

BUTLER ENTERPRISES, INC. V. HI-COUNTRY CHEVROLET, INC.

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BUTLER ENTERPRISES, INC.,
Plaintiff-Appellant,
v.
HI-COUNTRY CHEVROLET, INC.,
and JEFF THOMAS,
Defendants-Appellees.

No. 32,627

COURT OF APPEALS OF NEW MEXICO

March 13, 2013

APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY, Robert A. Aragon,
District Judge

COUNSEL

Miller Stratvert P.A., Dylan O'Reilly, Luke A. Salganek, Farmington, NM, for Appellant

Tucker, Burns, Yoder & Hatfield, Gregory M. Tucker, Farmington, NM, for Appellee

JUDGES

LINDA M. VANZI, Judge. WE CONCUR: MICHAEL D. BUSTAMANTE, Judge,
CYNTHIA A. FRY, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Judge.

Plaintiff appeals an order denying its motion to reinstate its case after the case was dismissed for failure to prosecute. In our notice of proposed summary disposition, we proposed to reverse. Defendants have filed a memorandum in which they now concede

that Plaintiff's case should have been reinstated. They therefore do not oppose summary reversal. Accordingly, for the reasons stated in our notice of proposed summary disposition, we reverse.

IT IS SO ORDERED.

LINDA M. VANZI, Judge

WE CONCUR:

MICHAEL D. BUSTAMANTE, Judge

CYNTHIA A. FRY, Judge