



IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
RAÚL TORREZ, Attorney General,

Plaintiff-Applicant/Respondent,

v.

KATINA WATSON, in her Official
Capacity as Records Custodian for the
Second Judicial District Court,

Defendant-Respondent/Applicant.

No. S-1-SC-41418
Rel. A-1-CA-42633
A-1-CA-42508
D-202-CV-2024-04027

STATE OF NEW MEXICO'S REPLY BRIEF

ORAL ARGUMENT REQUESTED

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CERTIFICATE OF COMPLIANCE

The body of this brief exceeds the limit of 15 pages set forth in Rule 12-318(F) NMRA. Undersigned counsel certifies that this brief is written in Times New Roman, a proportionally spaced font, and that the body of this brief contains fewer than 4,400 words (specifically, 4,290). This word count includes footnotes and was obtained using Microsoft Word.

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I. INTRODUCTION¹

Plaintiff brought this enforcement action under the Inspection of Public Records Act (IPRA), NMSA 1978, §§ 14-2-1 to -12 (1947, as amended through 2025), pursuant to his authority granted by Section 14-2-12(A)(1), and against Defendant in her official capacity as records custodian, as defined by Section 14-2-6(A), for Defendant's wrongful denial of one of two IPRA requests and for her wrongful blanket denial of a second IPRA request. To reach these denials, Defendant misread and improperly extended New Mexico Supreme Court Order 22-8500-034 (NMSC Order) and NMSA 1978, Section 31-3-12 (2022). Defendant then also refused to answer even basic discovery.

Defendant now misapplies *Silva v. City of Albuquerque*, 2026-NMCA-054, asserting that *Silva* bars all discovery and justifies the district court's Order Granting Defendant's Motion for a Protective Order and to Stay Discovery. [RP 334-36] However, *Silva* only addresses the discovery of withheld records in the context of that case—not the non-record information primarily sought by Plaintiff here. *Silva* therefore does not support Defendant's argument. Instead, to the extent it applies to this case at all, it supports Plaintiff's position.

The district court erroneously stayed *all* discovery. Plaintiff respectfully asks this Court to grant its application and permit discovery to proceed.

¹Plaintiff timely files this Reply pursuant to Rule 12-308(2)(a)-(c) NMRA.

II. ARGUMENT

Plaintiff's argument primarily rests upon Rule 1-026(C), *Est. of Romero ex rel. Romero v. City of Santa Fe*, 2006-NMSC-028, 139 N.M. 671, and *Krahling v. Executive Life Ins. Co.*, 1998-NMCA-071, 125 N.M. 228. **[See generally BIC]**

When issuing any discovery protective order, a district court is required to find “good cause” for protection *and* that a protective order is necessary to protect a party from “annoyance, embarrassment, oppression, or undue burden or expense” prior to issuing a protective order. Rule 1-026(C) NMRA; *see also Krahling*, 1998-NMCA-071, ¶ 15 (“Good cause is established by showing that disclosure will work a clearly defined and serious injury to the party seeking closure. The injury must be shown with specificity.” (internal quotation marks, brackets and citation omitted)). Additionally, under *Romero*, the district court is “required to balance the interests at stake[,]” which includes requiring “the party seeking to preclude disclosure” to prove the information is confidential. 2006-NMSC-028, ¶ 19. To conduct this balancing, an in-camera review or evidentiary hearing “may be necessary,” and even if the material is confidential, the requesting party may obtain it upon showing that the information is “critical” to the claim or defense. *Id.* (internal quotation marks and citation omitted).

Silva does not change this analysis. The district court abused its discretion and otherwise erred: (1) when it failed to make the required findings for a protective

order under Rule 1-026(C)—i.e., that Defendant brought the request for good cause shown or that requiring Defendant to answer discovery—not subject to the NMSC Order—would cause Defendant “annoyance, embarrassment, oppression, or undue burden or expense,” and (2) where it issued a blanket stay rather than a narrowly tailored protective order as required by Rule 1-026(C). The stay is overbroad, unsupported, and should be reversed.

A. To The Extent *Silva* Applies, It Supports Plaintiff’s Argument.

1. *Silva* only bars discovery of *withheld* records—non-withheld records remain subject to Rule 1-026.

