u>	PLF	ONLY THE EXECUTIVE SESSIONS IS WHEN I AM REMOVED-
<u>1:58:38 PM</u>	PLF	THEY WERE SUPPOSE TO REDACT
<u>1:59:09 PM</u>	D	BUT YOU RELEASED CONFIDENTIAL RECORDINGS FROM THE EXECUTIVE SESSIONS-
<u>1:59:26 PM</u>	D	YOU DO UNDERSTAND THERE IS PROHIBITION- FROM AN EXECUTIVE SESSION-
<u>1:59:37 PM</u>	PLF	YES-
<u>1:59:55 PM</u>	D	UNDER WHAT RIGHT DO YOU HAVE THE RIGHT TO RECORD EXECUTIVE SESSIONS-
<u>2:00:19 PM</u>	D	SCC-
<u>2:01:11 PM</u>	PLF	I AM NOT SURE IF IT IS THE SAME-
<u>2:01:26 PM</u>	PLF	I COULD NOT EXERCISE MY RIGHTS AS A TRUSTEE
<u>2:01:55 PM</u>	D	ON APRIL 4TH 2014 IS WHEN THE ORDER WAS ENTERED BY JUDGE REYNOLDS-
<u>2:02:25 PM</u>	PLF	YES
<u>2:02:39 PM</u>	D	BUT YOU ARE NOT BRINGING THAT COMPLAINT AGAINST THE COOPERATIVE BUT YOU ARE BRINGING IT AGAINST THE DFT
<u>2:03:03 PM</u>	PLF	YES
<u>2:03:07 PM</u>	D	HE DID NOT SENSOR YOU-
<u>2:03:16 PM</u>	D	YOU ARE SPECULATING NOW- AREN'T YOU-
<u>2:03:43 PM</u>	PLF	I KNOW THAT THE BOARD SELDOM UNDERSTANDS THE PROCESS THEY ARE GETTING INTO- THEY
<u>2:04:02 PM</u>	D	THAT IS THE ROLL OF THE ATTORNEY- IS IT A SENTENCE IN A PLEADING-
<u>2:04:30 PM</u>	PLF	SOME WOULD AND SOME WOULD NOT-
<u>2:04:38 PM</u>	D	I WANT A SPECIFIC DOCUMENT-
<u>2:04:57 PM</u>	PLF	TALKS ABOUT THE VOTING PROCESS- INFORMATION ABOUT THE CANDIDATES AND THE PHOTOS- THAT HAD TO BE EXPLAINED TO THE BOARD-
<u>2:06:25 PM</u>	D	I NEED A SPECIFIC SENTENCE THAT NEEDED SPECIFIC LEGAL ADVICE
<u>2:06:49 PM</u>	PLF	THERE IS ONE SENTENCE IN MY BRIEF- STARTS ON PAGE 4 AT THE BOTTOM- BI-LAW AMENDMENTS- PAGE 5- BI-LAWS ARE ALSO SILENT-
<u>2:08:02 PM</u>	PLF	THAT WAS MS WIGGINS
<u>2:08:17 PM</u>	D	THAT WAS NOT DFT BRUCE WIGGINS
<u>2:08:31 PM</u>	PLF	ONLY THAT HE GIVES INSTRUCTION TO THE BOARD ON HOW TO DO IT OR NOT- I HAVE A DISK WITH THE VIDEO AND I COULD LEAVE IT WITH THE JUDGE SO THAT HE CAN VIEW IT-
<u>2:09:15 PM</u>	D	IS IT A BOARD ACTION-

<u>2:09:24 PM</u>	D	DO THEY VOTE- WHO MAKES THE POLICY OF WHAT SCC IS GOING TO BE-
<u>2:09:49 PM</u>	PLF	THE BOARD
<u>2:09:55 PM</u>	D	GIVE ME AN EXAMPLE OF HOW THE DFT
<u>2:10:13 PM</u>	D	YOU HAVE ADMITTED THAT THE BOARD HAS REMOVED YOU FROM EXECUTIVE SESSION
<u>2:10:35 PM</u>	PLF	YES
<u>2:10:37 PM</u>	PLF	HERE ARE THINGS THAT HAVE PREVENTED ME FROM FILING AGAINST THE COOPERATIVE-
<u>2:11:01 PM</u>	D	SO YOU ARE TRYING TO BACK DOOR THAT PROCESS HERE TODAY
<u>2:11:15 PM</u>	PLF	YES
<u>2:11:17 PM</u>	PLF	I AM INTERESTED IN WHAT IS IN THE BEST INTEREST OF THE COOPERATIVE- I WOULD HAVE TO INCLUDE MS WIGGINS HERE TODAY IN THIS CASE-
<u>2:11:36 PM</u>	D	YOU CANNOT SUE MS WIGGINS TODAY
<u>2:12:13 PM</u>	J	D- YOU ARE A LITTLE AGGRESSIVE HERE TODAY-
