

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

LESLIE D. CUMIFORD,
f/k/a LESLIE D. INTERRANTE,
Petitioner,

vs.

No. DM 2004-04613

ROY J. INTERRANTE,
Respondent.

**PETITIONER'S VERIFIED EMERGENCY MOTION TO STAY THE CASE DUE TO
PETITIONER'S SERIOUS ILLNESS**

COMES NOW Leslie Cumiford, Petitioner *Pro Se*, and states:

A. The Court – Judge Lang - has scheduled a hearing in this matter for February 28, 2006.

This case was filed by Petitioner upon Respondent's refusal to pay court-ordered child support and court-ordered college expenses for the parties' children. The amount of disputed funds is less than ten thousand dollars. It should have been a straightforward case, and was so through trial and the trial order in May 2005, in which Petitioner prevailed. However, months subsequent to the trial and while the trial order was on appeal for a math error made by Judge Lang in the order, Maria Geer entered the case on behalf of Respondent. Suddenly the case took on a completely different character, both because of the actions of Ms. Geer and the obvious way in which Judge Lang favored her from the time she entered the case.

B. This case is on appeal, and currently in the jurisdiction of the Court of Appeals. This Court – Judge Lang - has no jurisdiction with which to conduct proceedings on any issues or matters of evidence related to the trial or resulting order on appeal. Moreover, Petitioner and the Court of Appeals are waiting, based on an order from the Court of

Appeals, for Judge Lang to make a decision regarding the issue of his math error in the trial order before proceeding with the appellate case. Although this matter was set for hearing before Judge Lang at the time of the Court of Appeals' Order, Ms. Geer asked for, and received, a continuance. Judge Lang never reset the issue, and instead set multiple issues raised in motions filed by Ms. Geer during Petitioner's illness and filed subsequent to those continued filed by Petitioner. If Ms. Geer has any issue associated with the trial or evidence related to the trial, it must be submitted to the Court of Appeals, not to the District Court.

- C. There is ample case law showing that Judge Lang cannot proceed with issues in the Order on Appeal, except for the one already filed at the time of Appeal, but Petitioner has been ill with a serious illness and is unable to defend herself at this point in time. Petitioner filed two notices of nonavailability with attached medical excuses from licensed medical professionals stating that she is unable to participate in legal proceedings at this time. It is very taxing to Petitioner in her state of illness to file this pleading, and the need to do so has contributed to a documented setback in her medical recovery.
- D. Petitioner's medical specialists have provided a note, filed in the case and made available to Judge Lang that is now a matter of record showing that Petitioner's presence and involvement in this case at this time is contraindicated due to her illness. Petitioner is recovering from a serious illness that has affected nearly every system in her body. She is having a difficult time recovering from such a serious illness. Despite this knowledge, Judge Lang has indicated in a February 7, 2006 letter to the parties that he is not disposed to continuing any proceedings based on Petitioner's doctors' written concerns, and plans

to hold a hearing on February 28, 2006 hearing issues associated with the matters on appeal.

- E. Judge Lang's insistence on conducting proceedings in this case, in spite of the Court's knowledge from Petitioner's medical specialists that it is contraindicated at this time, renders Judge Lang individually and personally culpable for Petitioner's failure to recover and lifelong disability, should that circumstance occur.
- F. Further, Judge Lang's refusal to allow Petitioner the necessary time to recuperate shows a complete disregard for Petitioner's constitutional right to equal access, since Petitioner is an ill person and, hopefully only temporarily, disabled, thus unable to present a proper defense in this case. In fact, Judge Lang's refusal to abide by Petitioner's notices of unavailability with medical provider's statements attached shows Judge Lang's complete disregard for Petitioner's health, well-being, and ability to earn a living. Petitioner has claimed medical nonavailability for only four months to date. This is a short time in the realm of legal action, as it is a short time in the realm of medical recovery from serious illness, and hardly long enough to claim that her absence somehow hinders or damages the case of the opposing party. There is no pressing issue in this case that warrants the pressure and priority Judge Lang places on the proceedings. To press forward under these circumstances is an abuse of power on the part of the Court, and constitutes an action that is entirely outside of the scope of what is normal and reasonable for such proceedings.
- G. Finally, Judge Lang is not independent in his decision or in his role in this case. Petitioner has previously filed a Motion for Change of Venue in this case, stating that because of her position as President of the Center for Family Justice, a nonprofit watchdog organization that exposes wrongdoing of court officials, including Judge Lang, Judge

Lang (the Court) should have recused himself from this case. Yet Judge Lang refused to do so. He did not even hold a hearing on the matter in order to review evidence or hear argument. To be proper in ensuring an unbiased tribunal, he should have removed this case to a different venue, since the primary focus of the group that Petitioner leads is the legal system in Bernalillo County. He likewise refused this issue with no hearing.

Petitioner hosts a weekly television show in which families damaged by Judge Lang regularly expose his past wrongful behavior. Petitioner was active in the public domain with the Center for Family Justice prior to the Court ever having taken this case.

