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

2 **BANK OF NEW YORK, as**  
3 **Trustee for the**  
4 **Certificate Holders of the**  
5 **CWABS 2005-1,**

6           Plaintiff-Appellee,

7 v.

**NO. A-1-CA-37158**

8 **GREG M. TRUJILLO, a/k/a**  
9 **GREGORY M. TRUJILLO,**

10          Defendant-Appellant,

11 and

12 **NEW MEXICO DEPARTMENT OF**  
13 **WORKFORCE SOLUTIONS;**  
14 **TAXATION AND REVENUE**  
15 **DEPARTMENT OF THE STATE OF**  
16 **NEW MEXICO; and UNITED STATES**  
17 **OF AMERICA (IRS),**

18          Defendants.

19 **APPEAL FROM THE DISTRICT COURT OF RIO ARRIBA COUNTY**  
20 **Raymond Z. Ortiz, District Judge**

21 Doherty & Silva, LLC  
22 Lucinda R. Silva

1 Albuquerque, NM

2 for Appellee

3 The Law Office of Erika E. Anderson

4 Erika Anderson

5 Albuquerque, NM

6 for Appellant

7 **MEMORANDUM OPINION**

8 **VIGIL, Judge.**

9 {1} Defendant Greg M. Trujillo has appealed from the district court’s order denying  
10 his timely [RP 196, 208] motion to reconsider and denying his motions for an  
11 extension of time and to stay the judgment. Unpersuaded that Defendant established  
12 error in the district court’s rulings, we issued a notice of proposed summary  
13 disposition, proposing to affirm. Plaintiff Bank of New York has responded to our  
14 notice with a memorandum in support. Defendant has not responded to our notice and  
15 the time for doing so has expired. *See* Rule 12-210(D)(2) NMRA (“The parties shall  
16 have twenty (20) days from the date of service of the notice of proposed disposition  
17 to file and serve a memorandum in opposition.”). The “[f]ailure to file a memorandum  
18 in opposition constitutes acceptance of the disposition proposed in the calendar  
19 notice.” *Frick v. Veazey*, 1993-NMCA-119, ¶ 2, 116 N.M. 246, 861 P.2d 287.

1 {2} For the reasons set forth in our notice, we affirm the district court's order  
2 denying Defendant's motion to reconsider and denying his motions for extension of  
3 time and to stay the judgment.

4 {3} **IT IS SO ORDERED.**

5 \_\_\_\_\_  
6 **MICHAEL E. VIGIL, Judge**

7 **WE CONCUR:**

8 \_\_\_\_\_  
9 **LINDA M. VANZI, Chief Judge**

10 \_\_\_\_\_  
11 **M. MONICA ZAMORA, Judge**