



IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

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

Plaintiff-Applicant/Respondent,

**Supreme Court No. S-1-SC-41418
Ct. App. No. A-1-CA-42633
Dist. Ct. No. D-202-CV-2024-04027**

v.

**KATINA WATSON, in her official
capacity as Records Custodian for the
Second Judicial District Court,**

Defendant-Respondent/Applicant.

DEFENDANT-RESPONDENT/APPLICANT'S ANSWER BRIEF

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ORAL ARGUMENT REQUESTED: Pursuant to Rule 12-319(B)(1)
NMRA, Defendant-Respondent/Applicant Katina Watson requests oral
argument on this appeal.

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STATEMENT OF COMPLIANCE

This Brief in Chief was prepared utilizing Word, Microsoft Office 365. The body of this Answer Brief is less than 35 pages and was prepared using 14-point Times New Roman, a proportional-spaced typeface. In addition, the body does not exceed 11,000 words. Defendant-Respondent/Applicant certifies that this Answer Brief complies with NMRA 12-305, 12-318 and 12-502.

I. INTRODUCTION

The District Court ruled correctly and as now confirmed by the recently decided decision of *Silva v. City of Albuquerque*, in refusing to allow the State to use civil discovery to pry loose the very pretrial-services records that Record Custodian Katina Watson (hereinafter “Ms. Watson”) withheld under an IPRA exemption, and stayed discovery until the appellate courts resolve the threshold legal question that governs this entire controversy which is the breadth and applicability of New Mexico Supreme Court Order No. 22-8500-034 (the Order). [RP 334-36] (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 80).

After the stay issued, the Court of Appeals decided the discovery question squarely in *Silva v. City of Albuquerque*, 2026-NMCA-054, 589 P.3d 108. *Silva* holds that “in an IPRA enforcement action, the very records that

have been withheld based on an asserted IPRA exemption are not subject to production in response to discovery requests.” *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶ 1, 589 P.3d 108, 110 (emphasis supplied). Production of the requested records are a potential remedy for an IPRA violation not appropriate for discovery; a requestor “may not obtain the remedy for an IPRA violation without the records custodian having an opportunity to meet its burden and demonstrate that it complied with IPRA.” *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶ 14, 589 P.3d 108, 113. Moreover, because the records claimed as exempt are the remedy, allowing a requestor to obtain them in discovery “prematurely award[s] a remedy” and “confuse[s] the parties’ respective burdens.” *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶ 10, 589 P.3d 108, 112.

That holding dismantles the State’s appeal on this issue. The State’s Brief in Chief relies entirely on Rule 1-026(C) NMRA and *Estate of Romero ex rel. Romero v. City of Santa Fe*, 2006-NMSC-028, 139 N.M. 671, the balancing framework for ordinary civil discovery. However, *Silva* squarely holds that “neither Rule 1-026 [n]or *Romero* are applicable to this IPRA enforcement action.” *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶ 8, 589 P.3d 108, 111. The State thus asks this Court to compel the district court to apply the one framework the Court of Appeals has held does not govern, in

order to produce the one category of records the Court of Appeals has held is not discoverable.

The stay also reflects a sound exercise of the district court's inherent authority to control its docket. The court found that an appellate ruling on the Order "could impact both relevancy and the ability of the information requested to lead to discoverable evidence," could "narrow or eliminate any discovery," and would "conserve judicial resources." [RP 334] (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 79; Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 80) Staying discovery until that dispositive question is answered was prudent, not an abuse of discretion.

II. COUNTERSTATEMENT OF PROCEEDINGS AND RELEVANT FACTS

This is an IPRA enforcement action. Two reporters submitted IPRA requests to the Second Judicial District Court (SJDC) seeking, in substance, GPS-device alerts transmitted to Pretrial Services and related notifications to the court and the District Attorney. [RP 5-9] (STATE OF NEW MEXICO'S BRIEF IN CHIEF at 6) Katina Watson, in her official capacity as the SJDC Records Custodian, denied the requests as exempt from inspection under

IPRA’s “as otherwise provided by law” exception, NMSA 1978, § 14-2-1(L)¹; under NMSA 1978, § 31-3-12, which provides that GPS data for a defendant on pretrial release “shall not be made part of any public record unless admitted as evidence at a criminal trial”; and under the Order, which designates the information in a defendant’s pretrial-services file, including GPS data, as confidential and not part of any public record. (STATE OF NEW MEXICO’S BRIEF IN CHIEF at 6) The records the State seeks are therefore “clearly deemed confidential and not part of the public record pursuant to the Order.” (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 24).

