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

2 **L.P. MCKEE (MACK) WHITTENBURG, as**
3 **Independent Co-Executor of the Estate of**
4 **Roy R. Whittenburg; LOIS WHITTENBURG**
5 **ROWLEY, as Independent Co-Executor of the**
6 **Estate of Roy R. Whittenburg; ROY ROBERT**
7 **WHITTENBURG, JR., as Co-Trustee of Eighteen**
8 **of The Grace and Roy Whittenburg Trusts, Dated**
9 **December 30, 1977; LOIS WHITTENBURG**
10 **ROWLEY, as Co-Trustee of Eighteen of The**
11 **Grace and Roy Whittenburg Trusts, Dated**
12 **December 30, 1977,**

13 Plaintiffs-Appellants,

14 v.

No. A-1-CA-36825

15 **WANDA JEANNE WHITTENBURG,**

16 Defendant-Appellee.

17 **APPEAL FROM THE DISTRICT COURT OF UNION COUNTY**

18 **Jeff McElroy, District Judge**

19 L. P. McKee (Mack) Whittenburg
20 Amarillo, TX

21 Pro Se Appellant

22 Lois Whittenburg Rowley
23 Amarillo, TX

1 Pro Se Appellant

2 Roy Robert Whittenburg, Jr.

3 Amarillo, TX

4 Pro Se Appellant

5 Wheeler Trigg O'Donnell LLP

6 Tamera Dietrich Westerberg

7 Denver, CO

8 Hinkle Shanor LLP

9 Stephen S. Shanor

10 Roswell, NM

11 for Appellee

12 **MEMORANDUM OPINION**

13 **HANISEE, Judge.**

14 {1} Plaintiffs L.P. McKee (Mack) Whittenburg, Lois Whittenburg Rowley, and Roy
15 Robert Whittenburg, Jr., appeal an order of the district court finding them in contempt
16 for their failure to comply with a prior order. This Court's notice of proposed
17 summary disposition proposed to affirm the order of contempt. [CN 9] Defendant has
18 filed a memorandum in support of that proposed summary disposition. [MIS 1]
19 Plaintiffs, however, have made no responsive filing. Instead, Plaintiffs' counsel has
20 filed a motion to withdraw as counsel informing us that he has been "instructed to take
21 no further action" in this appeal. [4-20-2018 MOT 2] And, the time in which to file

1 a memorandum in opposition to our proposed disposition has now passed. We,
2 therefore, affirm the contempt order entered by the district court.

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

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J. MILES HANISEE, Judge

6 **WE CONCUR:**

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JULIE J. VARGAS, Judge

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DANIEL J. GALLEGOS, Judge