

**JANECKA V. JANECKA**

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**GERALD WYNN JANECKA,  
Petitioner-Appellee,  
v.  
ELIZABETH LOUISE JANECKA,  
Respondent-Appellant.**

NO. 33,822

COURT OF APPEALS OF NEW MEXICO

April 30, 2015

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

**COUNSEL**

Law Office of Clifton L. Davidson, LLC, Clifton L. Davidson, Albuquerque, NM, for  
Appellee

L. Helen Bennett, Albuquerque, NM, for Appellant

**JUDGES**

JAMES J. WECHSLER, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge,  
TIMOTHY L. GARCIA, Judge

**AUTHOR:** JAMES J. WECHSLER

**MEMORANDUM OPINION**

**WECHSLER, Judge.**

{1} Respondent appeals from the district court's order denying her Rule 1-060 NMRA motion for relief from judgment. On March 2, 2015, this Court issued a calendar notice proposing to affirm. Petitioner filed a memorandum in support of this Court's

notice of proposed disposition. Respondent has not filed a memorandum in opposition to this Court's notice, and the time for doing so has now passed. "Failure to file a memorandum in opposition constitutes acceptance of the disposition proposed in the calendar notice." *Frick v. Veazey*, 1993-NMCA-119, ¶ 2, 116 N.M. 246, 861 P.2d 287. This Court therefore affirms the district court's order for the reasons provided in this Court's notice of proposed disposition.

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

**JAMES J. WECHSLER, Judge**

**WE CONCUR:**

**JONATHAN B. SUTIN, Judge**

**TIMOTHY L. GARCIA, Judge**