

JONES V. HOLIDAY INN EXPRESS

This memorandum opinion was not selected for publication in the New Mexico Appellate Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

SANDY ALLEN JONES,

Worker-Appellee,

v.

HOLIDAY INN EXPRESS, and

AIG CLAIMS SERVICE n/k/a

CHARTIS INSURANCE COMPANY,

Employer/Insurer/Third-Party Plaintiffs-Appellees,

v.

ALEA NORTH AMERICA INS. COMPANY,

and CHUBB SERVICES CORPORATION,

Third-Party Defendants-Appellants.

No. 32,473

COURT OF APPEALS OF NEW MEXICO

April 4, 2013

APPEAL FROM THE WORKERS' COMPENSATION ADMINISTRATION, Shanon S.
Riley, Workers' Compensation Judge

COUNSEL

Sandy Allen Jones, Roswell, NM, Pro Se Appellee

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

Civerolo, Gralow, Hill & Curtis, Lawrence H. Hill, Albuquerque, NM, for Appellants

JUDGES

LINDA M. VANZI, Judge. WE CONCUR: M. MONICA ZAMORA, Judge, J. MILES HANISEE, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Judge.

{1} Alea North America Insurance Company and Chubb Services Corporation appeal from a Workers' Compensation Administration order that only resolved the medical benefits/reimbursement issues that had been raised, expressly reserving for a later date a ruling on the unfair claim processing/bad faith claims. [RP 796] We therefore issued a calendar notice proposing to dismiss the appeal for lack of finality. No memorandum in opposition to our calendar notice has been filed, and the time for filing a memorandum in opposition has expired. See Rule 12-210(D)(3) NMRA. Accordingly, we dismiss the appeal. See *Frick v. Veazey*, 116 N.M. 246, 247, 861 P.2d 287, 288 (Ct. App. 1993) ("Failure to file a memorandum in opposition constitutes acceptance of the disposition proposed in the calendar notice."). However, we take judicial notice of our Court files, and we remind the parties that the dismissal of this appeal does not prevent them from raising any issues that they may wish to raise in their new appeals, tentatively docketed as Ct. App. No. 32,698.

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

LINDA M. VANZI, Judge

WE CONCUR:

M. MONICA ZAMORA, Judge

J. MILES HANISEE, Judge