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

**No. A-1-CA-38984**

**RANDALL WALLACE,**

Plaintiff-Appellee,

v.

**AARON BALDONADO,**

Defendant,

and

**NEW MEXICO DEPARTMENT OF  
TRANSPORTATION,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY  
Matthew J. Wilson, District Judge**

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Cloyd G. Hinkle  
Warren F. Hire, II  
Albuquerque, NM

for Appellee

Walsh Gallegos Treviño Kyle & Robinson PC  
Barry J. Barenberg  
Rodney L. Gabaldón  
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for Appellant

**MEMORANDUM OPINION**

**ATTREP, Judge.**

**{1}** Summary affirmance was proposed for the reasons stated in the notice of proposed summary disposition. No memorandum opposing summary affirmance has been filed and the time for doing so has expired.

**{2} AFFIRMED.**

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

**JENNIFER L. ATTREP, Judge**

**WE CONCUR:**

**BRIANA H. ZAMORA, Judge**

**SHAMMARA H. HENDERSON, Judge**