

Thirteenth Judicial District Court  
County of Sandoval  
State of New Mexico

Gale Cooper,  
Plaintiff-Appellant,

vs.

D-1329-CV-2007-01364

Rick Virden, Lincoln County Sheriff and  
Custodian of the Records of the Lincoln County  
Sheriff's Office; and Steven M. Sederwall,  
Former Lincoln County Deputy Sheriff,

Defendants-Appellees.

**PLAINTIFF-APPELLANT GALE COOPER'S MOTION FOR  
HEARING ON CORRECTING THE RECORD AND  
PRESENTMENT OF FINAL JUDGMENT**

COMES NOW *pro se* Plaintiff-Appellant Gale Cooper ("Cooper") for her Inspection of Public Records Act (NMSA 1978, §§ 14-2-1 to - 12) ("IPRA") whistleblower case, having received no Notice of Hearing for a February 2, 2017 Hearing, now requests a Hearing for correcting the record as to her non-attendance, and for presentment of the Final Judgment in her Case No. D-1329-CV2007-01364.

**BACKGROUND**

1) This over nine (9) year IPRA enforcement litigation was to obtain wrongfully withheld forensic DNA records of Lincoln County Sheriff's Department Case No. 2003-274, "the Billy the Kid Case," to expose its law enforcement fraud with illegal exhumations and historical hoaxing. Cooper prevailed in litigation, but received no requested records; while Defendants, furthermore, forged DNA records to feign compliance. *Faber v. King*, 2013-NMCA-080, 306 P.3d 519, cert. granted, 2013-NMCERT-007, 308 P.3d 134 (overruled by *Faber v. King*, 2015-NMSC-015, 348 P.3d 172) ("*Faber v. King*") was then used to block the Defendant's IPRA penalty-damages.

Cooper appealed, and was denied by the Court of Appeals and Supreme Court; which further removed more than half of Cooper's IPRA cost reimbursement and removed entirely District Court's non-IPRA penalty for Defendants' forgeries.

2) When Defendants did not pay Cooper's remaining non-contested awards of "nominal damages" and remaining costs after the appellate courts referred her back to this Court for enforcing her awards, she filed with this Court her "Motion to Enforce Judgment on Award" on November 2, 2016. (Exhibit 1) Defendants then paid Cooper, as she informed this Court in her "Addendum to Motion to Enforce Judgment on Award" filed on December 7, 2016, and stating that the Defendants had satisfied the payment to her of \$1,000.00 "nominal damages," and \$10,702.55 IPRA costs' reimbursement plus interest. (Exhibit 2)

3) Unbeknownst to Cooper, this Court then granted her a Hearing on the matter for February 2, 2017. But she received no "Notice of Hearing," and had no idea of a Hearing's existence.

4) Said Hearing was held, recording her non-attendance, denying her November 2, 2016 and December 7, 2016, motions, and enabling the Defendants to submit their own order for Final Judgment.

4) On February 9, 2017, Cooper learned of that February 2, 2017 Hearing when the Defendants e-mailed her their order for her signed approval, informing her that she had not attended. When Cooper responded that she was unaware of the Hearing, having received no "Notice of Hearing," Defendants e-mailed her a copy of theirs.

5) Cooper did not approve Defendants' order, informing them she would have attended the Hearing had she been informed of it.

## ARGUMENT

1) In her over 9 year litigation, Cooper has attended each Hearing. She would not have voluntarily missed her own Hearing completing her own case. She could not attend a Hearing unknown to her.

2) The record is now inaccurate. Cooper should not be portrayed as missing her own Hearing through negligence. Her Motions of February 2, 2016 and December 7, 2016 should be reinstated after having been denied based on her non-attendance. And Cooper merits opportunity to make her presentation for Final Judgment on her case.

3) Cooper has argued in past appearances and filings that her case's outcome is unjust in that she received no requested records, and her egregious Defendants were spared penalties and granted legal fees of about a half-million dollars (\$500,000.00) for stonewalling litigation. She now hopes that her case will not end with this final injustice.

