

NEW MEXICO



STANDS UP!

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July 1, 2021

Transmitted by email only

To: Ms. Sally Marquez ([sally@nmact.org](mailto:sally@nmact.org)); Ms. Sue Cleveland, ([superintendent@rrps.net](mailto:superintendent@rrps.net))  
Superintendent of Rio Rancho Public Schools; Risk Management, State of New Mexico  
([pamela.gonzales2@state.nm.us](mailto:pamela.gonzales2@state.nm.us))

### TORT CLAIMS ACT NOTICE

DATE OF INCIDENT: MARCH 27, 2021

PLACE OF INCIDENT: Rio Rancho School, at the XC track meet

Claimant: Adam Donaldson, and his parents

Description of Claim: It is our intent to pursue a claim through the Courts, if necessary, for the tort of child abuse by the employee(s) of the school district. As a result of mandatory mask-wearing for all athletes at this tournament, Adam Donaldson collapsed near the finish line, unable to breathe due to the presence of the face covering/mask while engaging in the strenuous cardio-vascular exercise of running.

As a result of the negligence of employees, adults who should be protecting students who are entrusted to their care while they are away from their parents, Adam Donaldson suffered personal injuries. His parents suffered bystander injuries seeing Adam collapse and being prevented from going to him.

We can prove, so there is no need to deny, that the State, as well as the head of the NM Athletic Association, and the Superintendent of Rio Rancho Schools had actual knowledge of this event, and therefore, this Notice is a mere formality.

You may not take any statements of Adam, nor his parents concerning this. All communications concerning this matter must go through me.

Sincerely,

*N. Ana Garner, Lead Counsel*