

**RUTHERFORD V. CHAVES COUNTY, 132 N.M. 288, 47 P.3d 447 (S. Ct. 2002)**

**DAVID RUTHERFORD, as personal representative of the Estate of RHONDA ADELE RUTHERFORD, deceased, DAVID RUTHERFORD and BOBBIE FLENNIKEN, individually and as co-personal representatives of the Estates of TALETHA JEAN RUTHERFORD, deceased, and JOSEPH THORNTON RUTHERFORD, deceased; JOHN RUTHERFORD, and MICHAEL and DEBRA THOMAS, individually and as co-personal representatives of the Estate of DONOVAN J. THOMAS, deceased, Plaintiffs-Respondents,**  
**vs.**  
**CHAVES COUNTY and BOARD OF COUNTY COMMISSIONERS OF CHAVES COUNTY, Defendants-Petitioners.**

NO. 27,487

SUPREME COURT OF NEW MEXICO

132 N.M. 288, 47 P.3d 447

July 05, 2002, Decided

Rutherford v. Chaves County, 2002-NMCA-059, 132 N.M. 289, 47 P.3d 448 (2002)

**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 issued its writ of certiorari on May 20, 2002; and

WHEREAS, the petition was GRANTED on all issues as stated in the petition.

NOW, THEREFORE, IT IS ORDERED that this cause hereby is placed on the GENERAL CALENDAR and the parties hereby are notified that the Record Proper, Supplemental Record, and Transcript of Proceedings were filed in this Court on May 22 and June 18, 2002;

IT IS FURTHER ORDERED that petitioners' briefs in chief shall be timely if filed on or before August 23, 2002, with respondents' answer briefs due forty-five (45) days after the filing of petitioners' briefs, and petitioners' reply briefs, if any, due twenty (20) days after filing of respondents' answer briefs in accordance with the Rules of Appellate Procedure;

IT IS FURTHER ORDERED that the briefs shall consolidate and update any briefs filed in the New Mexico Court of Appeals **with respect to the issues identified herein**, without incorporation by reference, and shall comment on the Court of Appeals opinion filed April 4, 2002; and

IT IS FURTHER ORDERED that oral argument may be requested pursuant to Rule 12.2 NMRA.

IT IS SO ORDERED.

WITNESS, Honorable Patricio M. Serna, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 5th day of July, 2002.