Petitioner's role in collecting incriminating information about Judge Lang and making it available to the public was in place long before this case was assigned to Judge Lang.

- H. The Chief Judge of Bernalillo County, Judge Lang, may not abuse his position in an obvious attempt to squelch out the free speech of Petitioner and the large organization she leads simply because he is one of the judges that has been exposed in this process. By refusing to recuse from the case, refusing to change venue for the case, allowing Maria Geer to retry the case long after trial when it is on appeal, then refusing to stay the case upon knowledge of Petitioner's illness, this Court has acted way outside of the realm of a district court judge, rendering Judge Lang no longer immune by virtue of his position as a judge. I.e., this case is personal, and personal to Judge Lang. He is personally accountable for his behavior in this matter, and not protected by the cloak of judicial immunity.
- I. Judge Lang makes a public spectacle of his position and the New Mexico judiciary as a whole by doggedly continuing this path in spite of all the constitutional rights and precepts of the judicial code that he has violated and is violating along the way. Judge Lang has a responsibility to uphold the law, even when it comes to persons who have

damaged his reputation by exposing the truth about what he has done to New Mexico families. This is still a country in which free speech, the right to assemble, and equal access to the law is constitutional. No judge, particularly the Bernalillo County Chief Judge, can fly in the face of constitutional law to exact retribution on a private citizen for public exposure of his wrongs by causing her further health damage and refusing to allow her to recover from serious illness; by forcing her to choose between her livelihood and her health. Nor can Judge Lang squelch out this growing movement which is rapidly exposing bad New Mexico judges, including Judge Lang, and their systematic raping of the families of New Mexico of their financial resources and their children by abusing his power in this case.

- J. Judge Lang is also not independent from this case in that his colleague, Maria Geer, became opposing counsel months after the trial. The close association among Maria Geer, her partner Robert Levy, and his wife Susan Conway with Judge Lang is very well known. Judge Lang and Robert Levy are very active in the state Democratic Party. Judge Lang's bias in favor of Ms. Geer is quite evident in the docket record of this case – first refusing clarification or reconsideration of the trial order when requested by Respondent Pro Se, then reversing his position and ignoring jurisdictional issues associated with appeal and the laws associated with discovery when Ms. Geer entered the case on Respondent's behalf, continuing Petitioner's motions while favoring motions filed later in time by Ms. Geer, retrying the exact same issues that were disposed of at trial nine months ago (essentially providing Respondent with a "second chance", outside of the bounds of the law), and continuing with proceedings when Petitioner is seriously ill and

unable to prepare or conduct a proper defense, thereby damaging her cause in this case and her ability to recover from illness.

K. Moreover, there is no purpose to hearing the issues raised by Ms. Geer: her accusations that Petitioner misrepresented the truth at trial. Petitioner submitted evidence to the court during the trial of May 2005 – evidence that was provided to Respondent in advance. He did not object during trial to any of Petitioner’s evidence as to the content or admissibility. Months after trial, Ms. Geer obtained new information regarding orthodontic expenses – information that Petitioner did not have prior to or during trial, and claims that I misrepresented the truth at trial. Given the new evidence she has obtained, even though my doctors have not permitted me to participate in this case, I have mailed to Respondent and copied to Ms. Geer a refund of the entire amount awarded me regarding orthodontic expenses. Several hundred dollars in reimbursement simply is not worth all of this chatter from Ms. Geer. I do so not admitting any fault based on information not in my possession at the time and while acknowledging that I spent hundreds more dollars on unreimbursed medical expenses for which Judge Lang refused to ask father to reimburse me, even though it was a court order. This matter will be addressed on appeal along with Judge Lang’s math error in father’s owed reimbursement to Petitioner. As to Ms. Geer’s second claim: Ms. Geer seems to think that I did not admit my part-time status with Sandia National Laboratories. Not only did I mention my business and the fact that I worked full time when considering both Sandia employment and my company, I testified under oath that I made a good faith effort at my company during the time period of question and the time period used for calculation of relative incomes at the May 2005 trial in this case – the calendar year of 2004. Respondent did

not challenge this testimony in any way whatsoever at trial. Moreover, this topic is already a matter of public record; in fact, it was part of a fully briefed appeal and resulting NM Court of Appeals decision (NM Ct. App 24445) in another case that was cited in the NM Bar Bulletin last summer. This issue has already been thoroughly tried by two other courts; Ms. Geer is manufacturing excuses for rehearing the issues in this Court while the matter is on appeal, and Judge Lang is allowing her to do so. There is no new information to be learned here that is material to the case regarding the time period of consideration during the May trial for the calculation of incomes: calendar year 2004. With the trial long over, no objections on the record during the lawfully-allowed time to do so, and the case currently on appeal, there is no legal means for this court to change the 2004 time period of consideration. Petitioner concedes both issues raised – newly-discovered orthodontic information and the fact that she was a part-time employee at Sandia National Labs during part of the year of 2004 - without admitting any fault whatsoever. Such admissions, given that she has reimbursed Respondent for his \$300 or so based on the new orthodontic information, make no material changes to the case. There is no purpose for this hearing whatsoever except to harass Petitioner while she is ill.

