

**STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT**

**PALINDROME COMMUNITIES, LLC,
A Nevada limited liability company;
PALINDROME PROPERTIES GROUP, LLC;
a Nevada limited liability company; and
TRAILHEAD AT CHAMIZAL, LLLP;
a New Mexico limited liability limited partnership,**

Petitioners,

v.

Case No. D-202-CV-2024-00118

**JOE D. CRAIG, in his official capacity as Mayor
of the Village of Los Ranchos de Albuquerque; and
JENNIFER M. KUEFFER, in her official capacity as
Trustee of the Village of Los Ranchos de Albuquerque;
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE,
a New Mexico Municipal Corporation,**

Respondents.

**VILLAGE OF LOS RANCHOS DE ALBUQUERQUE,
a New Mexico Municipal Corporation,**

Petitioner,

v.

Case No. D-202-CV-2024-04849

**PALINDROME COMMUNITIES, LLC,
A Nevada limited liability company;
PALINDROME PROPERTIES GROUP, LLC,
a Nevada limited liability company; and
TRAILHEAD AT CHAMIZAL, LLLP,
a New Mexico limited liability limited partnership,**

Respondents.

ORDER

THIS MATTER came before this Court on July 12, 2024 and July 23, 2024 upon Petitioners Palindrome Communities, LLC, Palindrome Properties Group, LLC, and Trailhead at Chamizal, LLLP's ("Palindrome") Second Verified Petition for Temporary Restraining Order, Preliminary and Permanent Injunction, and Emergency Stay of Execution filed May 29, 2024 ("Palindrome's Second Petition"), and Petitioner Village of Los Ranchos de Albuquerque's ("Village") Verified Complaint and Petition for a Temporary Restraining Order, Preliminary Injunction, and Declaratory and Injunctive Relief filed June 6, 2024 ("Village's Petition"). Palindrome's agent and representative, Chad Rennaker, appeared and was represented by Robles, Rael & Anaya, P.C. (Marcus J. Rael, Jr. and Jessica L. Nixon), and the Village of Los Ranchos and Village's Trustee, Jennifer Kueffer, appeared and was represented by the Ward Law Firm (Vincent J. Ward) and Lozano Law Firm, LLC (Larissa M. Lozano). The Court, having reviewed Palindrome's Second Petition, the Village and Trustee Kueffer's Response in Opposition to Palindrome's Second Petition, the Village's Petition, and Palindrome's Response in Opposition to the Village's Petition, having taken evidence presented by the parties, having heard oral argument of the parties, and being otherwise fully advised in the premises, **FINDS** that Palindrome's Second Petition should be granted in part and denied in part, and that the Village's Petition should be denied.

The Court further **FINDS** as follows:

1. Palindrome has established that Trustee Kueffer has expressly spoken out against Palindrome's development of Village Center, both generally and specifically.
2. There can be little doubt that Palindrome will not receive impartiality from Trustee Kueffer based on her strong opposition to and prejudgment of the Village Center project at issue.

3. There is also no doubt that Trustee Kueffer does not intend to recuse herself based on her response to Palindrome's Petition in this case where she expressly argues that she does not have a conflict of interest.
4. Trustee Kueffer's actions, including participating in a protest of the Palindrome project, making both specific and general public comments about the Palindrome project, publishing an opinion piece in the Albuquerque Journal specifically critiquing the Palindrome project, and calling the Palindrome project both a "behemoth" and a "monstrosity" have, at the very least, given rise to an appearance of impropriety.
5. Failure to disqualify a Trustee who prejudged the merits of a particular matter is a plain denial of due process of law under the 5th and 14th amendments of the United States Constitution and under Article 2, Section 18 of the New Mexico Constitution.
6. Because the denial of the constitutional right of due process is *per se* an irreparable injury, Palindrome has established an affirmative prospect of a due process violation, and going through the time and expense of an appeal is not practical and efficient to the ends of justice.
7. An unbiased decision-maker is paramount and outweighs any speculative harm to the Village.
8. An injunction will serve the public interest of ensuring that its local governing body is not violating a party's constitutional guarantee to procedural due process.
9. Because Palindrome is only seeking equitable relief, this Court has addressed the merits of its claims in the ruling herein.
10. The Village has failed to demonstrate that it will suffer irreparable injury unless their requested injunction is granted, as the fact that the Village can enforce their ordinances

demonstrates an adequate remedy at law. Enforcement is a legal remedy, and this right is provided for in statute.

11. The great weight of the harm Palindrome will suffer as a result of granting the Village's injunction, including a due process violation and great economic injury and financial harm, outweighs the harm Village's injury of having to wait to get a decision on its enforcement of its ordinances.
12. This Court is unable to determine whether granting the Village's request for an injunction will be in the public interest.
13. This Court is similarly unable to determine at this time whether there is a substantial likelihood that the Village will prevail on the merits of its enforcement action.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. Palindrome's Second Petition is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Palindrome's request to permanently enjoin Trustee Kueffer from taking quasi-judicial action as it relates to Palindrome is **GRANTED**;
 - b. Palindrome's request to enjoin the Village from seeking injunctive relief is **DENIED**;
 - c. All other relief requested by Palindrome is **DENIED**.
2. The Village's Petition for injunctive relief to stop construction of the Village Center Project is **DENIED**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Palindrome must participate in the Village's process to cure the violation of the Open Meetings Act. Within ten (10) days after the July 23, 2024 hearing, Palindrome must initiate the process with the Village of Los

Ranchos to cure the violation of the Open Meetings Act. Upon initiation of the process by Palindrome, the Village must complete the process to cure the violation of the Open Meetings Act related to approval of the Site Development Plans for the Project within forty-five (45) calendar days. The Village may seek an extension from the Court if the approval process cannot be lawfully completed within forty-five (45) calendar days.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Palindrome and the Village of Los Ranchos shall participate in mediation regarding any additional disputes related to the approval process to cure the violation of the Open Meetings Act required by this Order with the Honorable Nan Nash.

IT IS SO ORDERED.



THE HONORABLE ELAINE P. LUJAN
DISTRICT COURT JUDGE

RESPECTFULLY SUBMITTED BY:

ROBLES, RAEL & ANAYA, P. C.

/s/ Jessica L. Nixon

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