

**ARMSTRONG V. ELKINS**

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**RONALD A. ARMSTRONG and  
AMERICA'S BEST STONE, LLC,  
a New Mexico Limited Liability Company,**  
Plaintiffs-Appellees,  
**v.**  
**JACK L. ELKINS, II, a/k/a  
JACKIE ELKINS, a/k/a JACK L. ELKINS,**  
Defendant-Appellant.

No. 34,434

COURT OF APPEALS OF NEW MEXICO

May 13, 2015

APPEAL FROM THE DISTRICT COURT OF MCKINLEY COUNTY, Grant I. Foutz,  
District Judge

**COUNSEL**

Mason & Isaacson, P.A., Thomas Lynn Isaacson, Gallup, NM, for Appellees

Business Law Southwest, LLC, Donald F. Kochersberger III, Alicia M. LaPado,  
Albuquerque, NM, Harris Law, P.C., Don F. Harris, Albuquerque, NM, Albuquerque  
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Joshua R. Sims, Albuquerque, NM, for Appellants

**JUDGES**

TIMOTHY L. GARCIA, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge, M.  
MONICA ZAMORA, Judge

**AUTHOR:** TIMOTHY L. GARCIA

**MEMORANDUM OPINION**

**GARCIA, Judge.**

**{1}** Summary dismissal for a non-final order was proposed for the reasons stated in the notice of proposed disposition. No memorandum opposing summary dismissal has been filed, and the time for doing so has expired.

**{2}** The appeal is dismissed for lack a of final order and remanded to the district court for further proceedings.

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

**TIMOTHY L. GARCIA, Judge**

**WE CONCUR:**

**JONATHAN B. SUTIN, Judge**

**M. MONICA ZAMORA, Judge**