

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

BL SANTA FE, LLC

Plaintiff,

Case assigned to Mathew, Francis J.

v.

Case No. D-101-CV-2025-01686

**PROTECT TESUQUE INC., RUSTY DAY,
JAMIE GAGAN, BERNADETTE ROMERO,
MARK DECAMP, KATHLEEN BRYAN,
CLARA DOUGHERTY, FRANK MORBILLO,
VINCE JARAMILLO, QUINN EVANS,
JOANNA ANGIE, ERIC SIROTKIN,
CHRISTOPHER ROMERO**

Defendants.

**VERIFIED COMPLAINT
AND REQUEST FOR INJUNCTIVE RELIEF**

INTRODUCTION

This matter involves Protect Tesuque, Inc., and its members' (collectively, "Defendants") ongoing dangerous obstruction of traffic, harassment, trespass, and invasion of privacy at and near the Bishop's Lodge Resort ("Lodge"), which is located on State Road 590/Bishop's Lodge Road¹. Defendants organize unpermitted, loud, dangerous, and disruptive demonstrations at least one day per week, usually on Saturdays, near the Lodge entrance and exit. These demonstrations include placing orange traffic cones into and blocking a lane of traffic—on a blind corner—that is the

¹ State Road 590 and Bishop's Lodge Road are one-in-the-same. Accordingly, BL Santa Fe uses State Road 590 and Bishop's Lodge Road interchangeably in this Complaint.

entrance into the Lodge; using vehicles and people to recklessly impede traffic entering into and travelling on State Road 590/Bishop's Lodge Road near the entrance/exit of the Lodge; stopping traffic on Bishop's Lodge Road to disseminate information about the demonstration; and blowing car horns and playing drums for multiple hours at a time a few hundred feet from the Lodge's guest accommodations. Defendants' activities are a nuisance and cause significant disruption to both the Lodge and its guests, but, above all, the activities create dangerous driving conditions on Bishop's Lodge Road, whereby protesters, members of the public travelling on Bishop's Lodge Road, or Lodge guests could be seriously injured.

Plaintiff brings this Action to seek a safety buffer, outside which Defendants may continue their activities without endangering people, disrupting the flow of traffic on State Road 590/Bishop's Lodge Road, and threatening the peace of the Lodge and surrounding area. Plaintiff further seeks protection from ongoing harassment and invasion of privacy.

Plaintiff BL Santa Fe states the following verified allegations:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff BL Santa Fe is a foreign corporation authorized to do, and doing, business in New Mexico. BL Santa Fe owns and operates the Bishop's Lodge Resort, located at 1297 Bishop's Lodge Road, Santa Fe, NM 87506.

2. Tesuque Village is a census-designated area in Santa Fe County.

3. Defendant Protect Tesuque is a 501(c)(3) nonprofit organization consisting of an uncertain number of members, agents, and affiliates. As named in this Verified Complaint, "Protect Tesuque" shall include all members, agents, and affiliates in addition to the individually named Defendants.

4. Defendant Rusty Day is a board member and Director of Protect Tesuque and

resides in Tesuque Village.

5. Defendant Jamie Gagan is a board member and Director of Protect Tesuque and, upon information and belief, resides in Tesuque Village.

6. Defendant Bernadette Romero is a board member and Outreach Coordinator of Protect Tesuque and resides in Tesuque Village.

7. Defendant Mark DeCamp is the Secretary of Protect Tesuque and resides in Tesuque Village.

8. Defendant Kathleen Bryan is the Treasurer of Protect Tesuque.

9. Defendant Clara Dougherty is a board member of Protect Tesuque and, upon information and belief, resides in Tesuque Village.

10. Defendant Eric Sirotkin is a member of the Protect Tesuque Steering Committee and resides in Tesuque Village.

11. Defendant Frank Morbillo is a Tesuque Village resident, and upon information and belief, a member of Protect Tesuque, and resides in Tesuque Village.

12. Defendant Vince Jaramillo is a Tesuque Village resident, and upon information and belief, also a member of Protect Tesuque.

13. Defendant Quinn Evans is a Tesuque Village resident.

14. Defendant Joanna Angie is a Tesuque Village resident, and upon information and belief, also a member of Protect Tesuque.

15. Defendant Christopher Romero is a Tesuque Village resident.

16. Each of the Defendants listed in Paragraphs 4–15 is actively involved in demonstrations and protests against the Lodge and/or have expressed an intent to continue engaging in protest activities indefinitely.

17. This matter concerns Defendants’ protests and demonstrations occurring at and near the entrance and exit to the Lodge that create hazardous driving conditions on Bishop’s Lodge Road, harass employees and guests, and are occurring without a permit or any other authorization as well as illegal trespass and invasion of privacy caused by drones operated by Protect Tesuque above Lodge property.

