

STATE EX REL. BALDERAS V. KHALSA

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**STATE OF NEW MEXICO ex rel. HECTOR H. BALDERAS, Attorney General,
Plaintiff-Appellee,**

v.

**MUKHTIAR SINGH KHALSA d/b/a Praedium Preservation, d/b/a Praedium, LLC,
d/b/a www.praediumpreservation.org, d/b/a www.homeownerstory.org, d/b/a New
Mexico Home Project,
Defendant-Appellant**

and

**GREGORY BRYAN MOLINAR d/b/a 11 Sombrillo Lane Trust, an unidentified entity
or business name, PAUL A. LUCERO, JR. a/k/a PABLO A. LUCERO, JR. a/k/a
PAUL LUCERO d/b/a Praedium Preservation, d/b/a 1512 Summerfield Trust, an
unidentified entity or business name, d/b/a P&L FUSION LLC, a New Mexico
limited liability company; JOSHUA R. SIMMS, an attorney licensed in New Mexico,
JOSHUA R. SIMMS, P.C., a New Mexico professional corporation; JRSPC, LLC, a
New Mexico limited liability company; PRAEDIUM PRESERVATION, a New Mexico
non-profit corporation; PRAEDIUM, LLC, a New Mexico limited liability company;
1512 SUMMERFIELD TRUST, an unidentified entity or trade name; 517001251
TRUST, an unidentified entity or trade name; 11 SOMBRILLO LANE TRUST, an
unidentified entity or business name; GURNAM K. KHALSA, a New Mexico
resident; HARDEEP SINGH, a New Mexico resident; HEARTLAND FINANCIAL
USA, INC. d/b/a NEW MEXICO BANK & TRUST, a nationally chartered bank (Relief
Defendant); JOHN DOE/JANE DOE DEFENDANTS 1 TO 10; and DOE
CORPORATIONS 1 TO 10,
Defendants.**

Docket No. A-1-CA-37183
COURT OF APPEALS OF NEW MEXICO
April 4, 2019

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Alan M. Malott,
District Judge

COUNSEL

Hector H. Balderas, Attorney General, Santa Fe, NM, Scott C. Cameron, Assistant
Attorney General, Albuquerque, NM for Appellee

Mukhtiar S. Khalsa, Santa Cruz, NM, Pro Se Appellant.

JUDGES

LINDA M. VANZI, Judge. WE CONCUR: JENNIFER L. ATTREP, Judge, KRISTINA BOGARDUS, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Judge.

{1} Defendant appeals from the district court's entry of default judgment and order granting, in part, and denying, in part, discovery sanctions. This Court issued a calendar notice proposing to dismiss Defendant's appeal. In this Court's calendar notice, we proposed to conclude that the district court's order expressly stating that Defendant's liability was established as to counts 1-11 and 23-65 and leaving open the issue of damages was not a final order for the purpose of appeal. See *Valley Improvement Ass'n v. Hartford Accident & Indem. Co.*, 1993-NMSC-061, ¶ 8, 116 N.M. 426, 863 P.2d 1047 ("When the issue of damages is before the district court, whether the action pursues coercive or declaratory relief, a judgment or order that reserves the issue of assessment of damages for future determination is not a final judgment for purposes of appeal."). Moreover, we noted that under Rule 1-054(B) NMRA an order that does not resolve all claims against all of the parties is not a final order, unless the district court certifies otherwise.

{2} In response, Defendant argues that either he should be permitted to continue to litigate in the district court or the district court's order should be a final appealable order. Defendant cites no authority for this proposition, *Curry v. Great Nw. Ins. Co.*, 2014-NMCA-031, ¶ 28, 320 P.3d 482 ("Where a party cites no authority to support an argument, we may assume no such authority exists."), and, as the authorities cited above indicate, the law does not support Defendant's argument.

{3} Accordingly, for the reasons stated above and in this Court's notice of proposed disposition, we dismiss Defendant's appeal for lack of a final, appealable order.

{4} IT IS SO ORDERED.

LINDA M. VANZI, Judge

WE CONCUR:

JENNIFER L. ATTREP, Judge

KRISTINA BOGARDUS, Judge