

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

Court of Appeals of New Mexico

Filed 2/17/2025 10:36 AM

2 **IN THE MATTER OF THE ESTATE OF**  
3 **CASEY JORDAN MARQUEZ, Deceased,**



Ramon J. Maestas  
Chief Clerk

4 **JAMIE C. LATTIN,**

5 Petitioner-Appellee,

6 v.

**No. A-1-CA-41902**

7 **FREDERICK RUSSELL MARQUEZ,**

8 Interested Party-Appellant.

9 **APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY**

10 **Douglas W. Decker, District Court Judge**

11 Macias-Mayo Law, P.C.

12 Amber R. Macias-Mayo

13 Serena C. Valley

14 Santa Fe, NM

15 for Appellee

16 William G. Stripp

17 Ramah, NM

18 for Appellant

19 **MEMORANDUM OPINION**

20 **WRAY, Judge.**

21 {1} Father appeals from the district court's order granting Mother's motion for  
22 declaratory judgment to bar Father from claiming settlement benefits, pursuant to  
23 the Wrongful Death Act (WDA), NMSA 1978, Section 41-2-1 to -4 (1882, as

1 amended through 2001), on the basis that he had abandoned his minor child. We  
2 issued a calendar notice proposing to affirm. Father has filed a memorandum in  
3 opposition and Mother has filed a memorandum in support, both of which we have  
4 duly considered. Unpersuaded, we affirm.

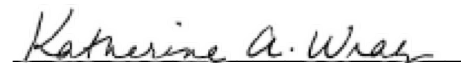
5 {2} Initially, we note that in his memorandum in opposition, Father only renews  
6 one of the two issues raised in the docketing statement. We limit the scope of our  
7 discussion accordingly. *See State v. Salenas*, 1991-NMCA-056, ¶ 2, 112 N.M. 268,  
8 814 P.2d 136 (explaining that where a party has not responded to this Court’s  
9 proposed disposition of an issue, that issue is deemed abandoned). Father continues  
10 to argue that the district court erred by barring Father from receiving any settlement  
11 proceeds, stating only that “no judicial determination as to what settlement benefits  
12 were received pursuant to the WDA and what settlement benefits were received  
13 pursuant to other causes of action.” [MIO 2] He argues that “[t]he district court’s  
14 judgment was deficient” such that the entire matter should be reheard. [MIO 2]

15 {3} Father, however, has not asserted any new facts and does not challenge our  
16 understanding of the proceedings below or identify any particular legal error in our  
17 proposed analysis. *See Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754,  
18 955 P.2d 683 (“Our courts have repeatedly held that, in summary calendar cases, the  
19 burden is on the party opposing the proposed disposition to clearly point out errors  
20 in fact or law.”); *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759

1 P.2d 1003 (stating that “[a] party responding to a summary calendar notice must  
2 come forward and specifically point out errors of law and fact,” and the repetition of  
3 earlier arguments does not fulfill this requirement), *superseded by statute on other*  
4 *grounds as stated in State v. Harris, 2013-NMCA-031, ¶ 3, 297 P.3d 374.*  
5 Accordingly, we are unpersuaded that our notice of proposed disposition was  
6 erroneous. [CN 7-8]

7 {4} For the reasons stated in our notice of proposed disposition and herein, we  
8 affirm the district court’s order granting Mother’s motion for declaratory judgment  
9 to bar Father from claiming settlement benefits pursuant to the WDA.

10 {5} **IT IS SO ORDERED.**

11   
12 **KATHERINE A. WRAY, Judge**

13 **WE CONCUR:**

14   
15 **MEGAN P. DUFFY, Judge**

16   
17 **SHAMMARA H. HENDERSON, Judge**