

BRAVERMAN V. LPL FINANCIAL

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KATE BRAVERMAN,
Plaintiff-Appellant,
v.
LPL FINANCIAL CORPORATION,
Defendant-Appellee,
and
RICHARD LEES; JONATHAN THORNTON; and ALAN GOLDSTEIN,
Defendants.

No. 31,574

COURT OF APPEALS OF NEW MEXICO

February 22, 2012

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY, Raymond Z. Ortiz,
District Judge

COUNSEL

Gary W. Boyle, Santa Fe, NM, for Appellant

Lewis and Roca LLP, Ross L. Crown, Albuquerque, NM, for Appellee LPL Financial

Bannerman & Williams, Margaret A. Graham, John A. Bannerman, Albuquerque, NM,
for Defendant Richard Lees

Richard S. Lees, PA, Richard S. Lees, Santa Fe, NM, for Defendant Alan Goldstein

JUDGES

MICHAEL D. BUSTAMANTE, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,
TIMOTHY L. GARCIA, Judge

AUTHOR: MICHAEL D. BUSTAMANTE

MEMORANDUM OPINION

BUSTAMANTE, Judge.

Appellant Kate Braverman (Plaintiff) appeals from the district court's order that dismisses her claim of malicious abuse of process against Appellee LPL Financial Corporation (Defendant).

In her docketing statement, Plaintiff argued that the district court erred (1) in granting Defendant's motion to dismiss her malicious abuse of process claim [DS 4; RP Vol.II/385, 396; Vol.III/426, 465] and (2) in denying her oral motion to amend her complaint. [DS 3, 4] We issued a notice, proposing to affirm both issues. Plaintiff has not filed a memorandum in opposition. Therefore, for the reasons extensively detailed in our notice, we affirm both issues. *See Frick v. Veazey*, 116 N.M. 246, 247, 861 P.2d 287, 288 (Ct. App. 1993) (providing that failure to respond to a calendar notice constitutes acceptance of the proposed disposition).

Defendant filed a memorandum in support, and we briefly address Defendant's memorandum. As Defendant has acknowledged, our notice disposes of the issues raised by Plaintiff in her docketing statement. [MIS 2] Although not argued in Plaintiff's docketing statement [DS 3], Defendant nonetheless requests that this Court address also the merits of Plaintiff's malicious abuse of process claim in relation to its interpleader action. [MIS 2] We find it unnecessary to do so since Plaintiff did not raise arguments in her docketing statement in relation to the interpleader action, and our affirmance of the issues raised is dispositive. *See generally* Rule 12-208(D)(4) NMRA (providing that the docketing statement sets forth the issues on appeal).

To conclude, we affirm.

IT IS SO ORDERED.

MICHAEL D. BUSTAMANTE, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

TIMOTHY L. GARCIA, Judge