18. Jurisdiction and venue are appropriate in First Judicial District Court because the harm is occurring in this District. NMSA 1978, § 38-3-1(A), (D), (E) & (F).

FACTUAL BACKGROUND

19. The Lodge is an historical resort located near Tesuque Village in Santa Fe County, New Mexico, offering guest accommodations and excursions.

20. Over the last year, the Lodge has been engaged in a permitting process with the New Mexico Environment Department’s–Groundwater Water Quality Bureau (“NMED-GWQB”) related to the renewal and modification of its groundwater discharge permit.

21. The groundwater discharge permit allows the Lodge to (1) receive, treat, and discharge fully treated wastewater to the ground; (2) construct, operate, and maintain its wastewater treatment facilities, described below; and (3) reuse fully treated wastewater—called “reclaimed water”—on-site at the Lodge for irrigation to conserve potable freshwater.

22. The Lodge has had a groundwater discharge permit in place since 1979. The Lodge currently has a groundwater discharge permit in place, which is the Lodge’s seventh (7th) groundwater discharge permit issued since July 1979.

23. The Lodge’s existing permit expired by operation of law in 2019, and in accordance with New Mexico law, the Lodge applied for a renewal and modification—to account for its new

wastewater treatment plant facilities, described below, and to reuse water for on-site irrigation—of the existing discharge permit.

24. In July 2024, the Lodge built a state-of-the-art wastewater treatment plant, called a Membrane BioReactor wastewater treatment plant (“MBR Treatment Plant”), on-site at the Lodge.

25. The MBR Treatment Plant replaced antiquated wastewater treatment facilities, some of which had been installed in the late 1970s.

26. The MBR Treatment Plant receives and treats wastewater from the Lodge and an adjacent subdivision, called the “Hills & Villas” because there is no municipal wastewater treatment system available in Tesuque Village.

27. The MBR Treatment Plant is also subject to the above-described groundwater permitting process that is ongoing with the NMED-GWQB.

28. Since the Lodge’s MBR Treatment Plant went operational in September 2024, the Lodge has monitored and sampled its wastewater and background groundwater quality at the Lodge, in accordance with its groundwater discharge permit requirements.

29. This sampling demonstrates that the MBR Treatment Plant effluent meets all New Mexico water quality standards and limits prescribed in the Lodge’s NMED-GWQB-issued permit.

30. The sampling also demonstrates that the Lodge’s effluent discharge is not degrading groundwater quality in the Tesuque Valley Basin.

31. Protect Tesuque formally challenged the Lodge’s renewed and modified NMED-GWQB groundwater discharge permit.

32. On May 19 and 20, 2024, Defendants, BL Santa Fe, and the NMED-GWQB participated in a multi-day hearing before the Secretary of the Environment Department's designee on Defendants' challenges to the NMED-GWQB permit.

33. During this multi-day hearing, the Lodge presented substantial expert testimony and Defendants, similarly, had the opportunity to present any and all technical evidence it desired to demonstrate that the Lodge's groundwater discharge permit should not be renewed for an eighth (8th) time.

34. Defendants, despite being represented by counsel both before and during the hearing, offered no expert testimony, called no witnesses, and provided no evidence to substantiate their claims or refute the extensive expert testimony presented by NMED and the Lodge during this hearing to demonstrate that the groundwater discharge permit should not be renewed/modified for the eighth (8th) time.

35. Defendants merely made public comments during the hearing and repeated unsubstantiated, impassioned allegations about environmental harm and threats to people despite days of expert testimony from both BL Santa Fe and the NMED-GWQB to the contrary.

36. For example, Defendants stated during public comment that the proposed permit will allow discharge of wastewater contaminated with "pharmaceuticals, endocrine disrupters, PFAS, and treated wastewater with contaminants that have serious adverse effects on our health[]" and that the Lodge is "poison[ing] the water and aquifers." May 19, 2025 Hearing Transcript ("Hrg. Trs. I") at 51:17-25; 52:1-2; 52:5; 53:21-25; 154:12-15; 162:1-5; 162:12-13 and; 190:16-17. Defendants also admitted under oath during the hearing that they instigate and participate in protests at the Lodge meant to disturb the Lodge's guests.

37. Defendant Quinn Evans stated, under oath, that he and Protect Tesuque “will continue to protest this until Juniper Capital behaves responsibly.”² May 20, 2025 Hearing Transcript (“Hrg. Trs. II”) at 336:7–9; 337:3–8.

38. Defendant Joanna Angie boasted that she is “the person who started the protest, and I will stand. I am a tenacious person; I am not a quitter.” Hrg. Trs. II at 392:15–17. She also proudly testified that her protesting includes playing loud drums near the Lodge’s entrance and exit. *Id.* 23–24.

