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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-39385

RAY CASTILLO,

Plaintiff-Appellant,

v.

**MANUEL ARRIETA and THE
ARRIETA LAW FIRM, P.C.,**

Defendants-Appellees,

and

**JOSE LUIS ARRIETA and JOSE
LUIS ARRIETA P.C.,**

Defendants.

**APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY
Lisa B. Riley, District Judge**

Law Office of Damon Ely, Esq.
Damon B. Ely
Albuquerque, NM

for Appellant

Atler Law Firm, P.C.
Timothy J. Atler
Jazmine J. Johnston
Albuquerque, NM

for Appellees

MEMORANDUM OPINION

ATTREP, Judge.

{1} Plaintiff appeals from the grant of summary judgment in favor of Defendants. In our notice of proposed disposition, we proposed to affirm. [CN 1, 5] Plaintiff filed a memorandum in opposition that we have duly considered. Remaining unpersuaded, we affirm.

{2} Plaintiff maintains that the district court erred in refusing Plaintiff's request to take the depositions of Defendants Jose Luis Arrieta and Manuel Arrieta. Specifically, Plaintiff argues that it was error for the district court to characterize the proposed discovery as a "fishing expedition." [MIO 1] Plaintiff, however, has not asserted any new facts, law, or argument that persuades this Court that our notice of proposed disposition was erroneous. 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point out errors of law and fact, and the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.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 Plaintiff to our analysis therein.

{3} For the reasons stated in our notice of proposed disposition and herein, we affirm the district court.

{4} IT IS SO ORDERED.

JENNIFER L. ATTREP, Judge

WE CONCUR:

JACQUELINE R. MEDINA, Judge

ZACHARY A. IVES, Judge