

LACY V. HOLIDAY MGT. CO., 1973-NMSC-071, 85 N.M. 460, 513 P.2d 394 (S. Ct. 1973)

**JOSEPH E. LACY, Plaintiff-Appellant,
vs.
HOLIDAY MANAGEMENT COMPANY, WILLARD C. KRUGER, W. C. KRUGER
COMPANY, a New Mexico Corporation, and JACK FURRH,
Defendants-Appellees**

No. 9655

SUPREME COURT OF NEW MEXICO

1973-NMSC-071, 85 N.M. 460, 513 P.2d 394

July 13, 1973

Appeal from the District Court of Bernalillo County, Stowers, Judge

Motion for Rehearing Denied August 24, 1973

COUNSEL

JAMES R. TOULOUSE & ASSOCIATES, JAMES C. HALL, Albuquerque, New Mexico,
Attorneys for Plaintiff-Appellant.

KELEHER & McLEOD, JOHN B. TITTMAN, Albuquerque, New Mexico, Attorneys for
Defendants-Appellees.

JUDGES

STEPHENSON, Justice, wrote the opinion.

WE CONCUR:

John B. McManus, Jr., C.J., Samuel Z. Montoya, J.

AUTHOR: STEPHENSON

OPINION

STEPHENSON, Justice.

{1} Plaintiff-Appellant sued, alleging breach of fiducial obligations owed him as a result of a partnership of which he had been a member.

{2} The trial court's decision included findings of fact consistent with honesty and fair dealing on the part of the defendants-appellees and inconsistent with appellant's factual predicate. It also denied findings of fact requested by appellant which were essential to his case.

{3} In attempting to attack these actions of the trial court, appellant's brief falls far short of compliance with the second paragraph of Supreme Court Rule 15(6) [§ 21-2-1(15)(6), N.M.S.A. 1953]. Compliance with portions of Supreme Court Rule 15(16)(b) and (c) [§ 21-2-1(15)(16) (b & c), N.M.S.A. 1953] ranges from slight to none.

{4} We will accordingly consider the matter no further. The judgment from which the appeal is taken is affirmed.

{5} IT IS SO ORDERED.

WE CONCUR:

John B. McManus, Jr., C.J., Samuel Z. Montoya, J.