

PRESCOTT V. MOYER MASONRY

This memorandum opinion was not selected for publication in the New Mexico Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

**PATRICIA PRESCOTT, individually
and as Personal Representative for the
purposes of the Wrongful Death Act of
the Estate of DARRELL SHUPE,**
Plaintiff-Appellant,
v.
**MOYER MASONRY & CONSTRUCTION,
INC., a New Mexico corporation, and
BRENT MOYER, individually,**
Defendants-Appellees.

No. 30,310

COURT OF APPEALS OF NEW MEXICO

July 8, 2010

APPEAL FROM THE DISTRICT COURT OF GUADALUPE COUNTY, Don Maddox,
District Judge

COUNSEL

Fargason, Booth, St. Clair, Richards & Wilkins, LLP, Damon Richards, Lubbock, TX, for
Appellant

Butt, Thornton & Baehr Law Firm, Michael Scott Owen, Albuquerque, NM, for Appellees

JUDGES

JONATHAN B. SUTIN, Judge. WE CONCUR: CYNTHIA A. FRY, Chief Judge,
MICHAEL D. BUSTAMANTE, Judge

AUTHOR: JONATHAN B. SUTIN

MEMORANDUM OPINION

SUTIN, Judge.

Summary affirmance was proposed for the reasons stated in the notice of proposed summary disposition. No memorandum opposing summary affirmance has been filed and the time for doing so has expired.

AFFIRMED.

IT IS SO ORDERED.

JONATHAN B. SUTIN, Judge

WE CONCUR:

CYNTHIA A. FRY, Chief Judge

MICHAEL D. BUSTAMANTE, Judge