Defendant cites *Silva* on eleven pages of her twenty-page brief, centering her entire argument on the misapplication of this one case. However, *Silva* does not support Defendant’s failure to answer discovery in toto or the district court’s blanket stay of discovery. A more detailed review of *Silva* demonstrates how it is readily distinguishable from this matter.

Silva establishes a narrow rule governing discovery of withheld documents and clarifies, rather than restricts, the permissible scope of discovery in IPRA enforcement actions. *Silva* prohibits the discovery of withheld documents when the very records sought in discovery are those withheld by a records custodian under an IPRA exemption. This is because allowing discovery of withheld records could confuse the burdens under IPRA and under Rule 1-026. *Silva* does not, however, expressly prohibit the discovery of non-withheld documents or information. Further,

district courts are expressly encouraged to use in-camera review or privilege logs when evaluating a record custodian's exemption claims. *Silva* therefore supports Plaintiff's position in this case. 2026-NMCA-054, ¶¶ 1, 9-14, 15.

An examination of the factual posture of *Silva* confirms why Defendant's reliance is misplaced. *Silva* arose out of an IPRA enforcement action where the plaintiff sought certain law enforcement records through an IPRA request. *Id.* ¶ 2. The defendant received the IPRA request, separated and redacted the responsive records, and provided the plaintiff with the redacted responsive records while otherwise denying the request pursuant to the law enforcement exemption under Section 14-2-1. *Id.*; see also App. for Interlocutory Appeal, at 2-3, *Silva v. City of Albuquerque*, A-1-CA-42217 (N.M. Ct. App. Oct. 11, 2024).² Believing the denial improper under IPRA, the plaintiff brought an IPRA enforcement action challenging (1) the defendant's substantive denial of records under the law enforcement exemption and (2) the defendant's procedural compliance with IPRA. 2026-NMCA-054, ¶ 2. The plaintiff also propounded a single request for production on the defendant, seeking unredacted versions of the very records the defendant had produced in redacted form. *Id.* ¶¶ 2, 4-7; see also App. for Interlocutory Appeal, Ex. B, *Silva v. City of Albuquerque*, A-1-CA-42217 ("Please provide unredacted lapel

² Plaintiff asks that this Court take judicial notice of the underlying pleadings from A-1-CA-42217 (rel. S-1-SC-41165), which provide factual details omitted from the *Silva* opinion.

camera videos[.]”). The defendant objected and the plaintiff thereafter filed a motion to compel discovery. App. for Interlocutory Appeal, Ex.’s C, E, *Silva v. City of Albuquerque*, A-1-CA-42217.

Without first reviewing the withheld records to determine whether they were lawfully exempt under IPRA, as required under both Rule 1-026(C) and *Romero*, the district court in *Silva* ordered the defendant to produce the unredacted records in response to the discovery request but subject to a confidentiality order. *Silva*, 2026-NMCA-054, ¶ 2. The defendant sought interlocutory review, arguing the district court erred by compelling disclosure of the very records withheld before adjudicating whether the defendant had properly complied with IPRA. *Id.* ¶ 1.

Only this narrow issue was before the court of appeals, which addressed the interplay of IPRA, Rule 1-026, and *Romero*. The plaintiff asserted that IPRA exemptions do not alter Rule 1-026 obligations and thus do not bar discovery. 2026-NMCA-054, ¶ 8. The defendant argued that allowing discovery of withheld records would negate the statutory exemptions to IPRA and circumvent the legislative scheme. *Id.* The court of appeals rejected both parties’ readings of Rule 1-026 and *Romero*, holding that neither “Rule 1-026 [nor] *Romero* are applicable to *this* IPRA enforcement action.” 2026-NMCA-054, ¶ 8. (emphasis added).

Silva, thus, applied only to an IPRA enforcement action where the plaintiff seeks discovery of the very records withheld by the defendant under an IPRA

exemption. *Id.* ¶ 9 (noting that the case applies in situations “involv[ing] only the unique posture of IPRA enforcement actions, in which documents were withheld” based on an IPRA exemption). Indeed, the court acknowledged that “both *Romero* and Rule 1-026 . . . provide parameters for discovering relevant and material evidence to prove a claim in an ordinary civil action, and as a result, plaintiffs in such actions may be entitled to records that are not publicly available under IPRA.” 2026-NMCA-054, ¶ 14. In IPRA enforcement actions such as *Silva*, however, if “a requestor receives in discovery the documents that were withheld based on an IPRA exemption, the requestor has obtained one of the remedies available for noncompliance—before the district court has made any determination about whether the records custodian met its burden to show that it complied with IPRA.” *Id.* ¶ 10. This is inarguably true—but only in the *Silva* context, i.e., where discovery is sought of the very documents and information the defendant withheld pursuant to statute. The court’s reasoning and conclusion cannot be read to apply to non-withheld documents and information.

