

CEDRINS V. STOOPS

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INARA CEDRINS,
Plaintiff-Appellant,
v.
RICHARD STOOPS, RICHARD SHAPIRO,
and **GEORGE ADELO,**
Defendants-Appellees.

NO. 30,583

COURT OF APPEALS OF NEW MEXICO

December 29, 2010

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Ted Baca,
District Judge

COUNSEL

Inara Cedrins, Chicago, IL, Pro se Appellant

Maria Geer Garcia, Albuquerque, NM, for Appellee Richard Stoops, Richard Shapiro,
Santa Fe, NM, Pro se Appellee, George Adelo, Santa Fe, NM, Pro se Appellee

JUDGES

CELIA FOY CASTILLO, Judge. WE CONCUR: MICHAEL D. BUSTAMANTE, Judge,
TIMOTHY L. GARCIA, Judge

AUTHOR: CELIA FOY CASTILLO

MEMORANDUM OPINION

CASTILLO, Judge.

Plaintiff appeals three separate orders dismissing her claims against Defendants. In this Court's notice of proposed summary disposition, we proposed to dismiss in part and

affirm in part. Plaintiff has responded with a memorandum in which she concedes that dismissal of her appeal is appropriate as to her claims against Defendants Shapiro and Adelo, and in which she opposes this Court's proposed affirmance of the district court's order with respect to her claims against Defendant Stoops. We have duly considered Plaintiff's arguments regarding our proposed disposition of her appeal of the order regarding Defendant Stoops, and as we are not persuaded by them, we affirm the district court's order as to Defendant Stoops. We dismiss the appeal as to Defendants Shapiro and Adelo for lack of a final order.

Plaintiff's complaint asserted that during the course of Defendant Stoops's representation of Plaintiff's ex-husband in an annulment proceeding, Defendant Stoops was paid by a third party and engaged in various actions contrary to Plaintiff's interests. [RP 8, 10, 11, 12] In our notice of proposed summary disposition, we proposed to affirm the district court's order dismissing Plaintiff's complaint against Defendant Stoops because the conduct alleged did not meet the stringent threshold requirement that it be "so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community." *Trujillo v. Northern Rio Arriba Elec. Coop., Inc.*, 2002-NMSC-004, ¶¶ 25-26, 131 N.M. 607, 41 P.3d 333 (internal quotation marks and citation omitted).

In Defendant's memorandum in opposition, she continues to assert that her claim against Defendant Stoops should have been permitted to go forward because his actions left her without assets and caused extreme emotional distress. However, as we stated in our notice of proposed summary disposition, Defendant Stoops was simply acting on behalf of his client, which was in a position adversarial to Plaintiff, *see Garcia v. Rodey, Dickason, Sloan, Akin & Robb, P.A.*, 106 N.M. 757, 760-62, 750 P.2d 118, 121-23 (1988) (discussing the adversarial nature of litigation and declining to impose on an attorney a duty to protect the interests of an opposing party), and a divorce is often a traumatic and emotional experience, such that an intentional infliction of emotional distress claim in the context of a marriage must be limited only to the most extreme circumstances, *cf. Hakkila v. Hakkila*, 112 N.M. 172, 176-79, 812 P.2d 1320, 1324-27 (Ct. App. 1991) (stating that in an intentional infliction of emotional distress suit between spouses, only the most extreme conduct will provide a basis for the tort). Accordingly, the district court did not err in dismissing Plaintiff's claims against Defendant Stoops.

Therefore, for the reasons stated in this opinion and in our notice of proposed summary disposition, we affirm the district court's order as to Defendant Stoops, and dismiss as premature the appeal with respect to Defendants Shapiro and Adelo.

IT IS SO ORDERED.

CELIA FOY CASTILLO, Judge

WE CONCUR:

MICHAEL D. BUSTAMANTE, Judge

TIMOTHY L. GARCIA, Judge