

GOURDI V. BERKELO, 122 N.M. 227, 923 P.2d 594 (S. Ct. 1996)

**TAMARA GOURDI and TIMOTHY C. GOURDI, husband and wife,
Plaintiffs-Respondents,
vs.
ROBERT S. BERKELO and SHARON B. BERKELO 1983 TRUSTS, ROBERT
S. BERKELO, and SHARON B. BERKELO, trustees,
Defendants-Petitioners.**

NO. 23,778

SUPREME COURT OF NEW MEXICO

122 N.M. 227, 923 P.2d 594

August 29, 1996, Decided

Petition for Writ of Certiorari Granted December 3, 1996.

OPINION

ORDER

WHEREAS, this matter came on for consideration by the Court upon petition for writ of certiorari to the New Mexico Court of Appeals, and the Court having considered said petition and being sufficiently advised;

NOW, THEREFORE, IT IS ORDERED that the petition hereby is GRANTED on the following issue raised in the petition and a writ of certiorari shall issue to the New Mexico Court of Appeals:

Was there a duty owed by the lessor?

IT IS FURTHER ORDERED that this matter is placed on an expedited tract and petitioner shall file his brief in chief on or before **September 16, 1996**, respondent's answer brief shall be timely if filed on or before **October 4, 1996**, and petitioner's reply brief, if any, shall be filed **October 9, 1996**;

IT IS FURTHER ORDERED that the briefs shall consolidate and update the briefs filed in the New Mexico Court of Appeals with respect to the issue identified, without incorporation by reference, and comment on the memorandum opinion filed July 3, 1996; and

IT IS FURTHER ORDERED that no oral argument shall be heard in this matter and that this cause shall be submitted on the October 1996 briefs-only calendar.