

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

No. D-101-CV-2026-00968

CHRISTINE ROBERTSON,

Plaintiff,

v.

ROSEMARY ROMERO,

Defendant.

**AMENDED COMPLAINT FOR DEFAMATION PER SE AND
FALSE LIGHT INVASION OF PRIVACY**

Plaintiff Christine Robertson, by and through her counsel, The John Day Law Office, LLC,
for her Complaint against Defendant Rosemary Romero, states as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Christine Robertson is a resident of Santa Fe County, New Mexico.
2. Defendant Rosemary Romero is, upon information and belief, a resident of Santa Fe County, New Mexico, and serves as Chair of the Board of Directors of the Santa Fe Railyard Community Corporation ("SFRCC"), a New Mexico non-profit corporation.
3. This Court has jurisdiction over this civil action pursuant to NMSA 1978, § 38-3-1, as the amount in controversy exceeds the jurisdictional minimum and the events giving rise to these claims occurred in Santa Fe County, New Mexico.

4. Venue is proper in this Court pursuant to NMSA 1978, § 38-3-1(A), as the tortious conduct occurred in Santa Fe County and both Plaintiff and Defendant reside in Santa Fe County.

FACTUAL BACKGROUND

A. Ms. Robertson's Employment and Termination

5. Christine Robertson served as Executive Director of SFRCC pursuant to a written Employment Agreement effective July 1, 2024 (the "Agreement"), with a term running through June 30, 2029.

6. Ms. Robertson's annual salary was \$132,000. She received no written discipline or performance warnings during her employment prior to January 2026.

7. In January 2026, Ms. Robertson was presented with audit representation letters and board meeting minutes she reasonably believed contained material inaccuracies. Consistent with her fiduciary obligations and SFRCC's Board-approved Whistleblower and Fraud Reporting Policy, she refused to certify documents she believed inaccurate and identified her concerns in writing.

8. Shortly thereafter, SFRCC placed Ms. Robertson on involuntary leave, stripped her of executive authority, and issued a sixty-day termination notice dated February 11, 2026, with an effective termination date of April 12, 2026.

9. At no point during Ms. Robertson's employment, at the time of her termination, or in any post-termination communication to her did SFRCC raise any allegation that equipment or property was missing or that Ms. Robertson bore any responsibility for any such loss.

B. Defendant Romero's Defamatory Statements

10. Tom Aageson is a retired museum foundation administrator residing in Santa Fe, New Mexico, who is acquainted with Ms. Robertson and familiar with her professional reputation in the Santa Fe community.

11. At some point prior to February 25, 2026, Mr. Aageson posted a public comment on the *Santa Fe New Mexican* website in support of Ms. Robertson.

12. On February 25, 2026, at approximately 1:55 p.m., Defendant Rosemary Romero, in her capacity as Board Chair of SFRCC, telephoned Mr. Aageson in response to his public comment in support of Ms. Robertson. The call was not part of any SFRCC internal proceeding, investigation, or employment-related process, but was made to a private third party in the community.

13. During that telephone call, Defendant Romero stated, in substance, that "Christine has been naughty" and further indicated that "there is some equipment missing."

14. Mr. Aageson understood Defendant Romero's statements to be attributing to Ms. Robertson responsibility for missing SFRCC equipment or property.

15. Mr. Aageson reported this telephone conversation in writing to counsel for Ms. Robertson on or about February 25, 2026, and subsequently executed an Affidavit on March 31, 2026, attesting to the foregoing facts under penalty of perjury under the laws of the State of New Mexico. **(Attached hereto as Exhibit 1).**

16. On March 3, 2026, counsel for Ms. Robertson wrote directly to the SFRCC Board of Directors, placing SFRCC and Defendant Romero on written notice of the defamatory statements and their consequences, demanding that SFRCC either substantiate the allegations with specificity

or confirm in writing that no such allegation was being made and would not be repeated to third parties. No substantive response was received.

17. The statements attributed to Defendant Romero are false. Ms. Robertson did not misappropriate, conceal, steal, fail to account for, or bear any responsibility for any SFRCC equipment or property. SFRCC made no such claim during her employment or in connection with her termination.

18. The statements were made without privilege and without justification.

CAUSES OF ACTION

COUNT I – DEFAMATION PER SE

19. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

20. Defendant Romero published statements to Mr. Aageson to the effect that Ms. Robertson had been involved with missing SFRCC equipment or property.

21. These statements were published to a third party — Mr. Aageson — a third party outside SFRCC and outside any employment-related process and had no prior knowledge of any allegation against Ms. Robertson.

22. The statements are false. No SFRCC equipment or property was missing due to any act or omission of Ms. Robertson.

23. The statements are defamatory per se because they impute to Ms. Robertson, in connection with her role as a nonprofit executive director responsible for the management and oversight of organizational assets, conduct constituting dishonesty, misappropriation, theft, or criminal

conduct. Such statements are actionable per se under New Mexico law and give rise to presumed damages without proof of specific pecuniary loss.

