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**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

**No. A-1-CA-40198**

**ANDRAS SZANTHO, as Personal  
Representative for the Wrongful  
Death Estate of MARTHA DELLINGER,**

Plaintiff-Appellee,

v.

**RENAISSANCE HEALTH CARE, LLC  
d/b/a SPANISH TRAIL REHABILITATION  
SUITES,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY  
Kathleen A. McGarry, District Judge**

Reddick Moss, PLLC  
Brent L. Moss  
Robert W. Francis  
Brian D. Reddick  
Little Rock, AR

Lee L. Coleman  
Albuquerque, NM

for Appellee

Verdi & Ogletree PLLC  
Faith Kalman Reyes  
Santa Fe, NM

for Appellant

**MEMORANDUM OPINION**

**MEDINA, Judge.**

**{1}** Defendant appeals the district court's order denying its motion to compel arbitration. We issued a notice of proposed summary disposition proposing to reverse and remand for further proceedings. Defendant filed a memorandum in support of our proposed summary disposition, which we have duly considered. Plaintiff did not file a memorandum in opposition to our proposed summary disposition and the time for doing so has now run.

**{2}** For the reasons outlined in our notice of proposed disposition, and in the absence of opposition from either party, we conclude that Defendant has demonstrated error on appeal. Accordingly, we reverse and remand.

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

**JACQUELINE R. MEDINA, Judge**

**WE CONCUR:**

**JENNIFER L. ATTREP, Judge**

**KRISTINA BOGARDUS, Judge**