

NELLIS V. MID-CENTURY INS. CO.

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**NICOLE NELLIS, for herself
and all others similarly situated,**
Plaintiff-Appellee,

v.

MID-CENTURY INSURANCE COMPANY,
Defendant-Appellant.

NO. 29,993

COURT OF APPEALS OF NEW MEXICO

September 20, 2011

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Clay Campbell,
District Judge

COUNSEL

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JUDGES

MICHAEL D. BUSTAMANTE, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,
CYNTHIA A. FRY, Judge

AUTHOR: MICHAEL D. BUSTAMANTE

DECISION

BUSTAMANTE, Judge.

This is the companion case to *Nellis v. Farmers Insurance Company of Arizona*, COA No. 29,295 decided today. The factual background here is identical to that in *Farmers*. Perhaps because this case was decided below by a different trial judge, the procedural posture is slightly different. However, we have determined that the differences do not materially affect the legal analysis in any way that would prevent our Opinion in *Farmers* from controlling the outcome here.

Therefore, relying on *Farmers*, we reverse and remand for dismissal.

IT IS SO ORDERED.

MICHAEL D. BUSTAMANTE, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

CYNTHIA A. FRY, Judge