

<b>E GRIEGO V. NM FOUNDATION</b>
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**ERIC GRIEGO and THE GRIEGO AGENCY, LLC, Plaintiffs,  
and  
NEW MEXICO FOUNDATION FOR OPEN GOVERNMENT, Intervenor-Appellee,  
v.  
NEW MEXICO TAXATION AND REVENUE DEPARTMENT, RICK HOMANS,  
SECRETARY OF TAXATION AND REVENUE DEPARTMENT, and CUSTODIAN OF  
RECORDS FOR TAXATION AND REVENUE DEPARTMENT, Defendants-  
Appellants.**

Docket No. 28,899

COURT OF APPEALS OF NEW MEXICO

February 4, 2009

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Valerie M.  
Huling, District Judge.

**COUNSEL**

Michael L. Danoff & Associates PC, Michael L. Danoff, Albuquerque, NM, Deborah S. Seligman, Albuquerque, NM, for Eric Griego & The Griego Agency, LLC.

Patrick J. Rogers, Albuquerque, NM, for Appellee NM Foundation for Open Government.

NM Taxation & Revenue Department, Legal Services Bureau, Carolyn A. Wolf, Santa Fe, NM, for Appellant Taxation & Revenue Department.

Lewis J. Terr, Santa Fe, NM, for Appellant Rick Homans.

**JUDGES**

CELIA FOY CASTILLO, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,  
JONATHAN B. SUTIN, Judge

**AUTHOR: CELIA FOY CASTILLO**

**MEMORANDUM OPINION**

**CASTILLO, Judge.**

In this Court's notice of proposed summary disposition, we proposed to affirm the district court. Defendants have not filed a memorandum in opposition to our proposed disposition, and the time to do so has passed. Therefore, for the reasons stated in the notice of proposed summary disposition, we affirm.

**IT IS SO ORDERED.**

CELIA FOY CASTILLO, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

JONATHAN B. SUTIN, Judge