

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

Court of Appeals of New Mexico  
Filed 5/10/2023 10:24 AM

2 **MARTIN SIERRA,**

3 Plaintiff-Appellant,



Mark Reynolds

4 v.

**No. A-1-CA-40757**

5 **ALBUQUERQUE BERNALILLO**

6 **COUNTY WATER UTILITY**

7 **AUTHORITY,**

8 Defendant-Appellee.

9 **APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**

10 **Beatrice J. Brickhouse, District Court Judge**

11 Gilpin Law Firm, LLC

12 Donald G. Gilpin

13 Christopher P. Machin

14 Albuquerque, NM

15 for Appellant

16 Stelzner, Winter, Warburton, Flores

17 & Dawes, P.A.

18 Juan L. Flores

19 Jaime L. Dawes

20 Albuquerque, NM

21 for Appellee

22 **MEMORANDUM OPINION**

23 **BOGARDUS, Judge.**

24 {1} Plaintiff appeals seeking reversal of the district court's order granting

25 summary judgment and dismissing his claims. [CN 1] In our notice of proposed

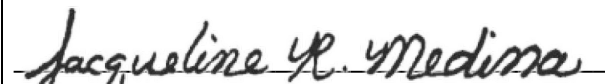
1 disposition, we proposed to summarily affirm the district court. [CN 13] Defendant  
2 filed a memorandum in support, which agreed with our proposed affirmance. [MIS  
3 1] Plaintiff filed a memorandum in opposition to our proposed disposition, stating,  
4 “Plaintiff does not have any new information.” [MIO 1]

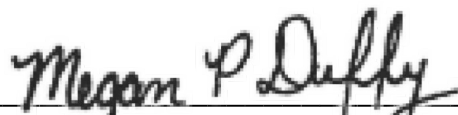
5 {2} Accordingly, for the reasons stated herein and in our notice of proposed  
6 disposition, we affirm. *See Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M.  
7 754, 955 P.2d 683 (“Our courts have repeatedly held that, in summary calendar  
8 cases, the burden is on the party opposing the proposed disposition to clearly point  
9 out errors in fact or law.”); *State v. Johnson*, 1988-NMCA-029, ¶ 8, 107 N.M. 356,  
10 758 P.2d 306 (explaining that when a case is decided on the summary calendar, an  
11 issue is deemed abandoned when a party fails to respond to the proposed disposition  
12 of that issue).

13 {3} **IT IS SO ORDERED.**

14   
15 **KRISTINA BOGARDUS, Judge**

16 **WE CONCUR:**

17   
18 **JACQUELINE R. MEDINA, Judge**

19   
20 **MEGAN P. DUFFY, Judge**