

**N DOWS V. J TAYLOR**

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**NOREEN N. DOWS and GREGORY V. DOWS, Plaintiffs-Appellants,  
v.  
JAMES and FAYE TAYLOR, Individually, and as Trustees of the Taylor Living  
Trust, SERVIGAS IKARD NEWSOM, and DARNOLD PLUMBING, LLC, Defendants-  
Appellees.**

Docket No. 29,245

COURT OF APPEALS OF NEW MEXICO

May 5, 2009

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY, James Waylon Counts,  
District Judge.

**COUNSEL**

Noreen N. Dows, Gregory F. Dows, Cloudcroft, NM, Pro Se Appellants.

Robert M. Doughty II, PC, Robert M. Doughty II, Alamogordo, NM, for Appellees James and Faye Taylor.

**JUDGES**

MICHAEL E. VIGIL, Judge. WE CONCUR: JAMES J. WECHSLER, Judge, LINDA M. VANZI, Judge

**AUTHOR:** MICHAEL E. VIGIL

**MEMORANDUM OPINION**

**VIGIL, Judge.**

Plaintiffs Gregory and Noreen Dows appeal from orders of the district court entering judgment in favor of Defendants James and Faye Taylor following a jury trial. [RP 1956-62] Our notice proposed to affirm in part and dismiss in part for lack of

jurisdiction. Both Plaintiffs and Defendants filed a response to the calendar notice accepting the proposed summary disposition. We affirm in part and dismiss in part.

Plaintiffs appeal from a district court order striking an order for partial summary judgment entered in their favor at a pre-trial conference. [RP 2103] Plaintiffs also appeal the district court's handling of the pre-trial conference and the final order directing a verdict in favor of Defendants. [RP 2103] In our first calendar notice, we proposed to affirm the order of the district court striking its order granting partial summary judgment and dismiss the remainder of the appeal due to the untimely filing of the notice of appeal. Because both parties to this appeal agree with the proposed disposition, we rely on our analysis contained in the calendar notice to affirm in part and dismiss in part.

**IT IS SO ORDERED.**

**MICHAEL E. VIGIL, Judge**

**WE CONCUR:**

**JAMES J. WECHSLER, Judge**

**LINDA M. VANZI, Judge**