

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT COURT

CHADCOR HOLDINGS NM, LLC,
CHADCOR, LLC, and SUNLAND
PARKING, LLC,

D-307-CV-2025-03136

Martin, James T.

Plaintiffs,

vs.

PABLO DURAN; CHRISTIAN LIRA; APOGEE THERAPEUTICS, LLC; CARDIEL
BOTANICA LTD. CO; ANIMACANN, INC.; J AND J LOAN COMPANY; FIELD OF
DREAMS, LLC; GREEN LABS CANNABIS COMPANY, LLC; SUNLAND PARK GREEN
PARADISE, LLC; HHNM SUNLAND PARK #1, LLC; HIGH LIFE DISPENSARY, LLC; OBI
WAN CANNABIS, LLC; OLD GOD'S CANNABIS, INC; SUNSHINE ESSENTIALS, LLC;
TEN 10 PROJECT, LLC; , YERBAVIVA, LLC; DAISY G. LIRA; MILI SANDOVAL;
MARIA BURCIAGA; ALBERTO JARAMILLO; SUSAN GOMEZ; and UNKNOWN DOE(S);

Defendants.

COMPLAINT

This Complaint is filed by Chadcor Holdings NM, LLC, Chadcor, LLC and Sunland Parking, LLC (collectively "Plaintiffs"), through the Carrillo Law Firm, P.C. (Raúl A. Carrillo, Jr.).

GENERAL ALLEGATIONS

1. Plaintiffs are the owners and planned tenants for properties located in Sunland Park, Doña Ana County, New Mexico.
2. Plaintiff tenants, Chadcor, LLC and Sunland Parking, LLC, are licensed "cannabis establishments" as defined in the Cannabis Control Act.

3. Defendant Apogee Therapeutics, LLC is a New Mexico limited liability company doing business at 1769 Victory Ln, Sunland Park, New Mexico, subject to service through its Registered Agent, Sutin, Thayer & Brown, P.C. (Tina M. Gooch) (“Apogee” herein).

4. Apogee holds a Retail/Consumption License issued by the Cannabis Control Division of the New Mexico Licensing and Regulation Department (“Cannabis Control” herein).

5. Defendant Cardiel Botanica Ltd. Co. is a New Mexico limited liability company doing business at 1685 McNutt in Sunland Park, subject to service through its Registered Agent, Gabriel Cardiel (at 100 San Jose, Sunland Park, NM) (“Cardiel” herein).

6. Cardiel holds a Retail License issued by Cannabis Control.

7. Defendant Animacann, Inc. is a New Mexico corporation doing business as “Cookies Sunland” at 1500 Appaloosa Dr., Bldg. A, Ste 140, in Sunland Park, New Mexico, subject to service through its Registered Agent, Jeremy Bonin (33 Road 2300, Aztec, NM 87410 (“Cookies” herein).

8. Cookies holds a Retail License issued by Cannabis Control.

9. Upon information and belief, Defendant Christian Lira has an ownership interest or other affiliate relationship with Cookies, and is a resident of Doña Ana County, subject to the general jurisdiction of this Court.

10. Defendant J and J Loan Company is a New Mexico General Partnership doing business as Empire Garden at 1144 McNutt, in Sunland, subject to service through Jaime Perez, or Julian Alvarado, its General Partners, at its location (“Empire Garden” herein).

11. Empire Garden is a licensed cannabis retailer in Sunland Park, New Mexico.

12. Defendant Field of Dreams, LLC is a New Mexico limited liability company doing business at 159 Sunland Park Dr., Sunland Park, New Mexico, subject to service through its Registered Agent, John M. Sanchez (3105 Avenida Codorniz, Santa Fe, New Mexico 87507) (“Field of Dreams” herein).

13. Field of Dreams holds a Retail License issued by Cannabis Control.

14. Defendant Green Labs Cannabis Company, LLC is a New Mexico limited liability company doing business at 245 Derby Rd., in Sunland Park, subject to service through its Registered Agent, Legal Solutions of New Mexico, LLC (“Green Labs” herein).

15. Green Labs holds a Retail License issued by Cannabis Control.

16. Defendant Sunland Park Green Paradise, LLC, is a New Mexico limited liability company doing business at 1955 Victory Ln, in Sunland Park, subject to service through its Registered Agent, Cesar Sanchez (same address) (“Green Paradise” herein).