Ms. Watson moved for judgment on the pleadings on September 26, 2024, contending that the action turns on purely legal questions, principally whether the Supreme Court Order exempts the records and whether the requested documents are public records under IPRA at all. (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 82; Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 24).

¹ Section 14-2-1 was amended in 2025. This brief cites to the 2023 version, which was in effect at the time of the request.

The State served written discovery on September 18, 2024. (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 25) Four days before responses were due, Ms. Watson sought an extension and told the State she would move for a protective order and stay. (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 25) Upon the agreed response date, October 25, 2024, Ms. Watson timely filed a Rule 1-026(C) motion for a protective order and to stay discovery. (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 25) That motion attached the discovery requests, set forth objections grounded in the Order and in relevance to the IPRA claims, and asserted good cause as Ms. Watson is bound by a Supreme Court Order of confidentiality, and requiring her to produce the covered records would subject her to the oppression and undue burden of violating that Order. [RP 128-38] (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 26; Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 7).

Following the January 24, 2025 hearing, the district court granted Ms. Watson's motion on February 10, 2025. [RP 334-36] (Order Granting

Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 79). The court found that an appellate decision on the Order “could impact both relevancy and the ability of the information requested to lead to discoverable evidence” and “may narrow or eliminate any discovery”; that even if discovery were narrowed, “substantial” discovery litigation would remain; and that a stay pending appellate determination of “the breadth and applicability of the Supreme Court’s Order may conserve judicial resources.” [RP 334-35] (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 79; Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 80) The court concluded that a stay “would be appropriate which would in this case allowing the appellate courts to determine the extent and applicability of” the Order. [RP 335] (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 80) The District Court certified a single controlling question: “Did the district court err in this matter by staying discovery pending an interlocutory appeal on the final order denying Defendant’s Motion for Judgment on the Pleadings.” [RP 335] (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 80).

The same day, the court denied Ms. Watson’s motion for judgment on the pleadings. [RP 337-40] (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 82) The Court found the Order “is a basis for good-faith denial by a records custodian under” IPRA, while preserving the State’s right to “test[] the breadth of the NMSC Order under IPRA” and to “test the good-faith basis of a record custodian’s denial.” [RP 337] (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 82). Further, the court recognized that the validity of the Order “would belong to the New Mexico Supreme Court, not to a district court,” and certified questions including whether the Order supplies a valid IPRA exception permitting a blanket denial of an IPRA request and whether the custodian must still produce separated, redacted responsive documents. [RP 338-39] (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 83; Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 84) Both rulings resulted in interlocutory appeals presently before this Court. (STATE OF NEW MEXICO’S BRIEF IN CHIEF at 4).

III. ARGUMENT

A. Standard of Review.

“Discovery orders are generally reviewed for abuse of discretion.” *Est. of Romero ex rel. Romero v. City of Santa Fe*, 2006-NMSC-028, 139 N.M. 671, 137 P.3d 611. A protective order “will [be] reverse[d] . . . only for abuse of discretion.” *Krahling v. Exec. Life Ins. Co.*, 1998-NMCA-071, 125 N.M. 228, 959 P.2d 562. A district court’s decision to grant or lift a stay is likewise reviewed for abuse of discretion, because the authority to stay proceedings is “incidental to” the court’s “inherent authority . . . to manage the cases before it.” *Belser v. O’Cleireachain*, 2005-NMCA-073, 137 N.M. 623, 114 P.3d 303. Further, to the extent a discovery ruling turns on a legal question, review of that question is de novo. *Est. of Romero ex rel. Romero v. City of Santa Fe*, 2006-NMSC-028, 139 N.M. 671, 137 P.3d 611. Regardless, under either lens the stay must stand as a discretionary docket-management decision was well within the court’s authority, and as on point matter of law, *Silva’s* decision confirms that the records the State seeks are not discoverable in the first place.

B. *Silva v. City of Albuquerque* Is the Current and Controlling Authority, and It Forecloses the State’s Demand to Take Discovery of the Very Records Ms. Watson Withheld Under an IPRA Exemption.

