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

2       **GALLUP INDEPENDENT,**

3             Plaintiff-Appellee,

4       **v.**

**No. 35,119**

5       **KRQE NEWS 13,**

6             Defendant-Appellant.

7       **APPEAL FROM THE DISTRICT COURT OF MCKINLEY COUNTY**

8       **Robert A. Aragon, District Judge**

9       The Law Offices of David R. Jordan, PC

10       David R. Jordan

11       Gallup, NM

12       Modrall, Sperling, Roehl, Harris & Sisk, P.A.

13       Emil J. Kiehne

14       Albuquerque, NM

15       for Appellee

16       Esquivel Law Firm, LLC

17       Martin R. Esquivel

18       Albuquerque, NM

19       for Appellant

1 **MEMORANDUM OPINION**

2 **SUTIN, Judge.**

3 {1} Summary affirmance was proposed for the reasons stated in the notice of  
4 proposed summary disposition. No memorandum opposing summary affirmance has  
5 been filed and the time for doing so has expired.

6 {2} **AFFIRMED.**

7 {3} **IT IS SO ORDERED.**

8 \_\_\_\_\_  
9 **JONATHAN B. SUTIN, Judge**

10 **WE CONCUR:**

11 \_\_\_\_\_  
12 **MICHAEL E. VIGIL, Chief Judge**

13 \_\_\_\_\_  
14 **TIMOTHY L. GARCIA, Judge**