## CONCLUSION

WHEREAS, Cooper's award has been satisfied in accordance with appellate court Decisions, her lack of being informed of her Hearing on February 2, 2017 has created an inaccurate record of her non-attendance and has deprived her of the opportunity for presentment for her Final Judgment, and, thus, merits granting of another Hearing to enable her to properly conclude her case.

Respectfully hand-delivered for filing in Sandoval  
County District Court by

 2/13/17  
GALE COOPER  
P.O. Box 328  
Sandia Park, NM 87047  
505-286-8483

**CERTIFICATION**

I, Gale Cooper, certify that the foregoing was either hand-delivered or mailed by USPS Certified Mail by her on February 13, 2017 to the following:

**Judge George P. Eichwald**  
13<sup>th</sup> Judicial District Court,  
County of Sandoval  
P.O. Box 600  
Bernalillo, NM 87004  
**HAND-DELIVERED**

**Attorney Henry Narvaez**  
*for Defendant-Appellee Rick Virden*  
P.O. Box 25967  
Albuquerque, NM 87125-5967  
**(SENT CERTIFIED MAIL  
NO. 7015-6040-0006-5160-1048)**

**Attorney Desiree Gurulé** *for Defendant-Appellee Steven M. Sederwall*  
The Brown Law Firm  
3777 The American Road. NW  
Suite 100  
Albuquerque, NM 87114  
**(SENT CERTIFIED MAIL  
NO. 7015-6040-0006-5160-1055)**

Thirteenth Judicial District Court  
County of Sandoval  
State of New Mexico

Gale Cooper,  
Plaintiff-Appellant,  
vs.

D-1329-CV-2007-01364

Rick Virden, Lincoln County Sheriff and  
Custodian of the Records of the Lincoln County  
Sheriff's Office; and Steven M. Sederwall,  
Former Lincoln County Deputy Sheriff,

Defendants-Appellees.

**MOTION TO ENFORCE JUDGMENT ON AWARDS**

COMES NOW *pro se* Plaintiff-Appellant Gale Cooper ("**Cooper**"), having waited ample time without response, to request an Order enforcing Court of Appeals's September 16, 2016 "Mandate to the District Court Clerk" for Case No. 33,876 (**Exhibit 1**), stating: "This decision now being final, the cause is remanded to you for further proceedings consistent with said decision."

**SUMMARY**

**A. DISTRICT COURT CASE NO. D-1329-CV-2007-01364**

This nine (9) year litigation was for total, willful, and egregious violation of the Inspection of Public Records Act (NMSA 1978, §§ 14-2-1 to - 12) ("**IPRA**"), and non-IPRA violation by records forgery. Whistleblower Cooper was exposing "Billy the Kid Case" DNA fraud in Defendants' Case 2003-274. Cooper prevailed in May 15, 2014's "Findings and Conclusions" and June 4, 2014's "Judgment." (**Exhibits 2, 3**) She was awarded IPRA "nominal damages" of one thousand (\$1,000.00); IPRA out-of-pocket expenses of ten thousand, nine hundred ninety-four dollars and twenty-eight cents (\$10,994.28) and eight thousand, six hundred twenty nine dollars and fifty six cents



(\$8,629.56); non-IPRA “punitive damages” of one hundred thousand dollars (\$100,000.00) for records forgeries; and interest accruing at “eight and three-quarters per cent (8.75%) per annum on the above sums from the date of filing of [the] judgment.”

B. COURT OF APPEALS CASE NO. 33,876

1. Appealed in Cooper’s June 30, 2014 “Docketing Statement” and August 12, 2015 “Brief in Chief” was the “nominal damages” award of one thousand dollars (\$1,000.00), in lieu of IPRA penalty-damages of nine hundred sixty-six thousand dollars (\$966,000.00). Cooper argued that: (1) it penalized her for being a whistleblower; (2) it ignored statutory damages for Defendants’ improper records denial letter (**COL 8**); and (3) it relied on the fatally flawed *Faber v. King* decision.<sup>1</sup> On July 3, 2014, Defendants’ cross appealed the award of one hundred thousand dollars (\$100,000.00).

