

**SAKURA V. CHESAPEAKE OPERATING**

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**JULIE SAKURA, as Personal Representative  
of the Estate of SERGIO RAUL MONTANO-  
MORENO, and GLORIA MORENO,**  
Plaintiffs-Appellees,

v.

**CHESAPEAKE OPERATING, INC., UNITED  
DRILLING, INC., DIXIE ELECTRIC, INC.,  
SWEATT CONSTRUCTION, INC., and  
JAMES BAUCOM,**  
Defendants-Appellees,  
**and**  
**McELVAIN OIL & GAS PROPERTIES, INC.,**  
Defendant-Appellant.

No. 31,804

COURT OF APPEALS OF NEW MEXICO

March 22, 2012

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY, Barbara Vigil,  
District Judge

**COUNSEL**

Sommerman & Quesada, LLP, George (Tex) Quesada, Dallas, TX, Fadduol, Cliff & Hardy, P.C., Sam Fadduol, Richard Hardy, Lubbock, TX, for Appellees

Miller Stratvert PA, Timothy R. Briggs, Thomas R. Mack, Albuquerque, NM, for Appellants United Drilling, Inc.

McCormick, Caraway & Tabor, LLP, Matthew T. Byers, Carlsbad, NM, for Appellants McElvain Oil & Gas

**JUDGES**

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

**AUTHOR:** MICHAEL D. BUSTAMANTE

**MEMORANDUM OPINION**

**BUSTAMANTE, Judge.**

McElvain Oil & Gas Properties, Inc. (McElvain) seeks to appeal from an order granting co-Defendant United Drilling, Inc.'s (United's) motion for summary judgment, together with a stipulated order dismissing all of Plaintiffs' claims against United. We filed a notice of proposed summary disposition on February 13, 2012, proposing to dismiss for want of a final, appealable order. On March 1, 2012, memoranda in support were filed by United and Plaintiffs. No memorandum in opposition has been filed, and the time for doing so has passed.

Accordingly, for the reasons set forth in the notice of proposed summary disposition, this appeal is dismissed.

**IT IS SO ORDERED.**

**MICHAEL D. BUSTAMANTE, Judge**

**WE CONCUR:**

**JAMES J. WECHSLER, Judge**

**CYNTHIA A. FRY, Judge**