

B & H CO. V. MOSS, 1976-NMSC-057, 89 N.M. 549, 555 P.2d 372 (S. Ct. 1976)
CASE HISTORY ALERT: see [¶1](#) - affects 1976-NMCA-075

B & H COMPANY, INC., a New Mexico Corporation, Petitioner,
vs.
Coy K. MOSS, Respondent.

No. 11092

SUPREME COURT OF NEW MEXICO

1976-NMSC-057, 89 N.M. 549, 555 P.2d 372

September 22, 1976

Motion for Rehearing Denied October 15, 1976

COUNSEL

Civerolo, Hansen & Wolf, William P. Gralow, Albuquerque, for petitioner.

David Pearlman, Albuquerque, for respondent.

JUDGES

McMANUS, J., wrote the opinion. OMAN, C.J., and MONTOYA, SOSA and EASLEY, JJ., concur.

AUTHOR: MCMANUS

OPINION

McMANUS, Justice.

{1} The decision of the Court of Appeals recalling the original mandate of July 29, 1976, and issuing an amended mandate on August 9, 1976, 89 N.M. 558, 555 P.2d 381, to include an award of costs to appellant is reversed. The cost bill was not submitted until after the mandate had been issued and therefore the Court of Appeals lost jurisdiction over the case. See **In the Matter of the Protest of Miller**, 89 N.M. 547, 555 P.2d 142 (1976).

{2} IT IS SO ORDERED.

OMAN, C.J., and MONTOYA, SOSA and EASLEY, JJ., concur.