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

7 **STACY L. BALCOM, a/k/a LIBERTY**
8 **PRODUCTION AGENCY,**

9 Plaintiff-Appellant,

10 v.

NO. 29,395

11 **BETTY FLEISSNER of EAGLE NEST**
12 **REAL ESTATE, DAVID and LAJUANA**
13 **COURLAS, XREALTY for JACK**
14 **SCHWEITZER, NORTH COUNTRY**
15 **REAL ESTATE for ROGER MEEKER,**
16 **PAUL PITT, ATTORNEY for GANT**
17 **FAMILY RANCH and ROGER MEEKER**
18 **a/k/a EAGLE NEST RANCH, LLC,**

19 Respondents-Appellees.

20 **APPEAL FROM THE DISTRICT COURT OF COLFAX COUNTY**
21 **Sam B. Sanchez, District Judge**

22 Stacey L. Balcom
23 Pro Se Appellant

24
25 Stephen Natelson
26 Taos, NM

27 for Eagle Nest Real Estate,
28 David and LaJuana Courlas,
29 and Betty Fleissner,

1 Robin C. Blair
2 Raton, NM

3 for Gant Family Ranch
4 and Paul Pitt

5 X Realty
6 Eagle Nest, NM

7 Pro Se Appellee

8 North County Real Estate
9 Angel Fire, NM

10 Pro Se Appellee

11 Frank Belichick
12 Eagle Nest, NM

13 Pro Se Appellee

14 Stan Samuels
15 Angel Fire, NM

16 Pro Se Appellee

17 **MEMORANDUM OPINION**

18 **KENNEDY, Judge.**

19 Plaintiff is appealing, pro se, from a district court order dismissing out the
20 remaining party or parties in her lawsuit involving land and real estate transactions in

1 Colfax county. We issued a calendar notice proposing to affirm. Plaintiff has
2 responded with a memorandum in opposition. To the extent that Plaintiff is
3 requesting that we reconsider our previous ruling on her motion to attach exhibits, we
4 hereby deny the motion to reconsider. Not persuaded that our calendar notice was
5 incorrect, we affirm the district court.

6 Plaintiff is appealing from a district court dismissing her civil complaint.
7 Because matters outside of the pleadings were considered [RP 45-76], Defendants'
8 motions to dismiss were converted to motions for summary judgment. *See Knippel*
9 *v. Northern Communic'ns, Inc.*, 97 N.M. 401, 402, 640 P.2d 507, 508 (Ct. App. 1982).
10 "Summary judgment is proper if there are no genuine issues of material fact and the
11 movant is entitled to judgment as a matter of law." *Roth v. Thompson*, 113 N.M. 331,
12 334, 825 P.2d 1241, 1244 (1992). When a party makes a prima facie showing of
13 summary judgment, the burden shifts to the party opposing the motion to come
14 forward with specific material facts that would make a trial necessary. *Id.* at 334-35,
15 825 P.2d at 1244-45. We look to the whole record to see if a material fact issue exists.
16 *Id.* at 335, 825 P.2d at 1245.

17 Plaintiff filed this action on behalf of her corporation, Liberty Production
18 Agency. [RP 1] Defendants filed motions to dismiss based on two independent
19 grounds for dismissal: the fact that Plaintiff may not represent the corporation because

1 she is not an attorney and on the claim that her Colorado-based company does not
2 have a certificate of authority to transact business in the state. [RP 257; 287; 293]
3 Our calendar notice proposed to hold that both of these grounds independently
4 supported dismissal of her complaint. *See* NMSA 1978, § 36-2-27 (1999) (prohibiting
5 the unauthorized practice of law); NMSA 1978, § 53-17-20(A) (1969) (requiring
6 certificate of authority as prerequisite for corporation to maintain litigation).

7 In her memorandum in opposition, Plaintiff does not establish any factual or
8 legal errors in our calendar notice. *State v. Sisneros*, 98 N.M. 201, 202-03, 647 P.2d
9 403, 404-05 (1982) (“The opposing party to summary disposition must come forward
10 and specifically point out errors in fact and in law.”). Accordingly, we affirm.

11 **IT IS SO ORDERED.**

12 _____
13 **RODERICK T. KENNEDY, Judge**

14 **WE CONCUR:**

15 _____
16 **CYNTHIA A. FRY, Chief Judge**

17 _____
18 **TIMOTHY L. GARCIA, Judge**