<u>2:12:30 PM</u>	D	SO YOU CANNOT GIVE ME AN EXAMPLE OF PERSECUTION
<u>2:12:48 PM</u>	PLF	PERSECUTION - HARASSMENT-
<u>2:13:15 PM</u>	D	GIVE ME AN EXAMPLE OF MR WIGGINS ORDERING THE OFFICER TO REMOVE YOU- IMPORTANCE OF BEING AN OFFICER- FORFEITED MONEY GOES INTO THE FOUNDATION- THAT FOUNDATION HAS BEEN ACCUSED OF NEPOTISM- MR WIGGINS WANTED 3 OFFICERS TO GET RID OF ME
<u>2:16:18 PM</u>	D	DID MR WIGGINS VOTE-
<u>2:16:28 PM</u>	PLF	HE WAS NOT ENTITLED TO VOTE-
<u>2:16:35 PM</u>	J	LETS STOP FOR A MOMENT-
<u>2:16:40 PM</u>	J	PARTIES TO RETURN TO THEIR SEATS-
<u>2:17:09 PM</u>	J	<b>DFT HAS A COMPLETE DEFENSE- THE ENTITY IS THE SOCORRO ELECTRIC COOPERATIVE THAT SHOULD BE NAMED STATED BY D- THEREFORE I CANNOT MAKE A DECISION TODAY-</b>
<u>2:18:22 PM</u>	PLF	MAY I ADD SOMETHING ABOUT THE BI-LAWS-
<u>2:18:31 PM</u>	J	YOU HAVE NOT BEEN REMOVED- YOU ARE LIMITED-
<u>2:18:46 PM</u>	J	THERE IS A DIFFERENCE BETWEEN CRIMINAL AND NON LEGAL- AS TO RECORDING SECRET SESSIONS- D POINTED OUT THAT YOU ARE BACK DOORING IT-

<u>2:20:47 PM</u>	J	I WILL NOT GRANT A TEMPORARY RESTRAINING ORDER AGAINST THE DFT- I AM NOT HERE TO SAY PLF DID WRONG IN TAPE RECORDING UNTIL THERE IS A CASE AGAINST CHARLES WAGNER V. SOCORRO ELECTRIC COOPERATIVE- VISA/VERSA IS THAT SOMETHING YOU WISH TO DO PLF
<u>2:21:56 PM</u>	PLF	I WOULD HAVE TO GET AN ATTORNEY AND GIVE IT SOME THOUGHT-
<u>2:22:27 PM</u>	J	IN THE PAST I REPRESENTED BIG CORPORATIONS AND PERSONS
<u>2:23:34 PM</u>	J	PLF- IF YOU GO BACK- YOU PLAN ON VIDEO TAPING AND RECORDING
<u>2:23:51 PM</u>	PLF	NOT THAT THERE IS A POLICY- I WOULD RESPECT THE POLICY- I TAKE NOTES AND I NEVER PLANNED ON REVEALING-
<u>2:24:31 PM</u>	J	THE PROBLEM IS- IF YOU WOULD NOT HAVE
<u>2:24:52 PM</u>	PLF	MY REASON FOR TAPING MEETINGS IS BECAUSE THEY WERE INTENDING ON FRAMING ME- SINCE THERE IS A RULE NOW- I CAN ABIDE BY THE RULE-
<u>2:25:29 PM</u>	J	D- I AM NOT TRYING TO BIND THE SOCORRO ELECTRIC COOPERATIVE-
<u>2:26:05 PM</u>	J	I FIND THE ONLY PURPOSE TO RECORD IN CLOSED MEETINGS IS BECAUSE THEY PLAN ON REVEALING- STATES WHAT THE REASON FOR EXECUTIVE SESSION IS- GO TO THE NEXT SESSION AND SEE WHAT GOES ON- IF YOU ARE WILLING TO ABIDE BY THE POLICY- CONFIDENTIALITY OF THE EXECUTIVE SESSIONS- TALKS ABOUT OUR COUNTRY- DEMOCRACY-
<u>2:29:17 PM</u>	J	<b>I WILL DENY THE TEMPORARY RESTRAINING ORDER- THE PROPER PARTIES ARE NOT NAMED</b>
<u>2:30:34 PM</u>	J	THIS IS THE ORDER- THE APPLICATION FOR PRELIMINARY INJUNCTION IS DENIED WITH PREJUDICE BECAUSE THE NECESSARY PARTY IS NOT NAMED IN THE COMPLAINT- SOCORRO ELECTRIC COOPERATIVE-
<u>2:31:40 PM</u>	J	<b>HEARING CONCLUDED</b>