

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

CHRISTOPHER MARKLEY,

Plaintiff-Appellee,

v.

**JASMIN SAXTON, and
SPENCER SAXTON,**

Defendants-Appellants.

**APPEAL FROM THE METROPOLITAN COURT OF BERNALILLO
COUNTY**

Rosie Lazcano Allred, Metropolitan Court Judge

Christopher Markley
Albuquerque, NM

Pro Se Appellee

Jasmin and Spencer Saxton
Albuquerque, NM

Pro Se Appellants

MEMORANDUM OPINION

IVES, Judge.

{1} Defendant, a self-represented litigant, appeals from the metropolitan court's
entry of default judgment. This Court issued a calendar notice proposing to affirm.
Defendant has filed a memorandum in opposition, which we have duly considered.
Unpersuaded, we affirm.

Court of Appeals of New Mexico
Filed 10/27/2025 7:34 AM



Mark Reynolds

1 {2} Defendant's memorandum in opposition reasserts that the metropolitan court
2 erred by entering default judgment. Defendant does not provide additional
3 information, stating she missed trial because of the recent death of her spouse
4 and that she disagrees that the evidence presented by Plaintiff was sufficient, but
5 fails to elaborate what evidence was presented or how the metropolitan court erred.
6 [MIO 2] In our calendar notice, we explained that it was Defendant's duty to provide
7 this Court with the facts, argument, and information necessary to address and
8 understand her appellate arguments, and we proposed to affirm based on her failure
9 to provide this information unless her memorandum in opposition provided the
10 relevant facts and authority demonstrating error. [CN 1-4] Additionally, while we
11 are sympathetic to Defendant's stated reason for missing trial, our review of the
12 record shows that Defendant was aware of the trial date [RP 24], and Defendant did
13 not notify the metropolitan court that she was unavailable. [See RP 18-28]

14 {3} As such, Defendant's response has not provided the requested information,
15 nor has she asserted any facts, law, or argument in her memorandum in opposition
16 that persuades this Court that our notice of proposed disposition was incorrect. *See*
17 *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating
18 that "[a] party responding to a summary calendar notice must come forward and
19 specifically point out errors of law and fact," and the repetition of earlier arguments
20 does not fulfill this requirement), *superseded by statute on other grounds as stated*

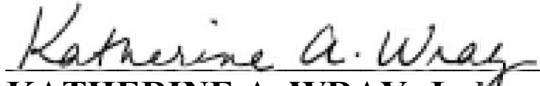
1 *in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374; *see also Hennessy v.*
2 *Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our courts have
3 repeatedly held that, in summary calendar cases, the burden is on the party opposing
4 the proposed disposition to clearly point out errors in fact or law.”). Accordingly,
5 for the reasons stated in our notice of proposed disposition and herein, we affirm.

6 {4} **IT IS SO ORDERED.**

7
8 
ZACHARY A. IVES, Judge

9 **WE CONCUR:**

10 
11 JENNIFER L. ATTKEP, Judge

12 
13 KATHERINE A. WRAY, Judge