

OFFICE OF THE DISCIPLINARY COUNSEL

NEW MEXICO ATTORNEY DISCIPLINARY BOARD

H. Gary Brown
c/o 1344 Lakeridge Drive
Baton Rouge, Louisiana [70802]
VIA First Class Mail
504-756-1987

September 21, 2022

New Mexico Attorney Disciplinary Board
2440 Louisiana Blvd. NE
Suite 280
Albuquerque, New Mexico 87110
(505) 842-5781

IN RE: C. Bryant Rogers
P.O. Box 1447
Santa Fe, NM 87504-1447

ETHICAL CONDUCT COMPLAINT

One, H. Gary Brown, the Undersigned Affiant, hereinafter known as I, me, myself or one, H. Gary Brown, does hereby solemnly affirm, declare and state, under penalty and perjury, including first hand witness and testimony as follows:

1. Affiant is competent to state the matters set forth herewith.
2. Affiant has personal knowledge of the facts stated herein
3. All the facts stated herein are true, correct, and complete in accordance with Affiant's best firsthand knowledge and understanding, and if called upon to testify as witness Affiant shall so state.

This Affidavit and all attached documents are made part of the Public Record, and will be used in administrative and judicial proceedings at law or equity.

4. C. Bryant Rogers, hereinafter known as “Rogers,” in the course of conducting his business and interests, has violated Rule 16-804 Misconduct (A), (B), (C), & (D) of the New Mexico Code of Professional Conduct.
5. Rogers placed an affidavit in the court record (**Doc 24-8**) that is, by **FRE Rule 901**, hearsay, and then proceeds to make libelous claims based on that hearsay, on the record, against Affiant, Brandon A. Sibley, (**Doc 24**) and an innocent attorney in Jackson, Mississippi that has no involvement in this case.
6. Rogers has already been asked to Show Cause for his Materially False Statements, to which he replied, “Plaintiffs’ Memorandum (Doc. 19, pp. 2-6) next turns to a recitation on the circumstances in which Rule 11 Sanctions may be warranted and an utterly unfounded claim that Defendants’ counsel has engaged in conduct which warrants Rule 11 sanctions” then proceeded to recite Plaintiffs’ allegations without any explanation as to where the Plaintiffs were wrong.
7. Those in search of the truth use clear and concise language as Affiant has done here, explicitly laying out the facts in an easy-to-follow chronological step-by-step manner otherwise you are writing to obfuscate.
8. Rogers states on Page 10, last ¶ #19, “Finally, it appears from other information obtained by Defendants and from the several statutory and case law references liberally sprinkled throughout Plaintiffs’ filings, e.g. in Case 3:22-cv-00256-DPJ-FKB Document 24 Filed 09/02/22 Page 10 of 12 11 particular their Docs. 18 and 19 filings and see their references to U.S. Supreme Court’s recent Castro Huerta case, Bivens and 42 U.S.C. § 2000d, that Plaintiffs are

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actually receiving ghost writing assistance from an attorney who has sought to facilitate Plaintiffs' legal arguments before this Court while seeking to avoid compliance with the ethical and other rules which prohibit that behavior. Dionisio v. Southern Financial Systems, Inc., 2022 WL 2825979 (S.D. MS) ("Ghostwriting by an attorney of a pro se plaintiff's pleadings has been condemned as both unethical and a deliberate evasion of the responsibilities imposed on attorneys by Federal Rule of Civil Procedure 11."), and cases there cited. See in particular, the detailed analysis in Johnson v. Bd. Of County Commissioners, 868 F.Supp. 1226, 1231-1232 (D. Colo. 1994)."

9. Yet, a few pages earlier (Doc. 24) Rogers states, "These accusations against Defendants' counsel (Rogers) are based on Plaintiffs' fanciful (indeed farcical) views rooted in Plaintiffs' fundamental ignorance of even the most basic of the applicable legal concepts involved," is a quote from Rogers
10. Rogers, much like his legal arguments, are duplicitous in nature and can't decide between Plaintiffs being stupid or so highly intelligent they must be getting help from an experienced attorney.
11. Case # 3:22CV256-DPJ-FKB in the U.S. Federal District Court for the Southern District of Mississippi (Northern Division) located in Jackson, Mississippi involving Plaintiffs, Howard Brown and Brandon Sibley with Defendants, CHOCTAW RESORT DEVELOPMENT ENTERPRISE, ET AL. is where you will find such violation.

12. Plaintiffs have exposed multiple untruthful statements by Defendants' Counsel, C. Bryan Rogers, with what the Plaintiffs believe to be a malicious intent to obfuscate, stonewall, and mislead the court about the facts of the case.

It is abundantly clear that Mr. Rogers must have been absent the day they taught ethics in law school. It is disappointing to see a 'Super-Lawyer' such as Rogers with a Harvard Pedigree, stoop to such debaucherously insane levels of behavior in a feeble attempt to salvage what remains of his reputation.

Thank you for your time and consideration in this matter; should you need to contact me for any housekeeping matters my phone number is 504-756-1987 or for electronic receipts hgarybrown@gmail.com.

This Declaration is dated this twenty-fourth day of August in the year, two thousand and twenty-two.

This instrument was prepared by one, H. Gary Brown

Howard Gary Brown – Affiant

VERIFICATION OF BAR GRIEVANCE

STATE OF LOUISIANA

EAST BATON ROUGE PARISH

BEFORE ME personally appeared Howard Gary Brown who, being by me first duly sworn and identified in accordance with Louisiana law, deposes and says:

1. My name is Howard Gary Brown.
2. I have read and understood the attached foregoing request for admissions and production filed herein, and each fact alleged therein is true and correct of my own personal knowledge.

FURTHER THE AFFIANT SAYETH NAUGHT.

H. Gary Brown, Affiant

SWORN TO and subscribed before me this 24th day of August, 2022.

Notary Public

My commission expires:

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