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

2 **WILLIAM GARDNER,**

3           Plaintiff/Counterdefendant-Appellee,

4 v.

**NO. 35,612**

5 **ERIC RIVERA d/b/a SOUTHWEST METAL DESIGN,**

6           Defendant/Counterclaimant-Appellant,

7 and

8 **ERIC RIVERA d/b/a SOUTHWEST METAL DIVISION,**

9           Third-party Plaintiff/Counterdefendant-Appellant,

10 v.

11 **KATHRYN GARDNER,**

12           Third-party Defendant/Counterclaimant-Appellee.

13 **APPEAL FROM THE DISTRICT COURT OF SANDOVAL COUNTY**

14 **John F. Davis, District Judge**

15 Crowley & Gribble PC

16 Clayton E. Crowley

17 Albuquerque, NM.

18 for Appellees

1 David M. Houliston  
2 Albuquerque, NM.

3 for Appellant

4 **MEMORANDUM OPINION**

5 **VIGIL, Chief Judge.**

6 {1} Summary dismissal was proposed for the reasons stated in the notice of  
7 proposed summary disposition. No memorandum opposing summary dismissal has  
8 been filed and the time for doing so has expired.

9 {2} **DISMISSED.**

10 {3} **IT IS SO ORDERED.**

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

13 **WE CONCUR:**

14 \_\_\_\_\_  
15 **JONATHAN B. SUTIN, Judge**

16 \_\_\_\_\_  
17 **STEPHEN G. FRENCH, Judge**