

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LIBERTARIAN NAT'L
COMMITTEE, INC.,

Plaintiff,

v.

LIBERTARIAN PARTY OF
NEW MEXICO, et. al.
Defendants.

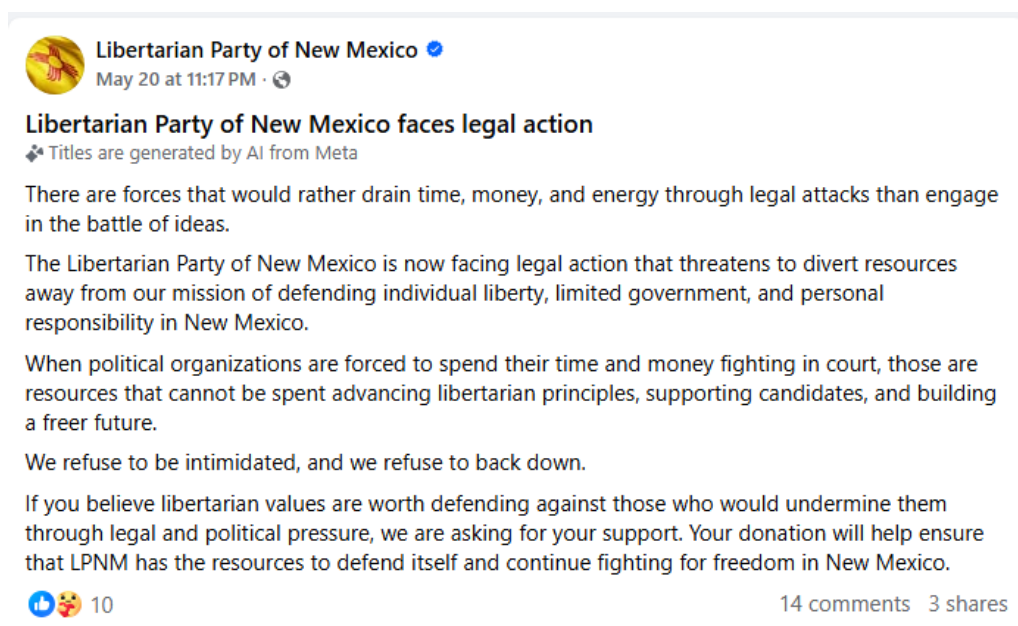
NO.: 1:26-cv-01562-MIS-KK

MOTION FOR EXPEDITED PRELIMINARY INJUNCTION HEARING

Plaintiff, the Libertarian National Committee, Inc. (“LNC”), respectfully requests that the Court set an expedited hearing on Plaintiff’s Motion for a Preliminary Injunction, doc. 10, because the Defendants’ ongoing infringement impacts the upcoming November general election and the campaigns leading up to the election. The deadline for submitting minor party declarations of candidacy and nominating petitions is June 27, 2026. 2026 New Mexico Secretary of State Candidate Guide Excerpt, attached hereto as **Exhibit 1**. Under a normal briefing schedule, Defendants’ response would be due June 12, 2026, and Plaintiff’s reply would be due June 26, 2026. Without expedited relief the defendants will be allowed to continue to appear on the ballot as the Libertarian Party of New Mexico despite having no affiliation with the Libertarian Party and instead affiliating with a competing party: the Liberal Party.

Defendants the Libertarian Party of New Mexico, Chris Luchini, Laura Burrows, Paul McKenney, Frederick Snoy, and James Wernicke (collectively “Defendants”) are currently unlawfully using the LNC’s federally registered trademark LIBERTARIAN PARTY® (the

“Mark”) on their website, social media, and in their dealings with the New Mexico Secretary of State. By infringing this trademark, the Defendants are currently holding themselves out as the locally recognized affiliate of the LNC. However, since disassociating with the LNC the Defendants have chosen to affiliate with the Liberal Party while maintaining the name the Libertarian Party of New Mexico (“LPNM”). This ongoing infringement, as detailed in Plaintiff’s preliminary injunction motion, is causing ongoing irreparable harm to the Plaintiff and resulting in confusion amongst voters, party members, potential members, and donors. In addition, LPNM is currently using the filing of this lawsuit as an opportunity to fundraise:



Expedited intervention is necessary to end this ongoing harm to Plaintiff and the public.

Plaintiff’s preliminary injunction motion details how this matter is a straightforward case of trademark infringement and false designation. Plaintiff’s Mark is registered, incontestable, and famous. Defendants use the identical mark, for identical goods and services, with the intent of confusing the public and insinuating direct affiliation with the Plaintiff. Without expedited relief, the Defendants’ will continue to trade off Plaintiff’s Mark and confuse New Mexico voters during a critical election season.

Plaintiff has sought the position and service of the Defendants of this motion and the preliminary injunction motion by contacting Alicia Dern who is the attorney who waived service on behalf of all the Defendants. She has declined to give the position of the Defendants and stated, “I cannot accept service for any motion practice.” Emails between Trabaudo and Dern, attached hereto as **Exhibit 2**. Ms. Dern has admitted that she is an “an agent under Rule 4.” Ex. 2 at 9-10. However, she has refused to accept the Motions and threatened counsel with Rule 11 sanctions if we used Rule 5 to serve the parties. *Id.*

These actions only compound the ongoing harm to the Plaintiff, further injecting unnecessary delays and gamesmanship into this proceeding, all while Defendants continue to infringe Plaintiff’s trademark and confuse New Mexico voters. Ms. Dern’s refusal to accept the preliminary injunction motion or provide information she possesses about her client’s addresses is an apparent delay tactic and is unnecessarily increasing the costs of this litigation. Plaintiff has mailed this motion and the preliminary injunction motion to the Defendant’s last known addresses, emailed them to Ms. Dern, and are in the process of formally serving them.

Plaintiff respectfully requests that this Court set an expedited hearing and briefing schedule so that Defendants cannot continue to sow confusion amongst New Mexico voters and illegally trade on Plaintiff’s trademark.

Date: May 29, 2026.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of the foregoing document to be filed through the Court's CM/ECF system and to be served on all parties at their last known address through first class mail and a process server, by email through their Rule 4 agent Ms. Dern, and by filing with the Court Clerk under Rule 5(D) which caused which caused all parties to receive notice to be served.

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