

GARDNER V. RIVERA

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**WILLIAM GARDNER,
Plaintiff/Counterdefendant-Appellee,
v.
ERIC RIVERA, d/b/a SOUTHWEST
METAL DESIGN,
Defendant/Counterclaimant/Third-Party
Plaintiff/Counterdefendant-Appellant,
and
KATHRYN GARDNER,
Third-Party Defendant/Counterclaimant-
Appellee.**

No. A-1-CA-36524

COURT OF APPEALS OF NEW MEXICO

January 22, 2018

APPEAL FROM THE DISTRICT COURT OF SANDOVAL COUNTY, John F. Davis,
District Judge

COUNSEL

William Gardner, Bernalillo, NM, Pro se Appellee

Houliston & Weeks, David M. Houliston, Albuquerque, NM, for Appellant

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: M. MONICA ZAMORA, Judge, J. MILES HANISEE, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

{1} Defendant appealed the district court's adverse judgment following a bench trial. We issued a notice of proposed summary disposition, proposing to affirm. Defendant requested an extension of time in which to file a memorandum in opposition, which was granted. However, the requested extension expired on January 5, 2018, over two weeks have passed since the expiration of the requested extension and no memorandum has been received from Defendant. Therefore, for the reasons stated in the notice of proposed summary disposition, we affirm.

IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

M. MONICA ZAMORA, Judge

J. MILES HANISEE, Judge