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**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

**No. A-1-CA-39139**

**GRETCHEN WELCH,**

Plaintiff-Appellee,

v.

**ABQ ROOF SYSTEMS, LLC,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF SANDOVAL COUNTY  
James A. Noel, District Judge**

Bauman & Dow, P.C.  
Christopher P. Bauman  
Cynthia L. Weisman  
Albuquerque, NM

for Appellee

Calvert Menicucci, P.C.  
Sean R. Calvert  
Albuquerque, NM

for Appellant

**MEMORANDUM OPINION**

**HANISEE, Chief Judge.**

{1} Defendant ABQ Roof Systems is appealing from a district court order denying its motion to compel arbitration. We issued a calendar notice on October 15, 2020, proposing to affirm. Plaintiff has responded with a memorandum in support. Defendant has not filed a memorandum in opposition, and the time for doing so has expired. See Rule 12-210(D)(2) NMRA. Accordingly, we affirm the district court. See *Frick v. Veazey*, 1993-NMCA-119, ¶ 2, 116 N.M. 246, 861 P.2d 287 (stating that “[f]ailure to file a

memorandum in opposition constitutes acceptance of the disposition proposed in the calendar notice”).

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

**J. MILES HANISEE, Chief Judge**

**WE CONCUR:**

**KRISTINA BOGARDUS, Judge**

**BRIANA H. ZAMORA, Judge**