24. The statements were made with actual malice, or at minimum with negligent disregard for their truth or falsity, in that Defendant Romero, as Board Chair, had direct knowledge that no allegation of missing property had ever been raised against Ms. Robertson during her employment or in connection with her termination.

25. As a direct and proximate result of Defendant Romero's statements, Ms. Robertson has suffered injury to her professional reputation, standing in the Santa Fe nonprofit and arts community, emotional distress, and other general, special, and presumed damages (including harm to her ability to secure future executive employment and community leadership roles) in an amount to be determined by the trier of fact.

26. The knowing, intentional, and malicious nature of Defendant Romero's conduct — including the timing of the call (in direct response to a public expression of community support for Ms. Robertson), the substance of the false accusations, and the failure to retract or correct the statements after written notice — warrants an award of punitive damages.

COUNT II – FALSE LIGHT INVASION OF PRIVACY

27. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

28. Defendant Romero's statements placed Ms. Robertson before the public — including members of the Santa Fe community who had read Mr. Aageson's public comment and who would read his understanding of the statements — in a false light, specifically by implying that Ms. Robertson had engaged in dishonesty, misappropriation, or theft of organizational property.

29. The false light in which Defendant Romero's statements placed Ms. Robertson would be highly offensive to a reasonable person, given that they impute professional and ethical misconduct to a nonprofit executive who had served with distinction and without discipline throughout her employment.

30. Defendant Romero acted with actual malice or reckless disregard as to the falsity of the impression created, as she had direct knowledge that no allegation of missing equipment had been raised against Ms. Robertson at any point.

31. As a direct and proximate result of Defendant Romero's conduct, Ms. Robertson has suffered injury to her reputation, emotional distress, and other damages in an amount to be determined by the trier of fact.

32. Punitive damages are warranted for the reasons set forth in Count I.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Christine Robertson respectfully requests that this Court enter judgment in her favor and against Defendant Rosemary Romero, and award:

1. General and presumed damages for defamation per se in an amount to be determined by the trier of fact;
2. General damages for false light invasion of privacy in an amount to be determined by the trier of fact;
3. Punitive damages in an amount sufficient to deter Defendant and others similarly situated from engaging in similar conduct;

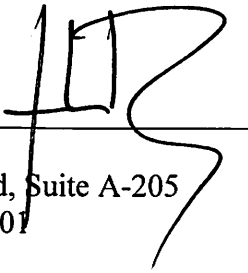
4. Pre-judgment and post-judgment interest as permitted by law;
5. Reasonable attorneys' fees to the extent permitted by law or equity;
6. Costs of suit; and
7. Such other and further relief as this Court deems just and equitable.

Respectfully submitted,

THE JOHN DAY LAW OFFICE, LLC

By: _____

John W. Day
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A handwritten signature in black ink, appearing to be 'JD', written over a horizontal line. The signature is stylized and somewhat abstract.

Attorney for Plaintiff Christine Robertson

STATE OF NEW MEXICO

COUNTY OF SANTA FE

AFFIDAVIT OF TOM AAGESON

I, Tom Aageson, being duly sworn, depose and state as follows:

1. I am a retired museum administrator residing in Santa Fe, New Mexico. I have personal knowledge of the facts set forth in this affidavit.
2. I am acquainted with Christine Robertson and am familiar with her professional reputation in the Santa Fe community.
3. At some point prior to February 25, 2026, I posted a public comment online on the *Santa Fe New Mexican* website in support of Ms. Robertson.
4. On February 25, 2026, at approximately 1:55 p.m., I received a telephone call from Rosemary Romero. Ms. Romero is, to my knowledge, the Chair of the Board of Directors of the Santa Fe Railyard Community Corporation ("SFRCC").
5. Ms. Romero initiated the call in response to the public comment I had posted in support of Ms. Robertson.
6. During that telephone call, Ms. Romero stated, in substance, that "Christine has been naughty." Ms. Romero further indicated, in substance, that "there is some equipment missing."
7. I understood Ms. Romero's statements to be attributing to Ms. Robertson responsibility for missing SFRCC equipment or property.
8. On or about February 25, 2026, I reported this telephone conversation in writing to John W. Day, attorney for Ms. Robertson.

I declare under penalty of perjury under the laws of the State of New Mexico that the foregoing is true and correct to the best of my knowledge and belief.

Executed on March 31, 2026.

EXHIBIT 1

Tom Aageson
Tom Aageson

SUBSCRIBED AND SWORN to before me this 31st day of March, 2026.

Abigail Hernandez
Notary Public
My Commission Expires: 03/23/2027

ABIGAIL HERNANDEZ
Notary Public - State of New Mexico
Commission # 1125663
My Comm. Expires Mar 28, 2027