Lodge Entrance, Exit, and Boundary

39. The Lodge entrance and exit are located on Bishop’s Lodge Road, also known as New Mexico State Road 590.

40. Specifically, the entrance to and exit from the Lodge is on a steep downhill curve with no down-road visibility, *i.e.*, on a blind curve.

41. State Road 590 is a public road.

42. At the location of the entrance to and exit from the Lodge, Bishop’s Lodge Road is separated by a double yellow line.

43. Coming from the Plaza, proceeding north/northeast on State Road 590, just before the Lodge’s entrance, the speed limit decreases from 50 miles per hour to 35 miles per hour.

44. The righthand side of the road near the entrance includes a deceleration lane.

45. Using the deceleration lane, vehicles entering the Lodge from the top of the hill can safely move into the right-hand-turn deceleration lane, rather than slow down or completely stop from the middle of a blind curve on State Road 590.

² While unclear, Mr. Evans is likely referring to Juniper Investment Advisors, a company that obtained ownership of the Lodge in a bankruptcy proceeding in 2021.

46. The Lodge's entrance is a private cobblestone bridge that abuts the road at a 90-degree angle. The bridge is the Lodge's property.

Harassment and Unpermitted Protests at the Lodge

47. In addition to the formal challenge filed with the NMED-GWQB, Defendants regularly organize protests, post and waive inflammatory signs with false statements along Bishop's Lodge Road, and make public statements to the media and online about the Lodge's wastewater treatment plant and proposal to renew/modify its groundwater discharge permit with the NMED-GWQB.³

48. Beginning approximately eight months ago, Defendants began organizing demonstrations in front of the Lodge every Saturday.

49. Recently, however, these demonstrations have become more disruptive and hazardous to the demonstrators, pedestrians in the area looking to enjoy the nearby hiking trails, the Lodge's guests, and those that live in the area.

50. On several occasions lately, Defendants placed orange traffic cones in the deceleration lane to prevent vehicles from turning into the Lodge.

³ See, e.g., Morbillo, Frank, "Bishop's Lodge Owners Aren't Respecting My Neighbors," *Santa Fe New Mexican*, April 19, 2025, https://www.santafenewmexican.com/opinion/my_view/bishops-lodge-owners-arent-respecting-neighbors/article_bc1d06e8-2ea7-467d-ab6c-649ab9ceaedf.html (last accessed June 9, 2025); Morbillo, Frank "Class 1A effluent is intended for irrigation or industrial use," *Santa Fe New Mexican*, June 7, 2025, https://www.santafenewmexican.com/opinion/my_view/class-1a-effluent-is-intended-for-irrigation-or-industrial-use/article_ff3ed488-347b-48c9-81ee-1cfb646d0c44.html (last accessed June 9, 2025); Dodd, Cormac, "Is Bishop's Lodge using a new leach field? Tesuque residents think so," *Santa Fe New Mexican*, <https://www.yahoo.com/news/bishops-lodge-using-leach-field-043400115.html> (last accessed June 9, 2025) (quoting Defendant Dr. Quinn Evans); Olague, Bela, "Permit hearing for wastewater project near Tesuque draws mixed reaction," *KRQE News*, May 20, 2025 <https://www.krqe.com/news/new-mexico/permit-hearing-for-wastewater-project-near-tesuque-draws-mixed-reaction/> (last accessed June 9, 2025) (quoting defendants Frank Morbillo and Joanna Angie).

51. Additionally, and dangerously, Defendants also situate themselves in the deceleration lane, using their bodies to block vehicles from entering both the deceleration lane and, ultimately, the Lodge.

52. Based on video recorded by a Lodge employee, on at least one occasion, the group of individuals positioned in the lane included a wheelchair user.

53. Based on video recorded by a contractor hired by the Lodge, another time the lane was blocked by people including an individual using crutches.

54. Both a wheelchair user and a person using crutches are particularly vulnerable to being hit by a driver surprised by people illegally occupying the lane.

55. Moreover, the orange traffic cones and demonstrators standing in the lane force vehicles to come to a near-complete stop on State Road 590, on a blind curve in a double yellow lane, in order to turn into the Lodge.

56. While blocking the deceleration lane, Defendants also line the area with vehicles and people, and illegally park cars in the State Road 590 right-of-way near the entrance and exit to the Lodge, thereby making it nearly impossible for vehicles exiting the hotel to safely navigate on to State Road 590.

57. Consequently, Defendants actions force drivers to turn onto State Road 590 from the Lodge with no or extremely limited view of oncoming traffic on State Road 590.

58. The Demonstrators also blare car horns and loudly play drums for multiple hours at a time, all while Defendants also shout at drivers passing by—including Lodge guests—waive signs, and encourage drivers to honk and stop on the State Road to hear about the reasons for the demonstration.

59. The signs convey inflammatory and demonstrably false statements asserting that the Lodge is deliberately harming the environment, residents, and the public, and “poisoning” the drinking water in Tesuque.

