



## **April 22, 2021 – AAFPO v. Angel Fire Resort – Order & Hearing Recap**

### **QUORUM**

The Resort respects Judge Chavez's ruling on AAFPO's motion regarding the quorum issue. However, the Resort did not create the issue with 5 of 9 directors resigning, nor file this lawsuit or ask the Court to consider their conduct. The Resort simply pointed out to AAFPO it was not following its own bylaws to follow Robert's Rules of Order and the precedents established by 23 boards before it.

The Resort continues to believe that the lawsuit should not have been filed without the informed consent of the membership or the courtesy of notice to the Resort.

Nevertheless, the Resort is thankful the Court has clarified the issue, in that it has removed the uncertainty for the members and demonstrated the critical importance of the upcoming election, as opposed to appointing cronies to fill vacancies.

The Board persists in claiming the Resort did not provide AAFPO with required information under the AJP due to the quorum issue; however, this is simply false and will not stand as the justification for suing the Resort, as shown in the Resort's communications to AAFPO. These can be found at <https://www.angelfireresort.com/member-community/>. The correspondence speaks for itself.

### **MOTION TO COMPEL**

Intentionally misstated in AAFPO's communication to members on April 22<sup>nd</sup>, the Court did not address whether AAFPO board members need to sign an NDA when they seek to examine the Resort's financial data outside the context of a pending lawsuit, as prior boards have done for 23 years.

In fact, the Court required that all such confidential information be produced in accordance with a protective order issued by the Court. A judicial protective order is significantly more restrictive than an NDA; enforcement is backed by the Court itself, leading to possible contempt of court and/or jail for anyone found violating the Court's directive. The Resort is entirely satisfied with the Court's decision to protect the Resort's and members' private and confidential information. This was clearly a victory for the Resort and members, not a victory for AAFPO as it has falsely claimed. The Order, once available from the Court, will be posted at <https://www.angelfireresort.com/member-community/> for your review and consideration.

### **SUMMARY**

To summarize, the Board has spent six months and almost \$50,000 of membership dues suing the Resort to determine the legitimacy of a Board that will be reconstituted in two months anyway, so that the Board can obtain information that the Resort was willing to provide months earlier under appropriate assurances of confidentiality – but now the Board will be receiving the information under a protective order more restrictive than the nondisclosure agreements that prior boards have been content to sign for the past 23 years.