

HYNOSKI V. ATWOOD, MALONE, TURNER & SABIN, P.A.

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MARY PATRICIA HYNOSKI,
Plaintiff-Appellant,

v.

ATWOOD, MALONE, TURNER & SABIN, P.A.,
ATTORNEY CARLA WILLIAMS,
ATTORNEY ROD SCHUMACHER,
DR. JOHN HARMSTON, M.D., P.C.,
LEA REGIONAL MEDICAL CENTER, LLC
d/b/a LEA REGIONAL MEDICAL CENTER,
and MR. TIM THORNELL, Administrative
Director of Lea Regional Medical Center,
Defendants-Appellees.

No. 32,548

COURT OF APPEALS OF NEW MEXICO

December 11, 2013

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY, Sarah M. Singleton,
District Judge

COUNSEL

Mary Patricia Hynoski, Santa Fe, NM, Pro Se Appellant

Butt, Thornton & Baehr, P.C., Alfred L. Green, Jr., Albuquerque, NM, for Appellees
Atwood, Malone, Turner & Sabin, P.A. and Carla Williams

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: RODERICK T. KENNEDY, Chief Judge, J.
MILES HANISEE, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

{1} Plaintiff is appealing from a district court order filed during the course of the litigation. We issued a calendar notice proposing to dismiss. Defendant has filed a memorandum in opposition and a motion to supplement the record. We hereby deny Plaintiff's motion and dismiss the appeal.

As we indicated in our calendar notice, this case is related to another appeal that was addressed by this Court. The final judgment in the related case of Ct. App. No. 32,743 was filed on January 8, 2013, and appears to involve the attorney defendants. [RP 1156-58] The notice of appeal in the current case, docketed as Ct. App. No. 32,548, was filed on November 1, 2012, and indicated that Plaintiff was appealing from a June 12, 2012 order. [RP 1122] There is no final order on that date with respect to any of the other parties. [RP 503-512] This Court's jurisdiction lies from final, appealable orders. See *Kelly Inn No. 102, Inc. v. Kapnison*, 1992-NMSC-005, ¶ 21, 113 N.M. 231, 824 P.2d 1033; see also *Montoya v. Anaconda Mining Co.*, 1981-NMCA-113, ¶ 20, 97 N.M. 1, 635 P.2d 1323 (observing that an appellate court will raise jurisdictional questions on its own motion), *overruled on other grounds as recognized by San Juan 1990-A., L.P. v. El Paso Prod. Co.*, 2002-NMCA-041, 132 N.M. 73, 43 P.3d 1083. An order is final if all issues of law and fact necessary to be determined have been determined and the case is disposed of by the district court to the fullest extent possible. See *Kelly Inn*, ¶ 14. Nor is there any final judgment in the record filed within 30 days of her notice of appeal. See Rule 12-201(A)(2) NMRA.

Plaintiff's memorandum in opposition has not pointed out any error in fact or law in our calendar notice. See *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 ("Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law."). Specifically, Plaintiff has not referred us to a final order that was filed within thirty days of her November 1, 2012 appeal. Because Plaintiff has not indicated that she timely filed a notice of appeal from a final judgment, we dismiss the appeal. See *Govich v. North Am. Sys., Inc.*, 1991-NMSC-061, ¶ 12, 112 N.M. 226, 814 P.2d 94 (stating that compliance with notice of appeal time and place requirements are mandatory preconditions to exercise of appellate jurisdiction).

IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

RODERICK T. KENNEDY, Chief Judge

J. MILES HANISEE, Judge