17. Green Paradise holds a Retail License issued by Cannabis Control.

18. Defendant Hi Life Dispensary, LLC is a New Mexico limited liability company doing business at 5620 McNutt, in Sunland Park, subject to service through its Registered Agent, Lorena Oropeza (216 Whispering Sands, Santa Teresa, NM 88008) (“Hi Life” herein).

19. Defendant HHNM Sunland Park #1, LLC is a New Mexico limited liability company doing business as “High Horse” at 1290 McNutt Rd. Ste. D, in Sunland Park, subject to service through its Registered Agent, Inaccord, P.C. (1420 Carlisle Blvd. NE Ste. 208, Albuquerque, NM 87110-5662) (“High Horse” herein).

20. High Horse holds a Retail License issued by Cannabis Control.

21. Defendant Obi Wan Cannabis, LLC is a New Mexico limited liability company doing business at 2167 McNutt Rd. Suite A in Sunland Park, subject to service through its Registered Agent, Luis Christian Rojas (118 Saint Andrews Dr. Santa Teresa, NM 88008) (“Obi Wan” herein).

22. Obi Wan holds a Retail License issued by Cannabis Control.

23. Defendant Old God’s Cannabis, Inc. is a New Mexico limited liability company doing business at 1541 Appaloosa Dr., in Sunland Park, subject to service through its Registered Agent, Gustavo Enrique Wong (1250 S. Vinton Rd. Back, Anthony, NM 88021) (“Old God’s” herein).

24. Old God’s holds a Retail License issued by Cannabis Control.

25. Defendant Sunshine Essentials, LLC is a New Mexico limited liability company doing business as “Sunshine Essentials” and “Sun City Cannabis” at 267 Anapra Rd., in Sunland Park, subject to service through its Registered Agent, Rocio Sanchez (172 Yellow Legs, Santa Tessa, NM 88008) (“Sun City” herein).

26. Sun City holds a Retail License issued by Cannabis Control.

27. Defendant Ten 10 Project, LLC is a New Mexico limited liability company doing business at 1925 Appaloosa Dr., Sunland Park, subject to service through its Registered Agent, Registered Agents, Inc. (1209 Mountain Road PI NE, Ste R, Albuquerque NM 87110) (“Ten 10” herein).

28. Ten 10 holds a Retail License issued by Cannabis Control.

29. Yerbaviva, LLC is a New Mexico limited liability company doing business at 2327 McNutt Ste D, in Sunland Park, subject to service through its Registered Agent, Steven Bruck, 866 Blue Park Ave., Santa Teresa, NM 88008 (“Yerbaviva” herein).

30. Yerbaviva holds a Retail License issued by Cannabis Control.

31. Defendants Apogee, Cardiel, Cookies, Empire Garden, Field of Dreams, Green Labs, Green Paradise, Hi Life, High Horse, Obi Wan, Old God’s, Sun City, Ten 10, and Yerbaviva (collectively “Defendant Competitors” herein) hold themselves out to the general public as members of the Sunland Park Cannabis Coalition.

32. Upon information and belief, Sunland Park Cannabis Coalition is not a separate legal entity with the ability to sue or be sued, but it is an informal trade group name.

33. Upon information and belief, Defendant Pablo Duran is a resident of Doña Ana County, subject to the general Jurisdiction of this court.

34. Defendants Daisy G. Lira, Mili Sandoval, Maria Burciaga, Alberto Jaramillo, and Susan Gomez, are elected members of the City Council of Sunland Park, subject to the general jurisdiction of this court.

35. Unknown Does are individuals who have targeted the properties with vandalism, upon information and belief, as part of the civil conspiracy and malicious abuse of process against Plaintiffs at issue herein.

36. This Court has subject matter jurisdiction over these claims, all of which involve tortious conduct committed and Doña Ana County, New Mexico.

37. Plaintiffs cooperated to apply for a Replat, and two Special Use Permits, as required by Sunland Park Zoning ordinance provisions (the “Applications” herein) to allow the opening of licensed cannabis retail in Sunland Park.

38. The hearings on the Application were quasi-judicial.

39. At the quasi-judicial hearings on the Applications, it was undisputed that Plaintiffs met the requirements for approval of each Application.

