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

2 **TOMMY SOWARDS and**
3 **BARBARA SOWARDS**

4 Plaintiffs-Appellants,

5 v.

NO. 34,373

6 **BIOTRONIK, INC. and**
7 **EDWARD TAGUE,,**

8 Defendants-Appellees.

9 **APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY**

10 **Douglas R. Driggers, District Judge**

11 McGinn, Carpenter, Montoya & Love, PA

12 Randi McGinn

13 Kathy Love

14 Michael Sievers

15 Albuquerque, NM

16 for Appellants

17 Cervantes Law Firm

18 Joseph Cervantes

19 Las Cruces, NM

1 Holland & Knight, LLP
2 William F. Gould
3 Kelly Krystyniak
4 Washington, D.C.

5 Modrall, Sperling, Roehl, Harris & Sisk, P.A.
6 Alex C. Walker
7 Albuquerque, NM

8 for Appellee Biotronik, Inc.

9 Silva & Associates, P.C.
10 Benjamin Silva, Jr.
11 Michael Hughes
12 Albuquerque, NM

13 for Appellee Edward Tague

14 **MEMORANDUM OPINION**

15 **WECHSLER, Judge.**

16 {1} Plaintiffs filed an appeal following the judgment entered in this case. We
17 proposed to dismiss the appeal for lack of a final, appealable order. In response, the
18 parties have filed a joint memorandum supporting the proposed dismissal. Therefore,
19 for the reasons discussed in the notice of proposed disposition, we dismiss this appeal
20 without prejudice. This Court will retain the record proper for a reasonable period of
21 time for use in any subsequent appeal that might result from this case once a final,
22 appealable order is filed. The parties are hereby ordered to notify the Court

1 immediately should the case be resolved in mediation or otherwise, or once the parties
2 are aware that no further appeals will be filed in this case.

3 {2} **IT IS SO ORDERED.**

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5

JAMES J. WECHSLER, Judge

6 **WE CONCUR:**

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JONATHAN B. SUTIN, Judge

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10

RODERICK T. KENNEDY, Judge