- L. This action by the Chief Judge of the District Court – Judge William Lang - will not occur in the dark, or in quiet. It is being made known far and wide. Judge Lang will be subject to a public response and held accountable for his actions. In the process, the Bernalillo County District Court, and likely New Mexico Courts, will be made to look like fools. The public trust for the courts, already on very shaky grounds, will erode to the point that calls for action by the public will be unstoppable.

M. Petitioner will follow up with a tort claim against Judge Lang and the New Mexico judiciary for its part in failing to respect or allow time for Petitioner's recovery from serious illness, along with its refusal to allow Petitioner equal access to the courts and its relationship to an attempt to squelch the movement, headed by Petitioner, to expose the wrongdoing of Judge Lang and other bad actors who have harmed New Mexico families. In the process, it will be necessary make a public record of all evidence held by the Center for Family Justice regarding Judge Lang, and the public will know the truth about him. Ultimately, it is Judge William Lang that will be on trial. What a spectacle it will be, given that individuals treated unfairly by Judge Lang's unlawful rulings over more than a decade have contacted Petitioner from coast to coast to provide verbal confirmation and documentary evidence of Judge Lang's abuse of his position as a district court judge and coincident illegal activities in which he has regularly participated. Ms. Geer will not be immune from this disclosure.

N. In case Judge Lang is predisposed to step even further outside of the bounds of his position as judge and resort to active (as opposed to passive as in this case) attempts to physically harm Petitioner in order to squelch this information, it has been carefully duplicated and put in the hands of many persons to assure its eventual delivery to law enforcement authorities outside of this state. Further harassment of or harm to Petitioner, under the guise of this case or by any other means, will only serve at this point to add fuel to the fire of public fury about the prolific number of abuses and illegalities in the Bernalillo County courts that have harmed not only Petitioner, but a large number of New Mexico families and citizens. Petitioner is a target simply because she leads this effort, and it is not reasonable or lawful for Judge Lang to abuse the authority of his position,

granted to him by the citizens of the State of New Mexico, to harass and abuse her in retaliation. He violates the precepts of the law and of the Judicial Code of Conduct simply because he can, and he thinks that from his position of power his actions will be excused by the people who voted him in to his office of power; that they will simply look the other way and excuse his behavior because it did not happen to them. Time will tell, but I sense that the people of New Mexico have had enough. In a sense, they are on trial here, too. Do they care enough about New Mexico to call Judge Lang on his behavior; to say "Enough is enough?"

- O. Opposing counsel Maria Geer was contacted regarding this Motion and, not surprisingly, does not concur.

WHEREFORE, for all the reasons stated above, Petitioner requests that the Court:

1. Stay these proceedings prior to the February 28, 2006 hearing, including all discovery actions such as the subpoena of records from Sandia National Laboratories, on the part of Ms. Geer, to allow Petitioner the medically-indicated time she needs to recover from serious illness such that she can prepare a defense. Petitioner will contact Ms. Geer on a monthly basis to notify her regarding the status of her recovery. Upon return to the case, Petitioner will provide adequate evidence of the seriousness of her illness for the Court's benefit. Since Petitioner is medically prevented from participation in a hearing on this matter, she requests that the Court make his decision regarding this issue based on Petitioner's testimony contained herein after allowing Ms. Geer to respond verbally at the start of the February 28, 2006 hearing, if she is unable to otherwise formally respond before that time. If the decision is made to stay the case, all other issues to be heard on

February 28, 2006 should be stayed without discussion of the issues at the hearing that day, since Petitioner is medically prevented from participation.

2. Recuse from this case, given the fact that the Court cannot be an unbiased tribunal in deciding Petitioner's case because of her role of encouraging public focus on Judge Lang's past decisions and their negative impact on children and families. Petitioner's role and the mention of Judge Lang in public forums began long before this case was filed.
3. Move this case to another venue, since the intense public focus on Bernalillo County family court cases, lawyers, and judges led by Petitioner renders it impossible for Petitioner to receive a fair tribunal in this venue.
4. For such other relief that the Court deems appropriate.

Respectfully submitted,

LESLIE D. CUMIFORD
Petitioner *Pro Se*
4427 Sherre Dr, NE
Albuquerque, NM 87111
Ph: (505) 401-1565

I HEREBY certify that a true and accurate copy of this pleading was faxed to opposing counsel on this 23rd day of February, 2006.

Leslie D. Cumiford

VERIFICATION

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

Leslie D. Cumiford, being first duly sworn upon oath deposes and states that she has read, knows and understands the attached Petitioner’s Verified Motion to Stay the Case Due to Petitioner’s Serious Illness and the statements contained therein are true and correct to the best of her information and belief.

LESLIE D. CUMIFORD

SUBSCRIBED AND SWORN TO before me this ____ day of February, 2006, by Leslie D. Cumiford.

Notary Public

My Commission Expires: _____