

SHIP V. GIBSON, 133 N.M. 30, 59 P.3d 1262 E&D P'(S. Ct. 2002)

**E&D PARTNERSHIP, a Texas general partnership, Defendant and
Third-Party Plaintiff-Petitioner,**

vs.

**GIBSON, OCHSNER & ADKINS, LLP, Third-Party
Defendant-Respondent.**

NO. 27,508

SUPREME COURT OF NEW MEXICO

133 N.M. 30, 59 P.3d 1262

November 21, 2002, Decided

E&D P'ship v. Gibson, Ochsner & Adkins, LLP, 132 N.M. 397, 49 P.3d 76 (2002)

OPINION

ORDER

WHEREAS, this matter came on for consideration upon petition for writ of certiorari filed pursuant to Rule 12-502 NRMA, and the Court having considered said petition and being sufficiently advised, issued its writ of certiorari on June 14, 2002;

WHEREAS, the oral argument set for November 12, 2002, was vacated by order dated October 31, 2002; and

WHEREAS, having considered the briefs, the judgment of the Court is that the writ shall be quashed, Chief Justice Patricio M. Serna, Justice Pamela B. Minzner, and Justice Paul J. Kennedy concurring, Justice Gene E. Franchini and Justice Petra Jimenez Maes dissenting;

NOW THEREFORE IT IS ORDERED that the writ of the certiorari issued on June 14, 2002, hereby is QUASHED; and

IT IS FURTHER ORDERED that the record proper and taped proceedings shall be returned to the New Mexico Court of Appeals.

IT IS SO ORDERED.