Silva’s discussion of permissible judicial mechanisms—such as in-camera review—further demonstrates what *Silva* does and does not require. The Court underscored that while IPRA itself may lack explicit procedures for evaluating the record custodian’s compliance, it would “encourage the district court to perform an in-camera review, require a privilege log, or otherwise engage with the evidence in

a manner that is appropriate for the circumstances.” *Id.* ¶ 14. *Silva* therefore reaffirms the necessity for in-camera review or a privilege log as already contemplated by Rule 1-026 and *Romero*.

The special concurrence underscores this point even more directly. There, Judge Hanisee critiqued *Romero* and its effect on civil discovery. *Id.* ¶¶ 17-20 (Hanisee, J., joined by Attrep & Wray, J.J., concurring). The concurrence observes that *Romero*, 2006-NMSC-028, has caused a longstanding doctrinal problem permitting IPRA exemptions to potentially limit discovery in ordinary civil litigation, contrary to Rule 1-026’s foundational principles of liberal disclosure. *Silva*, 2026-NMCA-054, ¶ 17. *Romero* forces an unnecessary and inappropriate balancing test into “ordinary” civil discovery disputes—one that weighs a plaintiff’s discovery needs against legislative confidentiality policies embedded in IPRA exemptions. *Id.* ¶ 18. *Romero* “forced the square peg of IPRA into the round hole” of civil discovery, despite IPRA’s purpose being to expand access to public records for the general public, not to restrict the tools available to litigants who already have standing to seek judicial relief. *Id.* ¶ 19.

The concurrence also emphasizes that the judiciary is not bereft of mechanisms to protect sensitive materials, noting the use of protective orders under Rule 1-026. *Silva*, 2026-NMCA-054, ¶ 18. District courts routinely resolve civil discovery disputes involving sensitive materials through protective orders, limiting

dissemination without denying discovery altogether. *Id.* As such, the concurrence solicits this Court to overrule *Romero* to restore a clear distinction between IPRA enforcement actions and “ordinary” civil litigation, the latter of which should follow Rule 1-026’s liberal discovery standards, including use of protective orders, as needed. *Silva*, 2026-NMCA-054, ¶¶ 18, 20.

Taken together, these features demonstrate that *Silva* strikes an important distinction in IPRA enforcement actions between the prohibited discovery of IPRA materials withheld by a records custodian pursuant to exemption and the ordinary discovery of documents and information not otherwise withheld by a records custodian under IPRA. In no event does *Silva* justify the blanket stay of discovery such as that ordered by the district court in this case.

2. The district court’s blanket stay of all discovery is not supported by Rule 1-026(C), by *Krahling*, by *Romero*—or by *Silva*.

The district court’s blanket stay is not supported where it was not narrowly construed and where *all* discovery was stayed. Plaintiff sought *both* withheld records and non-withheld records, with forty-three of Plaintiff’s discovery requests seeking non-withheld records. Although *Silva* may govern the discovery of withheld records, it does not control or displace Rule 1-026(C), *Romero*, or *Krahling* where, as here, discovery is sought primarily of non-withheld records otherwise relevant under the Rules of Civil Procedure. *See Silva*, 2026-NMCA-054, ¶ 17 (Hanisee, J., joined by Attrep & Wray, J.J., concurring) (“[W]hile the principles of liberal discovery that

underpin Rule 1-026 cannot upend application of IPRA exemption in an enforcement action, nor should IPRA upend those very same principles in ordinary civil litigation.”). Unlike the plaintiff in *Silva*, Plaintiff propounded multiple interrogatories, requests for admission, and requests for production, primarily seeking documents and information other than the documents sought by the two IPRA requests and withheld by Defendant pursuant to the NMSC Order. This was more than—and different from—the single request for production seeking the very “records that [the defendant] had denied” in *Silva*. [**Compare BIC 4, with *Silva*, 2026-NMCA-054, ¶ 2]**]