60. The Lodge receives calls from neighboring residents complaining that the vehicles are also blocking private driveways.

61. The Lodge held a meeting with the Santa Fe Sheriff’s Office, including the Under Sheriff and the Sheriff with responsibility for patrols on State Road 590, to discuss the apparent continuing and escalating hostilities.

62. On June 13, 2025, the Lodge notified Defendants that the Lodge does not consent to Defendants trespassing onto its property and to put Defendants on notice that the Lodge is not responsible for the dangerous conditions that Defendants are creating on State Road 590. A true and correct copy of the June 13, 2025, letter from BL Santa Fe to Defendants is attached here as **Exhibit 1**.

63. Prior to sending the June 13th letter, staff from the Lodge did not directly confront the Defendants out of fear for their own safety and, instead, engaged law enforcement to intervene on the Lodge’s behalf.

64. Defendants have never produced a permit for any of their demonstrations.

65. There are no sidewalks at any of the locations where Defendants hold their protests. Instead, Defendants hold their protests on State Road 590 right-of-way or in the State Road itself by virtue of blocking off the deceleration lane into the Lodge.

66. Defendant Protect Tesuque advertises on its website for others to join the disruptive events every Saturday in perpetuity.⁴

⁴ See <https://protecttesuque.org/> (scroll down to “Join Our Weekly Protests”) (last accessed June 9, 2025).

67. Defendants intimidate, frighten, and alarm the Lodge's guests.

68. Guests at the hotel have told management that their experience was ruined by the hours of blaring car horns and drum-playing, which can be heard inside buildings and guest rooms, hundreds of feet from where protesters are located.

69. Defendants have and are creating unsafe driving conditions for every vehicle entering and/or exiting the Lodge.

70. Defendants create unsafe driving conditions for every vehicle driving on that stretch of State Road 590/Bishop's Lodge Road.

71. Defendants impede the normal operation of the Lodge and in doing so harm the Lodge's economic, business, and reputational interests.

Demonstration Escalation on June 7, 2025

72. After several weeks of dangerous traffic disruptions and protests, the Lodge documented the Defendants' activities using video.

73. The Lodge contracted with a former police captain, Aric Wheeler ("Mr. Wheeler"), to be on site on June 7, 2025, should the Defendants return.

74. Defendants returned June 7, 2025, in full force.

75. According to observations and camera footage recorded by Mr. Wheeler, in addition to actively blocking the deceleration lane with cones and individuals, at least one participant parked a vehicle in a driving lane, obstructing the intersection of Lamy Drive and Bishop's Lodge Road and access by emergency vehicles.

76. Defendants walked into the driving lanes, including a person using crutches, in the blind curve area.

77. Some of the protesters remained in the driving lane to physically stop vehicles, and when successful, approached the drivers to confront them about the protest.

78. Car horns sounded throughout the protest, sometimes by protesters, sometimes by passing cars prompted to honk by protesters' signs inviting them to do so, or in an attempt to get protesters to move out of the road.

79. An individual who realized Mr. Wheeler was observing and taking pictures verbally accosted him.

80. The individual questioned Mr. Wheeler repeatedly about his presence and approached closely to him in an intimidating fashion.

81. While questioning Mr. Wheeler, the individual walked onto the bridge leading to the Lodge, which is unequivocally the Lodge's private property.

82. Mr. Wheeler instructed the individual that he was not authorized to enter Lodge property, following which the individual stated to the others that Mr. Wheeler was a Lodge employee and finally walked away.

83. He also observed that the gathered people and vehicles obstructed the view of exiting vehicles in an area already complicated by limited visibility.

84. When a Sheriff's Deputy instructed Defendants to remove the cones blocking the deceleration lane, Mr. Wheeler overheard an individual express frustration to the Deputy because the protesters had been blocking the lane for months and did not understand why now they had to stop.

85. Mr. Wheeler also observed protesters playing drums, parking cars along the crowded State Road 590 right-of-way, and a host of other unsafe behaviors taking place directly in the driving lanes.

Protesters Return June 14, 2025

86. Mr. Wheeler observed a subsequent protest on June 14, 2025, the day after the Lodge sent the letter asking that the protests cease. **Exhibit 1.**

87. He observed much of the same concerning behavior, including vehicles and people crowding the driving lanes, people and vehicles obstructing visibility, a vehicle blocking the driving lane to speak to protesters, and cones placed on each side of the road, including one cone that alerted cars to the presence of protesters.

Trespass and Invasion of Privacy

88. Protect Tesuque regularly posts inflammatory and demonstrably false information on social media, including on the video sharing app and website TikTok using the handle @protecttesuque. See <https://www.tiktok.com/@protecttesuque> (last visited June 17, 2025).

89. On several occasions, Protect Tesuque's TikTok posts included low-flying drone footage of the Lodge, clearly captured directly above the Lodge and showing guest accommodations, the pool area, and a main building where guests can be seen entering and exiting the Lodge.