2. March 23, 2016’s Court of Appeals “Memorandum Opinion” (**Exhibit 4**) responded by: (1) voiding award of out-of-pocket ten thousand, nine hundred ninety four dollars and twenty eight cents (\$10,994.28) as being paid attorneys’ fees; (2) voiding award of non-IPRA one hundred thousand dollars (\$100,000.00) for records forgery as not being under IPRA; (3) voiding the “Finding” of improper denial letter, by claiming “timely” response alone meant compliance. Upheld were the IPRA “nominal damages” award of one thousand dollars (\$1,000.00) and out-of-pocket expenses of eight thousand, six hundred twenty nine dollars and fifty six cents (\$8,629.56). Ignored was Cooper’s argument that she was penalized as a whistleblower, and “egregious” violators were spared penalty while collecting a half million tax dollars (\$500,000.00) for conducting seven (7) years of stonewalling litigation for records available at request.

---

<sup>1</sup> *Faber v. King*, 2013-NMCA-080, 306 P.3d 519, *cert. granted*, 2013-NMCERT-007, 308 P.3d 134; subsequently *Faber v. King*, 2013-NMCA-080, 306 P.3d 519, *overruled by Faber v. King*, 2015-NMSC-015, 348 P.3d 172.

C. SUPREME COURT CASE NO. S-1-SC-35844

1. Appealed in Cooper's May 31, 2016 "Writ of Certiorari" (**Exhibit 5**) was the Court of Appeals decision leaving IPRA meaning only Ignoring of Public Rackets Act by using *Faber v. King* to spare penalty to maximal IPRA violations having improper denial letter and no records turn-over, while penalizing Cooper as a whistleblower lacking personal injury. Cooper argued that the Court of Appeals decision additionally destroyed IPRA's intent by: (1) calling any denial letter proper - even her Defendants' fraudulent ones hiding incriminating records - as long as it was "timely;" and (2) refusing reimbursement of more than half (1/2) of her out-of-pocket expenses, ignoring IPRA's intent to reimburse a prevailing plaintiff. Cooper also argued that voiding the one hundred thousand dollar (\$100,000.00) non-IPRA penalty for forging records, ignored the Court's inherent power to sanction abuse of its authority. Cooper also argued that *Faber v. King* was fatally flawed, and thereby inapplicable, as: (1) violating statutory intent for penalty-damages as compliance goads; (2) burdening requesters with proving personal injury; (3) fabricating legislative intent, (4) shielding violators; and (5) abusing judicial power by usurping legislative prerogative to write the statute. On June 22, 2016, Cooper's "Writ of Certiorari was denied. (**Exhibit 6**)

2. Cooper's June 5, 2016 "Motion for Reconsideration" (**Exhibit 7**) evoked judicial ethics since: (1) sitting justices created *Faber v. King*, with its author fabricating "damages" intent in 1993's IPRA statute; and (2) the Chief Justice was appointee and donor of Governor Bill Richardson - Billy the Kid Case instigator - and his wife participated in the Billy the Kid Case. Cooper was denied on July 20, 2016. (**Exhibit 8**)

3. Thus was completed judicial destruction of the magnificent IPRA statute and of New Mexicans' empowerment to access public records; leaving no penalty for

withholding public records, no penalty for “timely” but fraudulent records denial letters, no limit to tax money paid for “stall and starve” litigation, and no guaranteed reimbursement of prevailing plaintiffs’ out-of-pocket expenses. Requesters were burdened with proving personal injury, whistleblowing was chilled, and violators were untouched by law. And non-IPRA forging of records to dupe the Court had no penalty.

### ARGUMENT

After judicial decimation, Cooper was left with award of: (1) “nominal damages” of one thousand dollars (\$1,000.00); (2) partial out-of-pocket expenses of eight thousand, six hundred twenty nine dollars and fifty six cents (\$8,629.56); and (3) interest accruing at “eight and three-quarters per cent (8.75%) per annum on the sums from the [June 4, 2014] date of filing of [the] judgment.”

In keeping with her case’s Billy the Kid theme, Cooper characterizes her judicial victimization for whistleblowing and her Defendants’ judicial shielding from penalty as tragic and terrifying indication of New Mexico’s one hundred fifty (150) year continuum of Santa Fe Ring-style suppression of its citizens and of justice.

