

ATTEST A TRUE COPY

Katherine J. Wilson
Clerk of the Supreme Court
of the State of New Mexico

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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

April 14, 2009

NO. 31,185

KIM TALBOTT AND BONNIE M. TALBOTT,
as personal representatives of the ESTATE OF
DAMON K. TALBOTT, deceased,

Plaintiffs-Respondents,

v.

ROSWELL HOSPITAL CORPORATION d/b/a
EASTERN NEW MEXICO MEDICAL CENTER,

Defendant-Petitioner.

ORDER

WHEREAS, this matter came on for consideration upon petition for writ of certiorari filed pursuant to Rule 12-502, response thereto, motion for reconsideration, and brief in support thereof and the Court having considered said pleadings and being sufficiently advised, issued its writ of certiorari on August 25, 2008; and

WHEREAS, having considered the pleadings, briefs, and oral argument by the parties, the judgment of the Court is that the writ shall be quashed as improvidently granted, Chief Justice Edward L. Chávez, Justice Patricio M. Serna, Justice Petra Jimenez Maes, Justice Richard C.

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Bosson, and Justice Charles W. Daniels concurring;

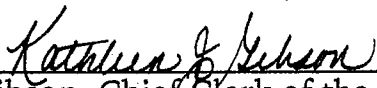
NOW, THEREFORE, IT IS ORDERED that the writ of certiorari issued on August 25, 2008, hereby is QUASHED; and

IT IS FURTHER ORDERED that the record proper, transcript of proceedings, taped proceedings, and exhibits shall be returned to the New Mexico Court of Appeals.

IT IS SO ORDERED.

WITNESS, Honorable Edward L. Chávez, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 14th day of April, 2009.

(SEAL)



Kathleen Jo Gibson, Chief Clerk of the Supreme Court
of the State of New Mexico

Kathleen Jo Gibson
Clerk of the Supreme Court
of the State of New Mexico

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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

MANDATE NO. 31,185

TO the New Mexico Court of Appeals, GREETINGS:

WHEREAS, in cause numbered 27,135 on your civil docket, wherein Kim Talbott and Bonnie M. Talbott were plaintiffs, Roswell Hospital Corporation was defendant, an opinion was issued by the New Mexico Court of Appeals on June 4, 2008;

WHEREAS, the cause was afterwards brought by defendant into this Court for review by petition for writ of certiorari, and a writ of certiorari was issued on August 25, 2008; and

WHEREAS, an order quashing the writ of certiorari was entered on April 14, 2009.

NOW, THEREFORE, this cause is remanded to you for further proceedings, if any.

WITNESS, Honorable Edward L. Chávez, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 14th day of April, 2009.

(SEAL)

Kathleen Jo Gibson
Kathleen Jo Gibson, Chief Clerk of the Supreme Court of the State of New Mexico