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**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

**No. A-1-CA-39404**

**SCOTT MARTIN,**

Plaintiff-Appellant,

v.

**JOSEFO MARTINEZ,**

Defendant-Appellee.

**APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY**  
**Francis J. Mathew, District Judge**

Campbell Law LLC  
John Brendan Campbell  
Albuquerque, NM

for Appellant

Montgomery & Andrews, P.A.  
Randy S. Bartell  
Kaleb W. Brooks  
Santa Fe, NM

for Appellee

**MEMORANDUM OPINION**

**IVES, Judge.**

{1} Following a bench trial in favor of Defendant, Plaintiff appeals from the district court's orders denying Plaintiff's pretrial request for a continuance and post-trial request for a discovery sanction. We issued a notice of proposed summary disposition proposing to affirm. Defendant filed a memorandum in support of our proposed summary affirmance, which we have duly considered. Plaintiff did not file a memorandum in opposition to our proposed disposition, and the time for doing so has now run.

**{2}** For the reasons outlined in our notice of proposed disposition, and in the absence of opposition from either party, we conclude that Defendant failed to demonstrate error on appeal. *Farmers, Inc., v. Dal Mach. & Fabricating, Inc.*, 1990-NMSC-100, ¶ 8, 111 N.M. 6, 800 P.2d 1063 (stating that the burden is on the appellant to clearly demonstrate that the trial court erred); *State v. Aragon*, 1999-NMCA-060, ¶ 10, 127 N.M. 393, 981 P.2d 1211 (stating that there is a presumption of correctness in the rulings or decisions of the trial court, and the party claiming error bears the burden of showing such error). Accordingly, we affirm.

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

**ZACHARY A. IVES, Judge**

**WE CONCUR:**

**JACQUELINE R. MEDINA, Judge**

**SHAMMARA H. HENDERSON, Judge**