

**HDQ, LLC V. QUIET TITLE**

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**CORNELIUS DOOLEY and SUSAN HOFFMAN-DOOLEY,**  
substitute parties for HDQ, LLC, a New Mexico limited liability Company,  
Plaintiffs-Appellants,

v.

**QUIET TITLE COMPANY, LLC, a New Mexico limited liability company,**  
**J. MICHAEL HYATT, individually and as a member of QUIET TITLE COMPANY,**  
**LLC,**  
Defendants-Appellees.

NO. 30,942

COURT OF APPEALS OF NEW MEXICO

December 9, 2011

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY, Sarah M. Singleton,  
District Judge

**COUNSEL**

The Simons Firm, LLP, Thomas A. Simons, IV, Kelcey C. Nichols, Santa Fe, NM, for  
Appellants

Lorenz Law, Alice T. Lorenz, Albuquerque, NM, Sommer, Udall, Sutin, Hardwick &  
Hyatt, PA, Kurt A. Sommer, Jack Hardwick, Santa Fe, NM, for Appellees

**JUDGES**

MICHAEL E. VIGIL, Judge. WE CONCUR: MICHAEL D. BUSTAMANTE, Judge, LINDA  
M. VANZI, Judge

**AUTHOR:** MICHAEL E. VIGIL

**MEMORANDUM OPINION**

**VIGIL, Judge.**

In this appeal, the Court issued a calendar notice on March 2, 2011, proposing summary affirmance of the district court's order denying Plaintiff HDQ, LLC's motion for prejudgment interest. On March 14, 2011, a notice of automatic stay was filed in this Court, notifying the Court that Defendant Quiet Title Company, LLC had filed a petition for bankruptcy in the United States Bankruptcy Court. On July 20, 2011, this Court entered an order staying this appeal pending the bankruptcy proceedings. On July 18, 2011, and August 22, 2011, the United States Bankruptcy Court entered a stipulated order dismissing the Chapter 11 bankruptcy case, and a default order approving modification of the automatic stay, respectively. The parties agree it is appropriate for this Court to lift the stay of the appeal. The parties also agree that this Court should allow Cornelius Dooley and Susan Hoffman-Dooley to be substituted for Plaintiff HDQ, LLC, in this action.

On October 14, 2011, this Court filed an order that lifted the stay of this appeal pending bankruptcy, requested the parties respond to the March 2, 2011, calendar notice, and allowed the substitution of Plaintiff HDQ, LLC for Plaintiffs Cornelius Dooley and Susan Hoffman-Dooley. Defendants have filed a memorandum in support of the calendar notice. The substituted Plaintiffs have filed a response indicating that they have abandoned the appeal and do not oppose the calendar notice analysis.

For the reasons set forth in this Court's March 2, 2011, calendar notice, we affirm the district court's order denying Plaintiff and the substituted Plaintiffs prejudgment interest.

**IT IS SO ORDERED.**

**MICHAEL E. VIGIL, Judge**

**WE CONCUR:**

**MICHAEL D. BUSTAMANTE, Judge**

**LINDA M. VANZI, Judge**