

R. JOHNSON V. A. SILVA

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**RUTH ANN JOHNSON,
MJRR, LLC,
Plaintiff-Appellee,
v.
ADAM SILVA and
ESTELLA SILVA,
Defendants-Appellants.**

NO. 29,005

COURT OF APPEALS OF NEW MEXICO

January 8, 2009

APPEAL FROM THE DISTRICT COURT OF LUNA COUNTY, Gary M. Jeffreys ,
District Judge

COUNSEL

Hofacket Law Firm, LLC, Jarod K. Hofacket, Deming, NM, for Appellee

Carlos K. Ogden, Deming, NM, for Appellants

JUDGES

CELIA FOY CASTILLO, Judge. WE CONCUR: MICHAEL E. VIGIL, Judge, LINDA M. VANZI, Judge

AUTHOR: CELIA FOY CASTILLO

MEMORANDUM OPINION

CASTILLO, Judge.

Defendants appeal from the trial court's order awarding Plaintiffs their attorney fees pursuant to Rule 1-011 NMRA. We issued a notice proposing to affirm, and Plaintiffs

filed a timely memorandum in support. Defendants failed to file a response to our notice of proposed summary disposition. See *Frick v. Veazey*, 116 N.M. 246, 247, 861 P.2d 287, 288 (Ct. App. 1993) (noting that “[f]ailure to file a memorandum in opposition constitutes acceptance of the disposition proposed in the calendar notice”). Therefore, for the reasons set forth in our notice of proposed summary disposition, we affirm the trial court’s order awarding Plaintiffs their attorney fees pursuant to Rule 1-011. *Frick*, 116 N.M. at 247, 861 P.2d at 288

IT IS SO ORDERED.

CELIA FOY CASTILLO, Judge

WE CONCUR:

MICHAEL E. VIGIL, Judge

LINDA M. VANZI, Judge