The question the State poses, whether discovery may proceed to obtain pretrial-services records withheld under an IPRA exemption, was answered by the Court of Appeals in *Silva*, decided October 2, 2025. *Silva* arose in the same posture as this case which was an IPRA enforcement action in which a requestor used the Rules of Civil Procedure to seek, in discovery, the very records the custodian had withheld under an IPRA exemption, and the district court ordered production without first determining whether the custodian had complied with IPRA. *Silva v. City of Albuquerque*, 2026-NMCA-054, 589 P.3d 108. The Court of Appeals reversed, holding that “in an IPRA enforcement action, the very records that have been withheld based on an asserted IPRA exemption are not subject to production in response to discovery requests.” *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶ 1, 589 P.3d 108, 110.

Silva’s reasoning applies directly here. A claim in an IPRA enforcement action “tests whether a records custodian has complied with IPRA’s requirements,” and the remedy for noncompliance “can be . . . the production of the contested records to the requestor.” *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶ 10, 589 P.3d 108, 112. Reasoning that follows this scenario is

that “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.” *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶ 10, 589 P.3d 108, 112. Production of exempt-withheld records in discovery therefore “prematurely award[s] a remedy” and “confuse[s] the parties’ respective burdens.” *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶ 10, 589 P.3d 108, 112. Such production also risks the exact harm Ms. Watson sought to avoid which would be “the dissemination of records that would ultimately be determined to be exempt from public disclosure under IPRA.” *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶ 13, 589 P.3d 108, 113.

Moreover, good cause has been shown as a matter of law. The records the State seeks, GPS alerts and notifications drawn from defendants’ pretrial-services files, are the records Ms. Watson withheld under the Order and § 31-3-12. Applying *Silva*, those records are “generally a potential remedy for the requestor and not a means to a remedy that may be investigated in discovery.” *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶ 14, 589 P.3d 108, 113. Ordering them produced in discovery now, before any determination of Ms. Watson’s IPRA compliance, would provide the State the ultimate remedy and

risk disclosing records that may be confidential by statute and by order of this Court. The stay prevents precisely that premature and irreversible result.

The State's appeal cannot be reconciled with *Silva* because it rests on the framework *Silva* held inapplicable. The State builds its entire argument on Rule 1-026(C) balancing and on *Romero*'s instruction that courts must "balance . . . the conflicting needs of discovery and confidentiality." Notably, *Silva* expressly held that "neither Rule 1-026 [n]or *Romero* are applicable to this IPRA enforcement action." *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶ 8, 589 P.3d 108, 111. *Romero* and Rule 1-026 govern discovery of relevant evidence in ordinary civil litigation, where the records "further the needs of the underlying litigation"; they do not govern an IPRA enforcement action, where "[t]he claim . . . is inherently different" and the withheld records are themselves the remedy. *Silva v. City of Albuquerque*, 2026-NMCA-054, 589 P.3d 108. The burdens differ as well: under Rule 1-026(B) "the burden of proof is on the party seeking discovery," but "[i]n IPRA enforcement actions . . . the burden is on the records custodian to establish compliance with IPRA." *Silva v. City of Albuquerque*, 2026-NMCA-054, 589 P.3d 108. The State's insistence that the district court should have run the Rule 1-026(C) balancing calculus thus asks for application of the wrong rule.

Because the district court’s result, withholding the exempt records from discovery pending a merits determination, is compelled by *Silva*, it must be affirmed. Even if the district court had articulated its rationale differently, this Court may affirm a discovery ruling that reaches the legally correct result; an abuse of discretion exists only where a ruling is “premised on an erroneous view of the law” *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶ 4, 589 P.3d 108, and the ruling here aligns with, rather than departs from, the governing law.

C. The Stay Was a Proper Exercise of the District Court’s Discretion to Sequence a Dispositive, Threshold Legal Question Ahead of Discovery.

Independent of *Silva*, the stay was a textbook exercise of the district court’s “inherent authority . . . to manage the cases before it.” *Belser v. O’Cleireachain*, 2005-NMCA-073, 137 N.M. 623, 114 P.3d 303. “The authority to stay proceedings is incidental to the court’s inherent management authority,” which includes “the power to supervise and control the movement of all cases on its docket from the time of filing through final disposition.” *Belser v. O’Cleireachain*, 2005-NMCA-073, 137 N.M. 623, 114 P.3d 303. A district court’s exercise of that authority is reviewed only for abuse of discretion. *Belser v. O’Cleireachain*, 2005-NMCA-073, 137 N.M. 623, 114 P.3d 303.

