

PORTER V. STATE FARM FIRE & CAS. CO., 120 N.M. 828, 907 P.2d 1009 (S. Ct. 1995)

**FRED PORTER, Plaintiff-Appellant,
vs.
STATE FARM FIRE AND CASUALTY COMPANY, Defendant-Appellee.**

NO. 23,309

SUPREME COURT OF NEW MEXICO

120 N.M. 828, 907 P.2d 1009

December 20, 1995, Decided

OPINION

ORDER

This matter coming on for consideration by the Court upon petition for writ of certiorari filed pursuant to SCRA 1986, 12-502, and certification from the New Mexico Court of Appeals filed pursuant to SCRA 1986, 12-606, and the Court having considered said petition and certification and being sufficiently advised;

NOW, THEREFORE, IT IS ORDERED that the petition for writ of certiorari hereby is DISMISSED as moot;

IT IS FURTHER ORDERED that the certification is ACCEPTED and the cause is placed on the GENERAL CALENDAR;

IT IS FURTHER ORDERED that the following briefing schedule shall be followed in accordance with SCRA 1986, 12-213: appellant's brief in chief shall be timely if filed on or before **January 29, 1996**, appellee shall file its answer brief on or before thirty (30) days after service of the brief in chief, and appellant shall file his reply brief, if any, on or before ten days after service of the answer brief. Oral argument, if any, may be requested pursuant to SCRA 1986, 12-214(B);

IT IS FURTHER ORDERED that the parties should brief the issues raised in the Court of Appeals as they deem appropriate based on this court's decision in **Britt v. Phoenix Indemnity Ins. Co.**, filed November 13, 1995; and

IT IS FURTHER ORDERED that oral argument shall be heard in this matter after the filing of all briefs.