

LUJAN V. GENERAL MOTORS ACCEPTANCE CORP.

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JOHN LUJAN,
Plaintiff-Appellant,

v.

**GENERAL MOTORS
ACCEPTANCE CORPORATION, and
its subsidiary MOTORS INSURANCE
CORPORATION, NEW MEXICO MOTOR
COMPANY, INC., d/b/a LEXUS OF SANTA FE,
NEW MEXICO STATE POLICE OFFICER
WILLIAM HYOZ, NEW MEXICO STATE
POLICE PATROLMAN PENNY RYAN and
ANTHONY GUTIERREZ,**
Defendants-Appellees.

No. 32,631

COURT OF APPEALS OF NEW MEXICO

January 21, 2014

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

COUNSEL

John Lujan, Las Vegas, NM, Pro se Appellant

French & Associates, P.C., Joel M. Young, Albuquerque, NM, for Appellees Hayoz and Ryan

Esquivel Law Firm, LLC, Albuquerque, NM, Rosales Law Group, P.C., David Ray Rosales, Albuquerque, NM, for Appellees General Motors Acceptance Corporation

JUDGES

TIMOTHY L. GARCIA, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge, CYNTHIA A. FRY, Judge

AUTHOR: TIMOTHY L. GARCIA

MEMORANDUM OPINION

GARCIA, Judge.

{1} Appellant appeals from the district court's order dismissing the second amended complaint as to Appellees, Officers William Hayoz and Penny Ryan. [DS 4] Appellant continues to argue that the district court erred in dismissing on grounds that Officers Hayoz and Ryan were immune from suit. This Court's first notice of proposed disposition proposed to affirm the district court's order. Appellee filed a memorandum in support and Appellant filed a memorandum in opposition to the proposed disposition. Not persuaded by Appellant's arguments, we affirm the district court's order of dismissal.

{2} This Court's first notice proposed to affirm on the basis that assuming without deciding that NMSA 1978, Section 29-2-18 (1979), creates a duty on the state police with regard to the registration of motor vehicles, the immunity granted to Officers Hayoz and Ryan under the New Mexico Tort Claims Act (Act), NMSA 1978, Section 41-4-4(A) (2001), was not rendered inapplicable under the personal injury or property damage provisions of NMSA 1978, Section 41-4-12 (1977). [CN 4-5]

{3} "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." *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683. Appellant asserts that he lost a significant amount of money as a result of the state officers' negligence, and continues to argue that the loss of property constitutes property damage. See *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that a party responding to a summary calendar notice must come forward and specifically point out errors of law and fact, and the repetition of earlier arguments does not fulfill this requirement). [MIO 2] However, Appellant did not lose actual money or currency, and the loss of property is an economic loss which, as noted in the first calendar notice, is not a type of injury that is specifically waived under the Act. See *Valdez v. State*, 2002-NMSC-028, ¶ 9, 132 N.M. 667, 54 P.3d 71 (concluding that because economic compulsion and constructive fraud claims have not specifically been waived by the Tort Claims Act, the government is immune from suit for these causes of actions). Where a party cites no authority to support an argument, we may assume no such authority exists. *In re Adoption of Doe*, 1984- NMSC-024, ¶ 2, 100 N.M. 764, 676 P.2d 1329.

{4} For these reasons, and those stated in the first notice of proposed disposition, we affirm the district court's order dismissing Appellant's negligence claim as to Officers Hayoz and Ryan.

{5} IT IS SO ORDERED.

TIMOTHY L. GARCIA, Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

CYNTHIA A. FRY, Judge