The court invoked that authority for sound reasons. The controlling question in this case which is the breadth, validity, and applicability of the Order, is a pure question of law that “would belong to the New Mexico Supreme Court.” (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 83) The district court recognized that an appellate ruling on that question “could impact both relevancy and the ability of the information requested to lead to discoverable evidence” and “may narrow or eliminate any discovery,” so that staying discovery until the question is resolved “may conserve judicial resources.” [RP 334-35] (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 79; Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 80) Rule 1-026 itself endorses that cost-benefit judgment, directing courts to limit discovery where “the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case . . . and the importance of the issues at stake.” NMRA, Rule 1-026.

New Mexico courts routinely stay discovery pending appellate resolution of a potentially dispositive issue. The Court of Appeals in Krahling described, without disapproval, a parallel “court order staying discovery . . .

entered until several issues could be resolved on appeal.” *Krahling v. Exec. Life Ins. Co.*, 1998-NMCA-071, 125 N.M. 228, 959 P.2d 562. Furthermore, a district court “does not lose its jurisdiction over collateral matters merely because the judgment is on appeal”; the court retains inherent authority over discovery matters “extrinsic and collateral to the trial on the merits” while an appeal is pending. *Gonzales v. Surgidev Corp.*, 1995-NMSC-047, 120 N.M. 151, 899 P.2d 594. The State concedes that “[d]uring the pendency of an interlocutory appeal, this Court has jurisdiction over a stay of discovery.” (STATE OF NEW MEXICO’S BRIEF IN CHIEF at 4) The posture is the same one this Court’s predecessors confronted in *Romero*, where the district court certified its discovery ruling for interlocutory appeal under NMSA 1978, § 39-3-4, as “involv[ing] a controlling question of law for which there are substantial grounds for difference of opinion.” *Est. of Romero ex rel. Romero v. City of Santa Fe*, 2006-NMSC-028, 139 N.M. 671, 137 P.3d 611.

Sequencing the threshold question ahead of discovery is precisely what Silva contemplates. Silva directs that the custodian’s IPRA compliance be determined before any disclosure, and it warns that injecting a discovery inquiry into an IPRA enforcement action “may delay resolution” and “unnecessarily complicate[]” the case by “overlapping the discovery analysis with the analysis of the merits.” *Silva v. City of Albuquerque*, 2026-NMCA-

054, 589 P.3d 108. The stay honors that sequence and lifting the stay to allow discovery during the appeal would invert it.

D. The State’s Rule 1-026(C) “Good Cause” and “Particularized Objection” Arguments Do Not Establish an Abuse of Discretion.

The State’s contention that Ms. Watson offered no particularized objection, no privilege log, and no good cause is incorrect both factually and legally.

The record refutes this narrative as Ms. Watson did not sit on her hands and file a last-minute motion to evade discovery. Ms. Watson sought an extension four days before responses were due, informed the State she would move for a protective order and stay, and then timely filed a Rule 1-026(C) motion on the agreed response date. (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 25) The motion attached the discovery requests and “set forth objections on the basis of the Order and relevance to the IPRA claims,” together with good cause for protection from “the oppression and undue burden of producing information and documents that are subject to a Supreme Court Order of confidentiality.” [RP 128-38] (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 26) A records custodian who is bound by a Supreme Court Order, and who would have to violate that Order to produce the requested records, has articulated a

“clearly defined and serious injury”, not a conclusory one. That is good cause under Rule 1-026(C), which authorizes an order protecting a party from “annoyance, embarrassment, oppression or undue burden or expense.” (NMRA, Rule 1-026).

A document-by-document privilege log is also not the governing mechanism. *Silva* expressly “decline[d] to impose on the district court a particular means of evaluating the records custodian’s compliance with IPRA,” encouraging in camera review, a privilege log, “or otherwise engag[ing] with the evidence in a manner that is appropriate for the circumstances.” *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶ 14, 589 P.3d 108, 113. The State’s demand that Ms. Watson produce a conventional privilege log ignores that flexibility and would force the very review and disclosure risk *Silva* cautions against, requiring Ms. Watson to catalog, item by item, records that § 31-3-12 and the Order render confidential. Staying discovery pending appellate resolution of the Order’s scope is the appropriate method to “engage with the evidence” that defers, rather than courts, the risk of unlawful disclosure. The State’s authorities confirm this point rather than undercut it. *Krahling* reversed a blanket confidentiality order because the movant “neither asserted that the documents were protected by a specific privilege . . . nor demonstrated that there would be harm from the disclosure.”