Specifically, Plaintiff sought documents and information permitted by Rule 1-026. To begin with, Plaintiff propounded straightforward admissions directed at clarifying foundational factual matters, seeking admission of:

- a. whether documents were true and correct copies of correspondence or documents in the case;
- b. that the documents that were produced by Defendant did *not* include GPS alerts and notifications or how many times alerts were sent;
- c. that production of the requested IPRA documents would not require Defendant to breach the confidentiality of any particular defendant;
- d. that the NMSC Order does not exempt GPS alerts from production or include it within the definition of GPS data;
- e. that Defendant did not redact; and
- f. that Pretrial Services had not communicated the existence of a GPS device alert to the district court in the past two years.

[**RP 222, 232-36]** These questions seek “admit” or “deny” responses from Defendant. They are relevant to the pending action and would help Plaintiff narrow

its case and streamline discovery and the litigation. Nothing argued by Defendant—not the NMSC Order, not Section 31-3-12, and not *Silva*—would prevent response to these requests for admission.

Plaintiff also propounded interrogatories that similarly sought information rather than documentation. Specifically:

- a. why a particular request for admission had been denied;
- b. a description of the standard operating procedures used by Pretrial Services;
- c. a list of all instances of when, within a two-year period, Pretrial Services had become alerted to a GPS violation;
- d. an explanation as to why redaction was not an option;
- e. what a GPS alert or notification may indicate;
- f. the number of times the district court had been notified of a potential violation;
- g. an identification of witnesses; and
- h. the reason for not responding to a document production.

[RP 236-42] These interrogatories do not seek records—either the very records withheld by Defendant pursuant to IPRA exemption or any others—but, rather, information in narrative form. These interrogatories would also help Plaintiff narrow its case and streamline the proceedings.

Plaintiff's requests for production likewise were primarily for non-withheld records. Plaintiff sought production of:

- a. standard operating procedures for how Pretrial Services manages alerts;
- b. all service contracts and other documents related to third-party vendors or contractors who have a role in the GPS tracking;
- c. documents showing Pretrial Services communications of alerts to law enforcement or a district court during a specific period of time;

- d. documents referenced in any interrogatory answer; and
- e. documents that might be relied on at trial.

[RP 242-44] Admittedly, Requests for Production Nos. 7 and 8, were for the very documents sought through IPRA. *Silva* would arguably apply to these two requests.

[RP 244] The remainder of the requests for production were propounded to help Plaintiff narrow its case and streamline the proceedings. The NMSC Order, Section 31-3-12, and *Silva* would not apply.

In sum, only two of the forty-five questions Plaintiff sought in discovery were addressed to “the very records that would have been withheld based on an asserted IPRA exemption[.]” *Silva*, 2026-NMCA-054, ¶ 1. But despite this clear delineation between withheld records and non-withheld records, Defendant lumps all the discovery together into the category of “withheld records” and describes it as an attempt by Plaintiff to obtain only withheld records. Defendant argues that the district court was correct to “refus[e] to allow [Plaintiff] to use civil discovery to pry loose the very pretrial-services records that [Defendant] withheld under an IPRA exemption,” and that “requiring her to produce the covered records would subject her to the oppression and undue burden of violating [the NMSC Order].” **[AB 1, 5]** Notably, Defendant offers no meaningful response to Plaintiff’s argument that it sought non-withheld information through interrogatories, requests for admission, and six of the eight requests for production—to which *Silva* would not apply.

[Compare AB generally with BIC 17]

Instead, Defendant contends the district court's stay is a proper mechanism for docket control and that the "records that the State seeks are not discoverable in the first place" because the "relevance of every single request depends on the threshold question on appeal." [AB 3, 6, 8, 17-19] While this issue will be discussed further below, in the context of good cause, even if this Court were to agree that the NMSC Order presented a "threshold question" and was a valid exemption under IPRA, it would thereafter remand this matter to district court to determine if Defendant's application of the exemption to the IPRA requests was proper—in which case the non-record discovery would certainly still be necessary. In truth, should Defendant be made to respond to the interrogatories and requests for admission, her response would entail no production of documents or records. And should Defendant be compelled to respond to six of the eight requests for production, none of the documents requested would be for those withheld under IPRA. This Court should not permit Defendant to use *Silva* as a shield to all discovery.

