

GRIEGO V. NM WORKERS' COMPENSATION ADMINISTRATION

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**JOE GRIEGO, ELOY VIGIL, RAMON MOLINA,
SIN FRONTERAS ORGANIZING PROJECT, and
HELP-NEW MEXICO, INC.,**
Plaintiffs-Appellants,

v.

**THE NEW MEXICO WORKERS' COMPENSATION
ADMINISTRATION, and DARIN CHILDERS, in his
official capacity as Director of the Workers' Compensation
Administration,**
Defendants-Appellees.

No. 34,238

COURT OF APPEALS OF NEW MEXICO

August 26, 2015

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

COUNSEL

New Mexico Center on Law and Poverty, Gail Evans, Albuquerque, NM, for Appellants

Workers' Compensation Administration, Rachel A. Bayless, Albuquerque, NM, Scott
Fuqua, Santa Fe, NM, for Appellees

JUDGES

M. MONICA ZAMORA, Judge. WE CONCUR: RODERICK T. KENNEDY, Judge,
TIMOTHY L. GARCIA, Judge

AUTHOR: M. MONICA ZAMORA

MEMORANDUM OPINION

ZAMORA, Judge.

{1} Plaintiffs appeal from the district court's order denying a motion for reconsideration of the district court's order on Plaintiff's motion for supplemental injunctive relief. [3 RP 1048] Based on our recent decision in *Rodriguez v. Brand West Dairy*, ____-NMCA-____, ___ P.3d ___ (Nos. 33,104 & 33,675, June 22, 2015), we issued a notice of proposed summary disposition, proposing to dismiss. Plaintiffs have filed a response, requesting that we hold this appeal in abeyance, explaining that they are opposing the petition for writ of certiorari filed in the New Mexico Supreme Court by Defendants in this case. [MIO 2] Plaintiffs appear to be concerned about the precedential value of our opinion in *Rodriguez*, stating that "[i]f and when certiorari is denied . . . they will have no objection to the summary dismissal." [MIO 2] However, their concern appears to be misplaced, given that our rules specifically provide that neither the filing of a petition for writ of certiorari or an order granting a petition suspends the precedential value of this Court's opinions. See Rule 12-405(C) NMRA ("A petition for a writ of certiorari filed pursuant to Rule 12-502 NMRA or a Supreme Court order granting the petition does not affect the precedential value of an opinion of the Court of Appeals, unless otherwise ordered by the Supreme Court."). Hence, we can perceive of no reason to hold this case in abeyance as Plaintiffs request.

{2} Accordingly, for the reasons stated in our notice, we dismiss this case as moot.

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

M. MONICA ZAMORA, Judge

WE CONCUR:

RODERICK T. KENNEDY, Judge

TIMOTHY L. GARCIA, Judge