

BANK OF NEW YORK V. TRUJILLO

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**BANK OF NEW YORK, as
Trustee for the
CertificateHolders of the
CWABS 2005-1,
Plaintiff-Appellee,**

v.

**GREG M. TRUJILLO, a/k/a
GREGORY M. TRUJILLO,
Defendant-Appellant,**

and

**NEW MEXICO DEPARTMENT OF
WORKFORCE SOLUTIONS;
TAXATION AND REVENUE
DEPARTMENT OF THE STATE OF
NEW MEXICO; and UNITED STATES
OF AMERICA (IRS),
Defendants.**

NO. A-1-CA-37158

COURT OF APPEALS OF NEW MEXICO

September 4, 2018

APPEAL FROM THE DISTRICT COURT OF RIO ARRIBA COUNTY, Raymond Z.
Ortiz, District Judge

COUNSEL

Doherty & Silva, LLC, Lucinda R. Silva, Albuquerque, NM, for Appellee

The Law Offie of Erika E. Anderson, Erika Anderson, Albuquerque, NM, for Appellant

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: LINDA M. VANZI, Chief Judge, M. MONICA
ZAMORA, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

{1} Defendant Greg M. Trujillo has appealed from the district court's order denying his timely [RP 196, 208] motion to reconsider and denying his motions for an extension of time and to stay the judgment. Unpersuaded that Defendant established error in the district court's rulings, we issued a notice of proposed summary disposition, proposing to affirm. Plaintiff Bank of New York has responded to our notice with a memorandum in support. Defendant has not responded to our notice and the time for doing so has expired. See Rule 12-210(D)(2) NMRA ("The parties shall have twenty (20) days from the date of service of the notice of proposed disposition to file and serve a memorandum in opposition."). The "[f]ailure to file a memorandum in opposition constitutes acceptance of the disposition proposed in the calendar notice." *Frick v. Veazey*, 1993-NMCA-119, ¶ 2, 116 N.M. 246, 861 P.2d 287.

{2} For the reasons set forth in our notice, we affirm the district court's order denying Defendant's motion to reconsider and denying his motions for extension of time and to stay the judgment.

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

MICHAEL E. VIGIL, Judge

WE CONCUR:

LINDA M. VANZI, Chief Judge

M. MONICA ZAMORA, Judge