B. *Silva*, *Romero*, *Krahling*, and Rule 1-026 Confirm—Rather Than Excuse—the District Court's Failure to Make the Findings Required by Rule 1-026 and the District Court's Inherent Authority Does Not Override Its Erroneous View of the Law.

Because *Silva* offers no support for the district court's ruling, this Court must next consider the independent procedural errors underlying the blanket stay of discovery. The district court abused its discretion and otherwise erred: (1) when it failed to make the required findings for a protective order under Rule 1-026(C)—

i.e., that the motion for protective order was brought for “good cause” shown or that requiring Defendant to answer discovery—not subject to the NMSC Order—would cause Defendant “annoyance, embarrassment, oppression, or undue burden or expense,” and (2) where it issued a blanket stay rather than a narrowly tailored protective order as required by Rule 1-026(C).

The district court’s order is reviewable for abuse of discretion and a blanket stay of discovery that fails to apply the governing rules is, *per se*, an abuse of discretion. *See Silva*, 2026-NMCA-054, ¶ 4 (“[a] district court abuses its discretion if its discretionary act is premised on an erroneous view of the law.”) Defendant relies heavily on *Belser v. O’Cleireachain*, 2005-NMCA-073, ¶ 3, 137 N.M. 623, for its discussion of a district court’s power over their dockets and the inherent powers “in every court to control the disposition of the causes on its docket with economy of time and effort[.]” **[AB 3, 12-13]** But a district court’s inherent authority cannot override the procedural requirements of Rule 1-026(C). That would be error.

First, the district court erred when it failed to make the required findings for a protective order under Rule 1-026(C). The district court concluded that an appellate court decision as to the NMSC Order “*could* impact both relevancy and the ability of the information requested to lead to discoverable evidence . . . [or] *may* narrow or eliminate discovery.” **[RP 334 (emphasis added)]** The district court also determined that even if discovery is “significantly narrowed and allowed to proceed

. . . there will still be a substantial amount of discovery litigation.” **[*Id.*]** The first conclusion is grounded in hypothetical language—“could” or “may”—and the latter conclusion is purely speculative and made in absence of *any* true discovery response.

Defendant now supplements her original arguments with *Silva* contending that “good cause has been shown as a matter of law [because] [t]he records [Plaintiff] seeks, GPS alerts and notifications drawn from [D]efendant’s pretrial-services files, are the records [Defendant] withheld.” **[AB 10]** As previously discussed, Defendant’s characterization of what Plaintiff seeks through discovery, as compared to what was sought under IPRA, is facially incorrect—Plaintiff does not seek the very withheld records. *Supra* § (A)(2). Good cause must be shown as to each discovery request, and *Silva* provides good cause only for requests for production of records withheld pursuant to IPRA exemption.

Absent the required particularized showing of good cause, Defendant instead asserts that because the question regarding the NMSC Order is allegedly “dispositive,” good cause has been shown as a matter of law. **[AB 13]** This Court’s recent precedent does not support Defendant’s contention. Even if this Court were to agree that the NMSC Order is a valid exemption under IPRA, it would thereafter remand this matter to district court to determine if Defendant’s application of the exemption to the IPRA requests was proper—in which case the non-record discovery would still be necessary. *See Albuquerque J. v. Bd. of Educ. of*

Albuquerque Pub. Schs., ___-NMSC-___, ¶ 17 (S-1-SC-40671, May 28, 2026) (“In camera review has the most direct capacity to evaluate both the suitability of the sought record as a public record as well as the basis for a records custodian's claim that the public record depicts something specifically exempted by IPRA.”) Prior to issuing its protective order, the district court was required to conclude there was good cause as “established by showing that disclosure will work a clearly defined and serious injury to the party seeking closure [and] [t]he injury must be shown with specificity.” *Krahling*, 1998-NMCA-071, ¶ 15 (internal quotation marks and citation omitted). The district court could not have reached these required conclusions where Defendant did not present them to the district court.

As such, the district court’s order does not provide for the narrow tailoring required by Rule 1-026, *Romero*, or *Krahling* which all remain good law in discovery contexts not governed by *Silva*. Under these legal sources, the district court was “required to balance the interests at stake,” to include requiring “the party seeking to preclude disclosure” to prove the information is confidential. *Romero*, 2006-NMSC-028, ¶ 19. *Silva* also requires the discovery of documents and information not withheld pursuant to an IPRA exemption. [***Compare AB 12, with Silva*, 2026-NMCA-054, ¶¶ 1, 8-10]** The district court erred when it did not adhere to the requirements of Rule 1-026(C).