40. Defendant Competitors, individually, and collectively, coordinated an attack on the Applications, pressuring the Sunland Park Council to deny the Applications, without factual or legal basis, for the improper purpose restraining competition by the Plaintiff cannabis establishments.

41. During the hearing it was clearly established that there was no legal basis for the Council to deny the Applications. Nonetheless, in knowing opposition to Plaintiffs’ rights, Defendant Competitors authorized counsel to urge the Sunland Park Council to advance his clients’ competitive interests, although such considerations are clearly prohibited in a quasi-judicial hearing on zoning-related matters, such as the Applications.

42. Defendant Councilors, acting outside their statutory authority, denied the Applications without legal or factual basis, on a record that demonstrates their defiance of Plaintiffs’ rights. The quasi-judicial decisions on the Applications are on appeal.

43. Defendant Pablo Duran made false representations to members of the public about Plaintiffs and the pending Applications, intentionally and wrongfully stirring up opposition to the

Applications for the purpose of preventing Plaintiffs from competing with their collective cannabis establishment.

44. Defendant Pablo Duran made false representations to members of the public about Plaintiffs and the pending Applications, intentionally and wrongfully stirring up opposition to the Applications for the purpose of preventing Plaintiffs from competing with their collective cannabis establishment.

45. Defendant “Unknown Does” have vandalized Plaintiffs’ property, upon information and belief, in furtherance of the anti-competitive purposes of Defendants’ opposition to the Applications.

COUNT I MALICIOUS ABUSE OF PROCESS

46. Plaintiffs reallege the foregoing allegations as though fully set forth.

47. Defendant Competitors conspired to abuse the quasi-judicial administrative legal process for a for anticompetitive purposes, with the primary purpose being an illegitimate end – illegally restraining competition from Plaintiffs.

COUNT II CIVIL CONSPIRACY

48. Plaintiffs reallege the foregoing allegations as though fully set forth.

49. Two or more Defendants or all of them conspired in restraint of trade, damaging Plaintiffs amounts to be proven at trial.

50. In addition to damages, Plaintiffs are entitled to an award of treble damages, and attorneys’ fees, pursuant to NMSA 1978, § 57-1-3.

**COUNT III
DEFAMATION**

51. Plaintiffs reallege the foregoing allegations as though fully set forth.

52. Defendant Pablo Duran made untrue statements about Plaintiffs and the Applications, which were defamatory in nature.

53. Defendant Pablo Duran knew or should have known that the statements were false.

54. Plaintiffs' reputations were damaged by the defamatory statements of Defendant Pablo Duran, in an amount to be proven at trial.

55. Defendant Christian Lira made untrue statements about Plaintiffs and the Applications, which were defamatory in nature.

56. Defendant Christian Lira knew or should have known that the statements were false.

57. Plaintiffs' reputations were damaged by the defamatory statements of Defendant Christian Lira, in an amount to be proven at trial.

58. Plaintiffs are entitled to an award of punitive damages.'

**COUNT IV
TRESSPASS AND DAMAGE TO PROPERTY**

59. Plaintiffs reallege the foregoing allegations as though fully set forth.

60. One or more of the Defendants, or unknown "Does", have trespassed on Plaintiff's properties, causing damage.

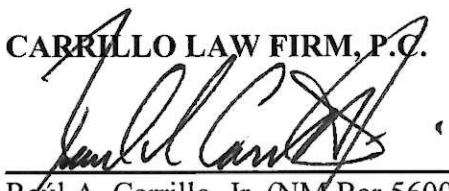
61. Upon information and relief, these acts of vandalism are part of or a result of the agreements among the Defendants at issue herein.

Wherefore, Plaintiff requests that this Court:

- A. Enjoin all cooperating Defendants from further anticompetitive actions against Plaintiff;
- B. Award damages and attorneys' fees on Plaintiffs' claims.

Respectfully submitted,

CARRILLO LAW FIRM, P.C.



Raúl A. Carrillo, Jr. (NM Bar 5600)
Carrillo Law Firm, P.C.
PO Box 457 (88004)
Las Cruces, NM 88001
(575) 647-3200
raul@carrillolaw.org
Counsel for Plaintiffs