

TELLEZ V. DIXSON

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**STEPHANIE TELLEZ et al.,
Plaintiffs-Appellants,
v.
MICHAEL DIXSON et al.,
Defendants-Appellees.**

Nos. A-1-CA-36214

and A-1-CA-36462 (consolidated)

COURT OF APPEALS OF NEW MEXICO

December 13, 2017

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY, James T. Martin,
District Judge

COUNSEL

Scott Hulse P.C., Casey S. Stevenson, El Paso, TX, for Appellants

Kemp Smith, LLP, Kathryn Brack Morrow, J. Scott Mann, El Paso, TX, Carrillo Law Firm, P.C., Karen Elaine Wootton, Las Cruces, NM, John D. Wheeler & Associates, John D. Wheeler, Alamogordo, NM, Michael L. Winchester, Las Cruces, NM, for Appellees

JUDGES

LINDA M. VANZI, Chief Judge. WE CONCUR: TIMOTHY L. GARCIA, Judge,
STEPHEN G. FRENCH, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Chief Judge.

{1} Plaintiffs appeal from the district court's order granting Defendants' motion for dismissal, order denying Plaintiffs' motion for reconsideration, and order granting Defendants' motion for attorney fees and costs. In this Court's notice of proposed disposition, we proposed to summarily affirm. Plaintiffs filed a memorandum in opposition, which we have duly considered. Remaining unpersuaded, we affirm.

{2} In their memorandum in opposition, Plaintiffs assert no facts, law, or arguments that are not otherwise addressed by this Court's notice of proposed disposition. 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."); *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point out errors of law and fact, and the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. We therefore refer Plaintiffs to our analysis therein. For the reasons stated in our notice of proposed disposition and herein, we affirm the district court's orders.

{3} **IT IS SO ORDERED.**

LINDA M. VANZI, Chief Judge

WE CONCUR:

TIMOTHY L. GARCIA, Judge

STEPHEN G. FRENCH, Judge