### CONCLUSION

WHEREAS, Cooper has demonstrated that she is justified in receiving her remaining IPRA awards, but has not received their payment, this Court should now issue an Order directing the Defendants to render to her payment of these awards.

Respectfully submitted, via USPS for filing in  
Sandoval County District Court by

 10/31/16  
GALE COOPER

P.O. Box 328  
Sandia Park, NM 87047  
505-286-8483



**CERTIFICATION**

I, Gale Cooper, certify that the foregoing was mailed by USPS Certified Mail No. 7015-6040-0006-5160-1215 for filing in Sandoval County District Court on October 31, 2016; and its copies will be mailed to the following:

**Judge George P. Eichwald**  
13<sup>th</sup> Judicial District Court,  
County of Sandoval  
P.O. Box 600  
Bernalillo, NM 87004  
(SENT CERTIFIED MAIL  
NO. 7015-6040-0006-5160-1192)

Via Certified Mail No. 7015-6040-0006-5160-1192

**Attorney Henry Narvaez**  
*for Defendant-Appellee Rick Virden*  
P.O. Box 25967  
Albuquerque, NM 87125-5967  
(SENT CERTIFIED MAIL  
NO. 7015-6040-0006-5160-1208)

**Attorney Desiree Gurulé** *for Defendant-Appellee Steven M. Sederwall*  
The Brown Law Firm  
3777 The American Road. NW,  
Suite 100  
Albuquerque, NM 87114  
(SENT CERTIFIED MAIL  
NO. 7015-6040-0006-5160-1222)

Thirteenth Judicial District Court  
County of Sandoval  
State of New Mexico

Gale Cooper,  
Plaintiff-Appellant,

vs.

D-1329-CV-2007-01364

Rick Virden, Lincoln County Sheriff and  
Custodian of the Records of the Lincoln County  
Sheriff's Office; and Steven M. Sederwall,  
Former Lincoln County Deputy Sheriff,

Defendants-Appellees.

**PLAINTIFF GALE COOPER'S ADDENDUM TO  
MOTION TO ENFORCE JUDGMENT ON AWARDS**

COMES NOW *pro se*, prevailing Plaintiff-Appellant Gale Cooper ("Cooper") to inform that Court that she received: 1) Defendants' payment of \$11,702.55 for her Inspection of Public Records Act (NMSA 1978, §§ 14-2-1 to - 12) ("IPRA") litigation (Exhibit 1); and 2) their November 17, 2016 "Joint Response to Plaintiff's Motion to Enforce Judgment," concluding: "the remaining judgment has been ... satisfied."

**SUMMARY**

Cooper's whistleblower litigation to expose Lincoln County Sheriff's Department's Case No. 2003-274's law enforcement fraud and illegal exhumations enforced IPRA to obtain its wrongfully withheld forensic DNA records of Lincoln County Sheriff's Department Case No. 2003-274, and to get non-IPRA sanctions for Defendants' DNA records forgeries. Defendants payment of \$11,702.55 satisfies Cooper's remaining award, but confirms the mockery of her "prevailing" status, since she was the punished party and her "egregious" Defendants were rewarded.

As to Cooper:



1) Though the requested public records were available at the time of her IPRA request on April 24, 2007, she was forced to endure seven (7) years of Defendants' stonewalling litigation in her attempt to recover records.

- a) And she got no records whatsoever from the Defendants.
- b) And she got only fraudulent IPRA letters of denial from Defendants.
- c) And she was victimized by Defendants' forgeries of requested records.
- d) And she got no justified IPRA penalty-damages of \$966,000.00.
- e) And she was punished as a whistleblower lacking personal injury (using *Faber v. King*<sup>1</sup>) by award of only \$1,000 as "nominal damages."
- f) And her out-of-pocket litigation expenses of \$10,994.28 were denied, leaving only \$8,629.56 of her litigation expenses paid.

2) She was forced to spend two (2) more years in New Mexico's Court of Appeals (Case No. 33,876) and Supreme Court (Case No. S-1-SC-358) trying for justice.

