

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

2 **BRENDA OLIVER and**  
3 **GERTRUDE OLIVER,**

Court of Appeals of New Mexico  
Filed 6/29/2026 12:04 PM



Mark Reynolds

4 Plaintiffs-Appellees,

5 v.

**No. A-1-CA-43270**

6 **DARRELL GREEN, RONDA GREEN**  
7 **and JACOB GREEN,**

8 Defendants-Appellants.

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

10 **Victor S. Lopez, District Court Judge**

11 Brenda Oliver  
12 Gertrude Oliver  
13 Albuquerque, NM

14 Pro Se Appellees

15 Darrell Green  
16 Ronda Green  
17 Jacob Green  
18 Rio Rancho, NM

19 Pro Se Appellants

20 **MEMORANDUM OPINION**

21 **MEDINA, Chief Judge.**

22 {1} Defendants appeal from the district court's order on application for a  
23 restraining order and for a preliminary injunction for one year. We issued a calendar

1 notice proposing to affirm. Defendants have filed a memorandum in opposition,  
2 which we have duly considered. Unpersuaded, we affirm.

3 {2} In their memorandum in opposition, Defendants continue to assert that there  
4 was “not sufficient evidence to support the [r]estraining [o]rder because records  
5 from hospice were not considered.” [MIO PDF 1] In addition, Defendants maintain  
6 that the district court failed to take into account the mental capacity of Gertrude  
7 Oliver. [MIO PDF 1] In our calendar notice, we proposed to affirm on the grounds  
8 that Defendants were “challenging the weight and credibility of the evidence” and  
9 that we will not reweigh the evidence. [CN 2] Defendants have not disputed any of  
10 the facts or law upon which our proposed analysis relied. “A party responding to a  
11 summary calendar notice must come forward and specifically point out errors of law  
12 and fact,” and the repetition of earlier arguments does not fulfill this requirement.  
13 *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003,  
14 *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-  
15 031, ¶ 3, 297 P.3d 374. Although Defendants assert there were other factors that the  
16 district court failed to consider when entering the restraining order [MIO PDF 1],  
17 they have not provided this Court with any new facts, argument, or authority to  
18 demonstrate that our proposed disposition was erroneous. *See Hennessy v. Duryea*,  
19 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our courts have repeatedly

1 held that, in summary calendar cases, the burden is on the party opposing the  
2 proposed disposition to clearly point out errors in fact or law.”).

3 {3} Defendants also continue to argue that the district court allowed inadmissible  
4 hearsay statements into evidence when videos were shown that contradicted  
5 statements made by Plaintiffs. [MIO PDF 2] We proposed to affirm on the grounds  
6 that Defendants provided insufficient information for this Court to review with  
7 respect to the particular statements they were challenging and the context in which  
8 those statements arose. [CN 3-4] We explained that without more information on the  
9 particular statements in question, we would presume correctness in the district  
10 court’s ruling. [CN 4] Again, Defendants have not provided any new facts,  
11 argument, or authority to demonstrate that the district court erred by admitting the  
12 statements into evidence. *See Hennessy*, 1998-NMCA-036, ¶ 24.


13 {4} Accordingly, we conclude that Defendants have not demonstrated that the  
14 district court erred by granting Plaintiffs a restraining order. *See State v. Aragon*,  
15 1999-NMCA-060, ¶ 10, 127 N.M. 393, 981 P.2d 1211 (stating that we presume  
16 correctness in the trial court’s rulings and the burden is on the appellant to  
17 demonstrate trial court error); *Farmers, Inc. v. Dal Mach. & Fabricating, Inc.*, 1990-  
18 NMSC-100, ¶ 8, 111 N.M. 6, 800 P.2d 1063 (stating that the burden is on the  
19 appellant to clearly demonstrate that the district court erred).

1 {5} For the reasons stated in our notice of proposed disposition and herein, we  
2 affirm.

3 {6} **IT IS SO ORDERED.**

4   
5 JACQUELINE R. MEDINA, Chief Judge

6 **WE CONCUR:**

7   
8 J. MILES HANISEE, Judge

9   
10 ZACHARY A. IVES, Judge