

C CROUCH V. L SHEFFIELD

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CHARLES W. CROUCH, GLADYS CROUCH, and CHARLES K. CROUCH, Plaintiffs-Appellants,
v.
LEONARD SHEFFIELD and JANE SHEFFIELD, Defendants-Appellees.

Docket No. 28,958

COURT OF APPEALS OF NEW MEXICO

February 17, 2009

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY, Jerry H. Ritter, Jr.,
District Judge.

COUNSEL

Klipstine, Fredlund & Bowlin, L.L.C., James W. Klipstine Jr., Hobbs, NM, for Appellants.

Robert M. Doughty II, Alamogordo, NM, for Appellees.

JUDGES

CELIA FOY CASTILLO, Judge. WE CONCUR: MICHAEL D. BUSTAMANTE, Judge,
MICHAEL E. VIGIL, Judge

AUTHOR: CELIA FOY CASTILLO

MEMORANDUM OPINION

CASTILLO, Judge.

Plaintiffs filed an appeal in which they argue the district court erred by dismissing their case under Rule 1-041(E)(1) NMRA because they engaged in timely action in pursuit of their claims prior to the filing of Defendants' motion to dismiss. This Court issued a calendar notice assigning this case to the summary calendar and proposing summary reversal on January 13, 2008. Defendants have filed a response to our

calendar notice and state they will not submit a memorandum in opposition to our proposed summary reversal.

Accordingly, the district court's dismissal is reversed for the reasons stated in our calendar notice.

IT IS SO ORDERED.

CELIA FOY CASTILLO, Judge

WE CONCUR:

MICHAEL D. BUSTAMANTE, Judge

MICHAEL E. VIGIL, Judge