- a) But these Courts denied her any IPRA penalty-damages.
- b) But these Courts declared her fraudulent IPRA denial letters as proper solely by being "timely."
- c) But these Courts upheld cutting her reimbursed out-of-pocket expenses by more than half.
- d) But these Courts voided her District Court award of non-IPRA sanction of \$100,000.00 for Defendants' records forgeries.

---

<sup>1</sup> *Faber v. King*, 2013-NMCA-080, 306 P.3d 519, cert. granted, 2013-NMCERT-007, 308 P.3d 134 (overruled by *Faber v. King*, 2015-NMSC-015, 348 P.3d 172)

e) But these Courts denied her correct arguments as to inapplicability of *Faber v. King* to her case based on its irrelevance and its being a fatally flawed decision meriting overruling.

As to the Defendants:

- 1) They got no IPRA penalty for fraudulent denial letters.
- 2) They got no IPRA penalty for wrongful withholding of all requested records.
- 3) They got no non-IPRA sanction for forging records to dupe the court.
- 4) They and their lawyers got a half million tax dollars (\$500,000.00) for conducting stonewalling profiteering litigation to hide the requested incriminating records.
- 5) They were permitted to legally abuse Cooper for years by stall and starve litigation and by records forgeries.
- 6) Their injustice to Cooper was backed by the Court of Appeals and Supreme Court.

### CONCLUSION

WHEREAS, Cooper has received \$11,702.55 to satisfy her judicially decimated litigation awards, she states that the \$11,702.55 actually symbolizes the nine (9) year culmination of her judicial abuse and her Defendants' judicial shielding from consequences of their corruption. In conclusion, she quotes from Bob Dylan's song, "Hurricane": "Couldn't help but make me feel ashamed to live in a land/ Where justice is a game." And she quotes President-elect Donald Trump: "The system is rigged."

Respectfully submitted, via USPS for filing in  
Sandoval County District Court by

 12/05/16

GALE COOPER  
P.O. Box 328  
Sandia Park, NM 87047  
505-286-8483

**CERTIFICATION**

I, Gale Cooper, certify that the foregoing was mailed by USPS Certified Mail No. 7015-6040-0006-5160-1109 for filing in Sandoval County District Court on December 5, 2016; and its copies will be mailed to the following:

**Judge George P. Eichwald**  
13<sup>th</sup> Judicial District Court,  
County of Sandoval  
P.O. Box 600  
Bernalillo, NM 87004  
(SENT CERTIFIED MAIL  
NO. 7015-6040-0006-5160-1093)

**Attorney Henry Narvaez**  
*for Defendant-Appellee Rick Virden*  
P.O. Box 25967  
Albuquerque, NM 87125-5967

**Attorney Desiree Gurulé** *for Defendant-Appellee Steven M. Sederwall*  
The Brown Law Firm  
3777 The American Road. NW,  
Suite 100  
Albuquerque, NM 87114

County: Lincoln County  
Payee: Gale Cooper  
PO Box 328  
Sandia Park, NM 87047-

NM Association of Counties Multi-Lir  
Delivery Method:  
Check Number: 16829  
Check Date: 11/17/2016  
Check Amount: 11,702.55

Claimant: Cooper, Gale  
Claim#: GL-20908  
For: judgment, costs & interest at 8.75%  
From:  
Through:

Incident Date: 04/24/2007  
Payment Type: Judgment  
Invoice No:  
Invoice Date:  
Payment Amount: 11,702.55

EXHIBIT  
Plaintiff-Appellant Gale Cooper  
/

New Mexico County Insurance Authority  
Multi-Line Pool  
444 Galisteo St.  
Santa Fe, NM 87501

First National Bank of Santa Fe  
62 Lincoln Ave.  
Santa Fe NM 87501

DATE	CHECK NUMBER
11/17/2016	16829

Pay Eleven Thousand Seven Hundred Two Dollars And 55/100

AMOUNT  
\*\*\*\*\*11,702.55  
VOID 90 DAYS AFTER ISSUE DATE

To Gale Cooper  
The PO Box 328  
Order Sandia Park, NM 87047-  
Of

  
TWO SIGNATURES REQUIRED ON AMOUNTS OVER \$25,000

⑈ 16829 ⑈ ⑆ 107000440 ⑆ 107033087 ⑈