90. For example, on May 13, to drum up attendance at the coming hearing scheduled for May 19, @protecttesuque posted a video showing drone footage of the Lodge. <https://www.tiktok.com/@protecttesuque/video/7504093077787741482> (last visited June 17, 2025).

91. The video includes music with profane and offensive language, including use of a deeply offensive racial slur.

92. Again, on May 15, @protecttesuque posted a video including drone footage of the Lodge, this time coupled with other footage showing protesters encroaching on Bishop's Lodge Road near the Lodge entrance.

<https://www.tiktok.com/@protecttesuque/video/7504716892586954030> (last visited June 17, 2025).

93. The Lodge has never consented to the operation of any drone or any drone or other recording activity above or near its property by Protect Tesuque. Nor have the Lodge, its guests, or its employees consented to being videoed or having their images reproduced by Protect Tesuque for any reason.

COUNT I
ILLEGAL OBSTRUCTION OF A PUBLIC ROAD
NMSA § 30-14-4

94. The Lodge adopts and realleges by reference the allegations in Paragraphs 1–93 of this Verified Complaint.

95. Public roadways are public property. NMSA § 67-2-1.

96. Public property may not be used in such a way as to “depriv[e] the general public of the intended or customary use of public property without a permit.” NMSA § 30-14-4(A)(3).

97. Obstructing public roadways is illegal. NMSA § 30-14-4(A)(3).

98. New Mexico State Road 590, also known as Bishop's Lodge Road, is a public roadway.

99. Blocking State Road 590's driving lanes, the deceleration lane adjacent to enter the Lodge, and using vehicles and people to crowd the State Road right-of-way all constitute violations of New Mexico law prohibiting obstruction of public roads.

100. Defendants have no permit, right, authority, nor license to obstruct State Road 590 or any part thereof.

101. Unless enjoined, Defendants will persist in recklessly and illegally impeding traffic near the Lodge indefinitely.

102. The Lodge asks the Court to permanently enjoin all protesting in and along the State Road 590/Bishop's Lodge Road within a .9 mile safety buffer from the intersection of Bishop's Lodge Road and Pedregal Place to the intersection of Bishop's Lodge Road and Senda Vieja.

COUNT II
PUBLIC NUISANCE
NMSA § 30-8-1

103. The Lodge adopts and realleges by reference the allegations in Paragraphs 1–93 of this Verified Complaint.

104. A public nuisance occurs when a party “knowingly create[es], perform[s] or maintain[s] anything affecting any number of citizens without lawful authority which . . . interferes with the exercise and enjoyment of public rights, including the right to use public property.” NMSA § 30-8-1.

105. An injunction to stop an ongoing nuisance is appropriate when, upon balance of the equities, the court concludes that damages alone are inadequate to enjoin a “nuisance-causing condition or activity on a party’s own property.” *Kaywal, Inc. v. Avangrid Renewables, LLC*, 2021-NMCA-037, ¶ 43, 495 P.3d 550.

106. Santa Fe County prohibits excessive sound. Specifically, the County regulates “excessive sound wherever it is deemed harmful to the . . . quality of life of the citizens of the county.” Santa Fe County Noise Control Ordinance § 131.03 (Findings and Policy). From 7:00 AM to 10:00 PM, it is “unlawful for any person to produce or permit to be produced, with a

sound producing device, sound which . . . exceeds 75 dBA [A-weighted decibels] . . . for five consecutive minutes or ten minutes of any one-half hour period.” *Id.* § 131.21(1)(b) (Prohibitions). No sounds, at any time of day, may exceed 90 dBA for any reason unless one of the articulated exceptions apply. *Id.* § 131.21(2); *Id.* § 131.22(1–8) (Exceptions). These regulations “shall be liberally construed to effectuate” the prevention of excessive sound. *Id.* at § 131.03 (Findings and Policy).

107. Defendants’ activities and presence on State Road 590 constitute a public nuisance because Defendants have no lawful authority to obstruct or otherwise impede use of State Road 590, and because they are making excessive sound.

108. Obstructing the State Road prevents members of the public from exercising their right to freely drive on and enjoy the Public Road because the Defendants are physically forcing vehicles to stop, and preventing vehicles from entering the deceleration lane, crowding the Road’s shoulders on a blind curve, honking horns, banging loud drums, and shouting at passing motorists threatening to distract them, thereby compounding an already dangerous situation.

109. The Lodge asks the Court to permanently enjoin all protesting in and along State Road 590/Bishop’s Lodge Road within a .9 mile safety buffer from the intersection of Bishop’s Lodge Road and Pedregal Place to the intersection of Bishop’s Lodge Road and Senda Vieja.

