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

2 **LAZARO LLANES,**


3 Plaintiff-Appellant,

4 v.

5 **LARRY H. MILLER CASA CHRYSLER,**

6 Defendant-Appellee.

Court of Appeals of New Mexico
Filed 2/1/2024 10:44 AM



Cynthia A. Hernandez-Madrid
Acting Chief Clerk

No. A-1-CA-41139

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

8 **Daniel E. Ramczyk, District Court Judge**

9 Lazaro Llanes
10 Albuquerque, NM

11 Pro Se Appellant

12 Snell & Wilmer LLP
13 Todd E. Rinner
14 Albuquerque, NM

15 for Appellee

16 **MEMORANDUM OPINION**


17 **YOHALEM, Judge.**

18 {1} Plaintiff, a self-represented litigant, appeals the grant of summary judgment
19 in favor of Defendant. In this Court's notice of proposed disposition, we proposed
20 to summarily affirm. Plaintiff filed a memorandum in opposition, and Defendant
21 filed a memorandum in support, both of which we have duly considered. Remaining
22 unpersuaded by Plaintiff's memorandum in opposition, we affirm.

1 {2} In his memorandum in opposition, Plaintiff maintains that the district court
2 erred in granting summary judgment. [MIO 1-2] Plaintiff has failed, however, to
3 assert any new facts, law, or argument that persuade this Court that our notice of
4 proposed disposition was erroneous. *See Hennessy v. Duryea*, 1998-NMCA-036,
5 ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our courts have repeatedly held that, in
6 summary calendar cases, the burden is on the party opposing the proposed
7 disposition to clearly point out errors in fact or law.”); *State v. Mondragon*, 1988-
8 NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that “[a] party responding
9 to a summary calendar notice must come forward and specifically point out errors
10 of law and fact,” and the repetition of earlier arguments does not fulfill this
11 requirement), *superseded by statute on other grounds as stated in State v. Harris*,
12 2013-NMCA-031, ¶ 3, 297 P.3d 374. We therefore refer Plaintiff to our analysis
13 contained therein.

14 {3} Accordingly, for the reasons stated in our notice of proposed disposition and
15 herein, we affirm.

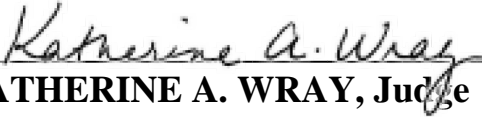
16 {4} **IT IS SO ORDERED.**

17
18 
JANE B. YOHALEM, Judge

1 **WE CONCUR:**

2 

3 **SHAMMARA H. HENDERSON, Judge**

4 

5 **KATHERINE A. WRAY, Judge**