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

**No. A-1-CA-39564**

**REBECCA L. JACOBY,**

Plaintiff-Appellee,

v.

**STEPHANIE BENINATO  
a/k/a STEFANIE BENINATO,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY  
Bryan P. Biedscheid, District Judge**

Rebecca L. Jacoby  
Santa Fe, NM

Pro Se Appellee

Stephanie Beninato  
Santa Fe, NM

Pro Se Appellant

**MEMORANDUM OPINION**

**BOGARDUS, Judge.**

{1} Defendant appeals from the district court's order vacating further hearings and closing the matter. We issued a notice of proposed disposition, in which we proposed to summarily affirm. Defendant filed a memorandum in opposition, which we have duly considered. We remain unpersuaded that Defendant has shown error and we therefore affirm the ruling of the district court.

{2} Defendant's memorandum in opposition does not sufficiently address the specific concerns this Court identified in our notice of proposed disposition, including that many of the issues raised appeared to be moot. In addition, Defendant has not otherwise

convinced us that our initial proposed disposition was erroneous. *See State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that a party responding to a summary calendar notice must come forward and specifically point out errors of law and fact, and the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374; *Hennessey v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law.”); *see also Premier Tr. of Nevada, Inc. v. City of Albuquerque*, 2021-NMCA-004, ¶ 10, 482 P.3d 1261 (“[I]t is the appellant’s burden to demonstrate, by providing well-supported and clear arguments, that the district court has erred.”).

**{3}** Accordingly, for the reasons stated in our notice of proposed disposition and herein, we affirm.

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

**KRISTINA BOGARDUS, Judge**

**WE CONCUR:**

**JACQUELINE R. MEDINA, Judge**

**SHAMMARA H. HENDERSON, Judge**