


Joey D. Moya

1 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2 **September 17, 2018**

3 **NO. S-1-SC-37144**

4 **GABRIEL ARTURO RASCON**
5 **RODRIGUEZ, RAYITO DEL CARMEN**
6 **GUTIERREZ DE RASCON; JAVIER**
7 **ORTIZ TARANGO, deceased; LEE**
8 **HUNT, representative of the estate of**
9 **JAVIER ORTIZ TARANGO; BERTA**
10 **EBILA RAMIREZ; LORENZA SUSANA**
11 **ORTIZ; MARITZA BERENICE ORTIZ**
12 **RAMIREZ; CARMEN TARANGO CASTRO;**
13 **CRISTIAN ANTONIO ROMERO GARCIA,**
14 **deceased; LEE HUNT, representative of the**
15 **estate of CRISTIAN ANTONIO ROMERO**
16 **GARCIA; ROBERTO ROMERO and**
17 **HILDA TELLEZ, next friend of C.D.R.,**
18 **a minor, and C.D.R., a minor; ROBERTO**
19 **ROMERO, individually; LAURO CRUZ,**
20 **deceased; LEE HUNT, representative of**
21 **the estate of LAURO CRUZ; ORALIA NAJERA;**
22 **MARIA CONCEPTION CRUZ NAJERA,**
23 **individually and as next friend of L.M.A.C.,**
24 **a minor; CARLOS CRUZ; OLGALIDIA CRUZ;**
25 **EUFEMIO CRUZ; MIGUEL CRUZ; PERLA**
26 **ALEJANDRA CRUZ; MAYRA PAMELA CRUZ;**
27 **MARIA ESTHER CRUZ; AGUSTINA CRUZ;**
28 **JAVIER ACOSTA RAMIREZ; BERENICE**
29 **ACOSTA; JOSE JAVIER ACOSTA; JAVIER**
30 **ACOSTA; ADRIAN RAMOS, individually and**
31 **as next friend of R.A.R.R., a minor, A.R.R.,**
32 **a minor, Y.A.R.R., a minor, and A.R.R., a minor;**
33 **YADIRA RUVALCABA DE RAMOS; LUIS**
34 **CANSECO VAZQUEZ, individually and as**
35 **next friend of G.C., a minor, and S.A.C., a minor;**
36 **GUADALUPE LOPEZ; JULIA CANSECO;**
37 **LUIS CANSECO; LUIS RAUL ORTEGA**

1 **GABALDON; JESUS ALEJANDRO JIMENEZ**
2 **ORTEGA; and ERNESTO VARGAS LOPEZ,**

3 Plaintiffs-Respondents,

4 v.

5 **FORD MOTOR COMPANY and COOPER**
6 **TIRE AND RUBBER COMPANY,**

7 Defendants-Petitioners,

8 and

9 **FERNANDO GAYTAN BUSTOS,**

10 Defendant-Respondent,

11 and

12 **FERNANDO GAYTAN BUSTOS,**

13 Cross-Plaintiff-Respondent,

14 v.

15 **FORD MOTOR COMPANY and COOPER**
16 **TIRE AND RUBBER COMPANY,**

17 Cross-Defendants-Petitioners.

18 **ORDER**

19 WHEREAS, this matter came on for consideration by the Court upon
20 petition for writ of certiorari under Rule 12-502 NMRA, response thereto, motions
21 for leave to file amicus briefs, and response thereto;

22 WHEREAS, the Court of Appeals filed a notice to inform this Court of the

1 the preference of the panel of judges who issued the formal opinion filed in Court
2 of Appeals cause numbered A-1-CA-35910 on June 19, 2018, to withdraw said
3 formal opinion for further consideration; and

4 WHEREAS, in light of the foregoing, and the Court having considered the
5 notice of the Court of Appeals and being sufficiently advised; Chief Justice Judith
6 K. Nakamura, Justice Petra Jimenez Maes, Justice Charles W. Daniels, Justice
7 Barbara J. Vigil, and Justice Gary L. Clingman concurring;

8 NOW, THEREFORE, IT IS ORDERED that this matter is REMANDED to
9 the Court of Appeals to withdraw its formal opinion filed on June 19, 2018, which
10 shall allow for further consideration and issuance of a new opinion by the Court of
11 Appeals.

12 IT IS SO ORDERED.



WITNESS, the Honorable Judith K. Nakamura,
Chief Justice of the Supreme Court of the State of
New Mexico, and the seal of said Court this 17th day
of September, 2018.

Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico

13 I CERTIFY AND ATTEST:
A true copy was served on all parties
or their counsel of record on date filed.
Joey D. Moya
Chief Clerk of the Supreme Court
of the State of New Mexico