COUNT III
PRIVATE NUISANCE
COMMON LAW

110. The Lodge adopts and realleges by reference the allegations in Paragraphs 1–93 of this Verified Complaint.

111. A private nuisance occurs when a party engages in “tortious interference with one’s use and enjoyment of land.” *Kaywal, Inc.*, 2021-NMCA-037, ¶ 42. Private nuisance need not

include trespassory conduct to constitute a nuisance. *Id.* “Conduct creating the nuisance must be intentional and unreasonable, or unintentional and ‘otherwise actionable under the rules controlling liability for negligent or reckless conduct, or for abnormally dangerous conditions or activities.’” *Id.*

112. Defendants’ activities and presence on State Road 590 constitute a private nuisance because the demonstrators have no lawful authority to create an unnecessarily dangerous situation by obstructing the State Road, no lawful right to obstruct the Lodge’s entrance and/or exit, nor any lawful right to enter upon the Lodge’s private property nor fly above it using drones or any other device.

113. Defendants’ conduct is intentional because the demonstrations are advertised, encouraged, and organized openly through Protect Tesuque’s website.

114. Defendants’ conduct unlawfully interferes with the right to private use and enjoyment of land because it is designed to create maximum interference. For example,

- a. Defendants use the threat of harm from a traffic accident, car horns, signs, vehicles, and drums to create an atmosphere of disruption and fear for every vehicle attempting to enter or exit the Lodge.
- b. Defendants create an abnormally dangerous situation by using people, some of whom cannot move freely on their own, to physically block the driving lanes of an active, State Road.
- c. Defendants physically obstruct a deceleration lane on a blind curve and relentlessly honk horns and pound drums for the sole purpose of annoying and harming the Lodge, its guests, and its employees.

- d. Defendants use car horns and drums to disturb the peace. The blaring horns can be heard hundreds of feet away, even inside buildings. The noise pollution is so great that hotel guests complain to hotel management that their Saturday was ruined by the abusive noise.

115. The Lodge asks the Court to permanently enjoin all protesting in and along State Road 590/Bishop's Lodge Road within a .9 mile safety buffer from the intersection of Bishop's Lodge Road and Pedregal Place to the intersection of Bishop's Lodge Road and Senda Vieja.

COUNT IV
COMMON LAW TRESPASS
NMSA § 30-14-1

116. The Lodge adopts and realleges by reference the allegations in Paragraphs 1–93 of this Verified Complaint.

117. Common law trespass occurs when a defendant enters a plaintiff's land without authorization, remains on the land, or fails to remove from the land a thing which the defendant has a duty to remove. *Holcomb v. Rodriguez*, 2016-NMCA-075, ¶ 12, 387 P.3d 286, 291.

118. Defendants' activities constitute trespass because Defendants enter onto Lodge property with no permission whatsoever, including by standing on the Lodge's bridge.

119. Defendants use of drones over the Lodge without any permission to do so, whatsoever, further constitutes a trespass.

120. Defendants know that the Lodge is private property because the Lodge is clearly marked with signage indicating "The Bishop's Lodge."

121. Defendants have no permission, right, authority, license, nor any other permission whatsoever to enter upon, nor fly over using drones, and remain on Lodge property.

122. The Lodge asks the Court to permanently enjoin all trespass onto Lodge Property, including airspace above the Lodge, by all Defendants for a period of no less than two years. The Lodge also requests that the Court require any named Defendant and any member, affiliate, or agent of Protect Tesuque to seek advance written permission prior to entering onto Lodge property, or any part thereof, for any reason no less than 60 days in advance of such requested entry.

COUNT V
INVASION OF PRIVACY

123. The Lodge adopts and realleges by reference the allegations in Paragraphs 1–93 of this Verified Complaint.

124. Invasion of privacy is “a tort for which damages may be recovered.” *Bitsie v. Walston*, 1973-NMCA-117, ¶ 6, 85 N.M. 655, 515 P.2d 659.

125. Liability attaches where the “conduct was such that [defendant] should have realized that it would be offensive to persons of ordinary sensibilities.” *Id.* ¶ 9.

126. One type of invasion of privacy is “the placing of another in a false light in the public eye.” *Moore v. Sun Publ'g Corp.*, 1994-NMCA-104, ¶ 28, 118 N.M. 375, 383, 881 P.2d 735, 743 (*citing* Rodney A. Smolla, *Law of Defamation* § 10.01[2], at 10–3 (1994)). Though a “close cousin” to defamation, “[i]t is not, however, necessary to the action for invasion of privacy that the plaintiff be defamed. It is enough that he is given unreasonable and highly objectionable publicity that attributes to him characteristics, conduct or beliefs that are false, and so is placed before the public in a false position.” *Id.* (*citing* Restatement (Second) of Torts § 652E cmt. b, at 395).