(STATE OF NEW MEXICO’S BRIEF IN CHIEF at 14) In stark contrast, Ms. Watson identified a specific, statutory and court-ordered basis for confidentiality and a concrete harm that the disclosure of records this Court has ordered kept confidential. The State also leans on *Albuquerque Journal v. Board of Education of Albuquerque Public Schools*, No. S-1-SC-40671 (N.M. May 28, 2026), for the value of in camera review, but that decision supports deferring disclosure until the exemption question is resolved, not forcing production now. (*Albuquerque J. v. Bd. of Educ. of Albuquerque Pub. Schs.*, No. S-1-SC-40671, 2026 WL 1492129 (N.M. May 28, 2026)) Nothing in Rule 1-026(C) or this Court’s cases required the district court to compel discovery of exempt-withheld records before deciding the threshold question that controls whether those records are public at all.

E. The State’s “Not All Discovery Is Exempt” Theory Does Not Require Reversal of the Stay.

The State argues that certain requests for admission, interrogatories, and requests for production seek information outside the Order and should proceed now. That argument does not establish an abuse of discretion for three reasons.

First, the relevance of every request depends on the threshold question on appeal. The district court found that an appellate ruling on the Order’s scope “could impact both relevancy and the ability of the information

requested to lead to discoverable evidence” and could “narrow or eliminate any discovery.” [RP 334] (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 79) Until this Court determines the Order’s breadth and whether the underlying records are public records subject to IPRA at all and the relevance and permissible scope of even the “peripheral” requests cannot be sensibly fixed. Staying all discovery pending that determination, rather than litigating request-by-request relevance in the interim, was a reasonable docket-management choice. *Belser v. O’Cleireachain*, 2005-NMCA-073, 137 N.M. 623, 114 P.3d 303.

Second, the court expressly weighed the alternative the State now urges and rejected it on judicial-economy grounds, finding that “even if discovery is significantly narrowed and allowed to proceed . . . there will still be a substantial amount of discovery litigation,” so that a stay “may conserve judicial resources.” [RP 334-35] (Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 79; Order Granting Protective Order and Denying Motion for Judgment on the Pleadings in IPRA Enforcement Action at 80) That is the proportionality judgment Rule 1-026 commits to the district court. NMRA, Rule 1-026.

Third, Silva warns against precisely the piecemeal course the State proposes. Litigating discovery of the withheld records “inevitably delays the resolution of these other IPRA compliance issues while unnecessarily complicating the evaluation of the IPRA exemption issue,” and it “confuses the burdens.” *Silva v. City of Albuquerque*, 2026-NMCA-054, ¶¶ 12-13, 589 P.3d 108, 113. The orderly path *Silva* prescribes which is to determine the custodian’s IPRA compliance first, then order disclosure only as a remedy if the custodian fails its burden *Silva v. City of Albuquerque*, 2026-NMCA-054, 589 P.3d 108, is advanced by the stay, not by interim discovery.

IV. CONCLUSION

The district court withheld from discovery the very records Ms. Watson denied under an IPRA exemption and stayed discovery until the appellate courts resolve the controlling question of the Order’s breadth and applicability. That remedy is exactly what *Silva* dictates and what the court’s inherent authority permits.

Ms. Watson respectfully requests that this Court affirm the February 10, 2025, Order Granting Defendant’s Motion for Protective Order and to Stay Discovery and deny the State’s request to permit discovery to proceed during the pendency of the interlocutory appeals. Should the Court remand, Ms. Watson requests that any remand direct proceedings consistent with *Silva* and

that the records withheld under an IPRA exemption are not subject to production in discovery, and that disclosure may be ordered only as a remedy after a determination that the custodian failed to meet its burden to establish IPRA compliance. *Silva v. City of Albuquerque*, 2026-NMCA-054, 589 P.3d 108.

The record and case law are clear that the district court did not abuse its' discretion, and the district court's ruling should be affirmed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 2026, the foregoing was electronically filed with the Court and served on all counsel of record via the Tylerhost system.

/s/ Jerry A. Walz
JERRY A. WALZ