

STEWART-BRUNELLE V. WAL-MART

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LAUREN STEWART-BRUNELLE,
Plaintiff-Appellant,

v.

**WAL-MART STORES, INC., a
foreign company doing business in
the State of New Mexico, and
OUDALOM SOUMPHOLPHAKDY,
Pharm. D. RPH,**
Defendants-Appellees.

NO. 31,084

COURT OF APPEALS OF NEW MEXICO

June 14, 2011

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Carl J. Butkus,
District Judge

COUNSEL

Roger Eaton, Albuquerque, NM, for Appellant

Modrall, Sperling, Roehl, Harris & Sisk, P.A., Alex C. Walker, Tiffany L. Roach,
Albuquerque, NM, for Appellees

JUDGES

LINDA M. VANZI, Judge. WE CONCUR: CYNTHIA A. FRY, Judge, TIMOTHY L.
GARCIA, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Judge.

Plaintiff appeals an order granting Defendants' motion for summary judgment on Plaintiff's claim for negligent infliction of emotional distress. In this Court's notice of proposed summary disposition, we proposed to affirm. Defendants have filed a memorandum in support. Plaintiff has not filed a memorandum in opposition, and the time to do so has passed. "Failure to file a memorandum in opposition constitutes acceptance of the disposition proposed in the calendar notice." *Frick v. Veazey*, 116 N.M. 246, 247, 861 P.2d 287, 288 (Ct. App. 1993). Because no party opposes our proposed summary disposition, we affirm for the reasons provided in our notice.

IT IS SO ORDERED.

LINDA M. VANZI, Judge

WE CONCUR:

CYNTHIA A. FRY, Judge

TIMOTHY L. GARCIA, Judge