127. Another type of invasion of privacy is “intrusion.” *Id.* “This tort, distinct from but related to trespass, involves an invasion of the plaintiff’s ‘private’ space or solitude--

eavesdropping on private conversations or peeping through the bedroom window, for example.” *Id.* (citing Smolla, supra § 10.01[2], at 10–3).

128. Without any consent from the Lodge, nor the guests and/or employees in the video, Defendants captured low-flying drone footage of the Lodge and used it as a backdrop to display demonstrably false claims and to play music with offensive language and racial slurs.

129. Defendants’ drone activities unlawfully invade the Lodge’s privacy, and that of its employees and guests, both by actual invasion and by placing the Lodge in a false light.

130. A person of ordinary sensibilities would be offended by drone footage of them in a pool, recreating, working, or doing other activities on a private property, thus encroaching on their space and solitude. Defendants’ actions are akin to “peeping” and “eavesdropping.” *Id.*

131. A person of ordinary sensibilities would also be offended by having their image reproduced with music using profane language, racial slurs, and overlays of demonstrably false claims that attribute to them characteristics, conduct, or beliefs regarding their care for the environment that are false. Defendants’ conduct subjects the Lodge, its employees, and its guests to “unreasonable and highly objectionable publicity.” *Id.*

132. The Lodge asks the Court to permanently enjoin the use of any drones or other recording devices anywhere on or above Lodge property absent the Lodge’s express, written consent.

COUNT VI
HARASSMENT
NMSA § 30-3A-2

133. The Lodge adopts and realleges by reference the allegations in Paragraphs 1–93 of this Verified Complaint.

134. Harassment occurs when a party “knowingly pursu[es] a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.” NMSA § 30-3A-2.

135. Defendants’ conduct constitutes harassment because Defendants have engaged in a pattern of conduct that serves no purpose other than to alarm and terrorize the Lodge, its guests, its employees, and motorists using State Road 590/Bishop’s Lodge Road.

136. Defendants’ harassing conduct would cause a reasonable person significant emotional distress and includes:

- a. Physically obstructing State Road 590;
- b. Physically obstructing the deceleration lane and the entrance and exit to the Lodge using their bodies and vehicles;
- c. Shouting at motorists entering and exiting the Lodge;
- d. Approaching and confronting motorists in their vehicles;
- e. Brandishing signs with demonstrably false slogans and statements, including signs that state Bishop’s Lodge has “poisoned” the drinking water;
- f. Honking horns relentlessly;
- g. Banging drums loudly;
- h. Creating an unreasonably unsafe situation by obstructing a public, State Road in an area with a double yellow line and a blind curve;
- i. Posting more than 18 harassing signs on telephone *all along* State Road 590 that include inflammatory and demonstrably false claims, such as “Bishop’s Lodge:

Don't Drink the Water," "Bishop's Lodge: How Dare you Dump Poison in Our Water," and indicating that the Lodge's water "causes cancer" and;

- j. Flying drones over the property to record footage that is then reproduced and published online with inflammatory slogans and profane music.

137. The Lodge asks the Court to permanently enjoin all protesting in and along State Road 590/Bishop's Lodge Road within a .9 mile safety buffer from the intersection of Bishop's Lodge Road and Pedregal Place to the intersection of Bishop's Lodge Road and Senda Vieja.

138. The Lodge further asks the Court to require Defendants to remove all signage along Bishop's Lodge Road that is posted on any telephone pole or in any other location visible from the road that references the Lodge and/or any of the Lodge's affiliates.

PRAYER FOR RELIEF

WHEREFORE, the Lodge, prays for judgment against Defendants, as follows:

A. For Count I, Illegal Obstruction of a Public Road, the Lodge respectfully requests the Court issue a permanent injunction against Defendants, along with their agents and/or related members and affiliates, from creating any obstructions of State Road 590/Bishop's Lodge Road, or any part thereof, including but not limited to entering the roadway, blocking the deceleration lane, attempting to slow or stop traffic on the Road or traffic entering or exiting the Road at the Lodge, and attempting to engage motorists in any way that slows or impedes traffic;

B. For Count II, Public Nuisance, the Lodge respectfully requests the Court issue a permanent injunction enjoining Defendants along with their agents and/or related members and affiliates, from protests and/or demonstrations within a designated buffer zone extending from the intersection of State Road 590/Bishop's Lodge Road and Pedregal Place to the intersection of

Bishop's Lodge Road and Senda Vieja and from creating excessive noise, including but not limited to sounding or encouraging the sounding of car horns or banging of loud drums;

C. For Count III, Private Nuisance, the Lodge respectfully requests the Court issue a permanent injunction enjoining Defendants, along with their agents and/or related members and affiliates, from protests and/or demonstrations within a designated buffer zone extending from the intersection of State Road 590/Bishop's Lodge Road and Pedregal Place to the intersection of Bishop's Lodge Road and Senda Vieja and from creating excessive noise, including but not limited to sounding or encouraging the sounding of, car horns or loudly banging drums;

