

1 Plaintiff filed a memorandum in opposition, which we have duly considered.
2 Unpersuaded, we affirm.

3 {2} Plaintiff maintains the district court erred in granting summary judgment in
4 favor of Defendant on Plaintiff's IPRA claim. [MIO 1-7] As Plaintiff asserted in the
5 docketing statement and again asserts in the memorandum in opposition, the sole
6 issue on appeal is whether a genuine issue of material fact existed as to whether
7 Defendant provided a proper denial letter to Plaintiff within fifteen days in
8 compliance with NMSA 1978, Section 14-2-11(B) (1993). [DS PDF 4 ¶ 3; MIO 1]
9 In our calendar notice, we proposed to conclude that no genuine issue of material
10 fact existed because (1) Plaintiff expressly directed his IPRA request to Anne
11 Woolridge in her capacities as clerk for the Village of Taos Ski Valley (the Village)
12 and clerk for Defendant, and (2) Woolridge timely responded on December 21,
13 2021, with an email denying the request. [CN 4-5]

14 {3} Related to this issue, Plaintiff states in his memorandum in opposition that (1)
15 the USB drive filed with this Court on November 24, 2025, [CN 2] contains a Zoom
16 recording of Defendant's January 2022 board meeting; (2) the recording was
17 provided to the district court on February 5, 2025 [RP 46]; and (3) the recording is
18 therefore, part of the district court record. [MIO 2] Plaintiff describes statements
19 made in the recording by board meeting attendees, contending that the statements
20 show that the December 21, 2021 email, was from the Village only, and not from

1 Defendant. [MIO 2-5] Having reviewed Plaintiff’s description of these statements,
2 we are not persuaded that the cited statements create a genuine issue of material fact
3 as to the provenance of the December 21, 2021 email. Plaintiff, therefore, does not
4 persuade us that our proposed disposition was in error. *See Premier Tr. of Nev., Inc.*
5 *v. City of Albuquerque*, 2021-NMCA-004, ¶ 10, 482 P.3d 1261 (“[I]t is the
6 appellant’s burden to demonstrate, by providing well-supported and clear
7 arguments, that the district court has erred.”).

8 {4} Plaintiff does not respond to our proposed conclusion that NMSA 1978,
9 Section 14-2-8(E) (2009) does not apply to his claim, nor does he respond to our
10 proposed resolution regarding his assertions that the December 21, 2021 email, did
11 not provide a reason for denial and that Defendant and the Village were improperly
12 represented by the same clerk. [CN 6-7] As a result, we deem those issues
13 abandoned. *See Taylor v. Van Winkle’s IGA Farmer’s Mkt.*, 1996-NMCA-111, ¶ 5,
14 122 N.M. 486, 927 P.2d 41 (recognizing that issues resolved in a proposed
15 disposition, but not contested in a memorandum in opposition, are abandoned).

16 {5} In the memorandum in opposition, Plaintiff asserts two additional issues not
17 raised in the docketing statement. First, Plaintiff contends that Woolridge was not
18 Defendant’s records custodian and that instead a board member, Chaz Rockey, was
19 the records custodian. [MIO 2-3] Second, Defendant contends that the minutes of
20 Defendant’s January 2022 board meeting may have been “manufactured after the

1 fact as part of a coverup” and that they “are of questionable authenticity.” [MIO 5,
2 6 ¶ 5] Where new issues are raised in response to a calendar notice, we treat them as
3 a motion to amend the docketing statement. *See* Rule 12-210(D)(2) NMRA (stating
4 “[t]he parties shall not argue issues that are not contained in either the docketing
5 statement or the statement of the issues[,]” but permitting the appellant to move to
6 amend the docketing statement for good cause shown, which can be combined with
7 a memorandum in opposition). To show good cause for amending the docketing
8 statement to include additional issues, the motion to amend—among other
9 requirements—must explain how the issues were properly preserved in the district
10 court or why they may be raised for the first time on appeal. *See State v. Rael*, 1983-
11 NMCA-081, ¶ 15, 100 N.M. 193, 668 P.2d 309.

12 {6} With regard to Plaintiff’s assertion that Woolridge was not Defendant’s
13 records custodian, it does not appear from the record or from Plaintiff’s
14 memorandum in opposition that this issue was identified in Plaintiff’s filings with
15 the district court, that Plaintiff invoked a ruling from the district court on this issue,
16 that the issue was otherwise brought to the district court’s attention, or that the issue
17 may be raised for the first time on appeal. *See Crutchfield v. N.M. Dep’t of Tax’n &*
18 *Revenue*, 2005-NMCA-022, ¶ 14, 137 N.M. 26, 106 P.3d 1273 (“[O]n appeal, the
19 party must specifically point out where, in the record, the party invoked the court’s
20 ruling on the issue. Absent that citation to the record or any obvious preservation,

1 we will not consider the issue.”). To the contrary, Plaintiff treated Woolridge as the
2 records custodian by directing his IPRA request to her [DS PDF 2; RP 85-86], and
3 Plaintiff specifically described Woolridge as Defendant’s record custodian in a
4 district court filing [RP 30]. Because this issue was not preserved for review, we
5 deny any request by Plaintiff to amend the docketing statement to raise it. *See Rael*,
6 1983-NMCA-081, ¶ 15.

7 {7} With regard to Plaintiff’s assertion that the January 2022 minutes were
8 manufactured as part of a coverup [MIO 5], again it does not appear from the record
9 that Plaintiff preserved this issue with the district court, and Plaintiff does not claim
10 in the memorandum in opposition that he preserved it or that it may be raised for the
11 first time on appeal. Because this additional issue was not preserved for review, we
12 deny any request by Plaintiff to amend the docketing statement to raise it. *See id.* To
13 the extent Plaintiff asks this Court to conduct additional fact finding to determine
14 whether the minutes were manufactured after the fact as part of a coverup [MIO 5],
15 we decline to do so. As an appellate court, this Court reviews only those matters that
16 were presented to the district court. *See Campos Enters., Inc. v. Edwin K. Williams*
17 *& Co.*, 1998-NMCA-131, ¶ 12, 125 N.M. 691, 964 P.2d 855.

18 {8} The arguments contained in Plaintiff’s memorandum in opposition do not
19 persuade us that this Court’s proposed summary disposition was in error and do not
20 otherwise impact our disposition of this case. Accordingly, we affirm for the reasons

1 stated in our notice of proposed disposition and in this memorandum opinion. *See*
2 *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our
3 courts have repeatedly held that, in summary calendar cases, the burden is on the
4 party opposing the proposed disposition to clearly point out errors in fact or law.”).

5 {9} **IT IS SO ORDERED.**

6 
7 JACQUELINE R. MEDINA, Chief Judge

8 **WE CONCUR:**

9 
10 SHAMMARA H. HENDERSON, Judge

11 
12 GERALD E. BACA, Judge