Second, the district court’s remedy constitutes error where it issued a blanket

stay rather than a narrowly tailored protective order, if confidentiality was a concern, and as required by Rule 1-026(C). Whether under Rule 1-026, *Romero*, *Krahling*, or *Silva*, all four sources require the district court to conduct a balancing of the interests, where an in-camera review or evidentiary hearing may be necessary. The issue here is not “litigating discovery of the withheld records,” [AB 19] but rather non-withheld records being barred from discovery as if they were withheld records. Both the district court and now the appellate courts have been asked to opine on Defendant’s interpretation of the NMSC Order without any information as to the records at issue. Here, there is no evidence as to how, e.g., the Pretrial Services records are kept, whether there is data that exists outside “a defendant’s” file, whether “alerts and notifications” contain confidential data, or whether Pretrial Services has procedure manuals that would shed light upon these questions. Defendant indiscriminately has concluded *all* discovery seeks withheld records and is otherwise subject to the NMSC Order. This position is unsupported by fact or law. Thereafter, the district court without any investigation or balancing of interests granted a blanket stay. The district court erred.

C. *Silva*, *Romero*, and Rule 1-026 Operate Harmoniously.

Where neither Defendant’s reliance on *Silva*, nor the district court’s reasoning below withstand scrutiny, this Court should turn to the appropriate method of harmonizing *Silva*, *Romero*, and Rule 1-026 in determining the permissible scope of

discovery here. Plaintiff asserts there is a way to place the “square peg of IPRA into the round hole of a plaintiff’s right to relevant discovery[.]” *C.f. Silva*, 2026-NMCA-054, ¶ 19 (Hanisee, J., joined by Attrep & Wray, J.J., concurring), and read *Silva* in harmony with *Romero* and Rule 1-026. This principle takes clearer shape when considering the continued evidentiary burden born by IPRA requestors: while records custodians have the burden to prove they have not violated IPRA, without knowledge of how records are maintained, there is no ability to challenge a record custodian’s narrative. Therefore, IPRA enforcement actions should not be wholly carved out from ordinary civil actions.

Accordingly, district courts must apply Rule 1-026 to all materials not subject to an asserted exemption. As to withheld documents, an in-camera review of the confidential documents would be proper, but not before discovery is allowed to proceed as to non-withheld documents that may be necessary to establish whether the withheld documents are truly subject to an IPRA exemption. Pursuant to *Silva*, documents or records withheld under an asserted IPRA exemption would not be discoverable under Rule 1-026 *until* a district court conducts an exemption-specific review—through in-camera inspection, privilege logs, evidentiary hearings, or other protective mechanisms—to determine whether the custodian has met its statutory burden as suggested by *Silva*, *Romero*, and Rule 1-026. Once the exemption analysis is complete, the consequences follow directly from IPRA’s statutory framework.

In this way, the statutory and procedural frameworks operate together rather than at cross-purposes. Rule 1-026 discovery, aimed at fleshing out a case and not requesting the very documents withheld under IPRA, should not be categorically barred—nor would *Silva* stand for such a premise. This approach might operate as the bridge needed between Rule 1-026 discovery and IPRA enforcement.

CONCLUSION

Despite Defendant's attempt to shield herself with *Silva*, that case only applies to prohibit the discovery of the very documents withheld by Defendant pursuant to the IPRA law enforcement exemption. The majority of Plaintiff's discovery requests sought additional information and documents different from any *Silva*-protected documents. Rule 1-026 and *Romero* govern the interrogatories, requests for admission, and six of eight requests for production that fall outside the scope of *Silva*. The district court therefore abused its discretion when it (1) failed to make the required findings for a protective order in New Mexico under Rule 1-026(C) and New Mexico caselaw, and (2) issued a blanket stay rather than a narrowly tailored stay.

Plaintiff respectfully requests this Court grant Plaintiff's Application, reverse the district court's granting of a protective order and a stay of discovery, remand this matter for additional discovery during the pendency of interlocutory appeal, and for further relief as is deemed proper by this Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2026, a true and correct copy of the foregoing Reply was served on all counsel of record via electronic transmission through the Odyssey File & Serve System.

/s/ Serena R. Wheaton