D. For Count IV, Common Law Trespass, the Lodge respectfully requests the Court issue a permanent injunction enjoining Defendants, along with their agents and/or related members and affiliates, from entering onto Lodge property and any part thereof including the airspace above the lodge for a period of not less than two years unless granted prior written permission;

E. For Count V, Invasion of Privacy, the Lodge respectfully requests that the Court issue a permanent injunction enjoining Defendants from using any drones and any recording equipment whatsoever anywhere above or on Lodge property absent prior written permission;

F. For Count VI, Harassment, the Lodge respectfully requests the Court issue a permanent injunction enjoining Defendants, along with their agents and/or related members and affiliates, from protests and/or demonstrations within a designated buffer zone extending from the intersection of State Road 590/Bishop's Lodge Road and Pedregal Place to the intersection of Bishop's Lodge Road and Senda Vieja, ordering Defendants to remove all signs posted along Bishop's Lodge Road, enjoining Defendants from posting signs anywhere along State Road 590 with demonstrably false statements about the Lodge and/or any of its affiliates, intimidating or

accosting Lodge patrons and staff, and from creating excessive noise, including but not limited to sounding or encouraging the sounding of car horns;

- G. That the Lodge be awarded reasonable attorney fees and costs; and
- E. All such other relief as the Court deems appropriate under the circumstances.

Respectfully,

HOLLAND & HART, LLP

By: /s/ Cris Mulcahy

Cris Mulcahy

Sarah Clerget

Lila Jones

[REDACTED]

TEL:

FAX:

[REDACTED]

ATTORNEYS FOR PLAINTIFF

BL SANTA FE, LLC

**SELF-AFFIRMED DECLARATION AND VERIFICATION
PURUSANT TO NMRA 1-011**

I, Chris Kaplan, Director and Head of Asset Management for Juniper Capital, swear under penalty of perjury under New Mexico Law that (a) I have reviewed the foregoing Complaint, (b) that from personal knowledge and belief based on specified information I know the allegations to be true, and (c) that this Complaint is not interposed for delay.

Dated this 2nd day of July, 2025

/s/ Chris Kaplan _____

Chris Kaplan
Director
Juniper Capital

EXHIBIT 1

June 13, 2025

VIA EMAIL ONLY

Protect Tesuque
[REDACTED]

Tom Hnasko
[REDACTED]

Counsel for Protect Tesuque

**Re: Dangerous Conditions on State Road 590/Bishop's Lodge Road Created by
Protect Tesuque, Inc.'s Demonstrations**

Dear Protect Tesuque,

BL Santa Fe, LLC is writing today to express its concern over the safety of drivers, pedestrians, demonstrators, and Bishop's Lodge guests along New Mexico State Road 590/Bishop's Lodge Road at the entrance and exit of the Lodge during Protect Tesuque's demonstrations each weekend.

Protect Tesuque's Saturday morning demonstrations have recently resulted in demonstrators impeding the flow of traffic on Bishop's Lodge Road; preventing drivers from turning into the Lodge using the deceleration lane by blocking it off with orange traffic cones and having demonstrators stand in the lane, which is also on a blind curve and perilous to both drivers and those demonstrators illegally impeding traffic; demonstrating in the public right of way and illegally parking vehicles in this right of way, which makes it impossible for drivers entering or exiting the Lodge to safely navigate from or onto Bishop's Lodge Road; and trespassing onto Bishop's Lodge property during these demonstrations. Several individuals have stepped in front of moving vehicles on the highway and in Lodge's driveway. Children have been present during some of these activities and we are concerned about the dangerous condition that Protect Tesuque's activities are creating for drivers, pedestrians, demonstrators—including children—and Lodge guests.

BL Santa Fe worries that Protect Tesuque's dangerous activities will result in a serious consequence, including severely injuring drivers, demonstrators, pedestrians, or Lodge Guests. This letter is intended to serve as notice that BL Santa Fe does not consent to the presence of demonstrators on our private property and the Lodge is not responsible for the dangerous conditions that Protect Tesuque is creating by its demonstrations. Please do not enter Bishop's

Location
[REDACTED]

Mailing Address
[REDACTED]

Contact
[REDACTED]

www.hollandhart.com

Lodge property, refrain from illegally standing in or blocking the deceleration lane, illegally parking cars in the State Road right-of-way, or otherwise impeding the safe flow of traffic on Bishop's Lodge Road.

We have contacted the State Police and the Santa Fe County Sheriff's Department about our concerns, and may take any further legal action necessary to ensure the safety of drivers, pedestrians, and Lodge guests.

Sincerely,



Cristina A. Mulcahy
Of Counsel
for Holland & Hart LLP

CAM:

None

cc:

Eric Sirotkin

Rusty Day:

Bernadette Romero

Mark DeCamp:

Jamie Gagan:

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