

KLEINER V. SWAIN, 130 N.M. 154, 20 P.3d 811 (S. Ct. 2000)

**CHARLES KLEINER, personal representative of the Estate of
Lisa Kleiner, Petitioner-Petitioner,**

vs.

**DONALD E. SWAIN, co-personal representative, MRS. MADINA
HOLMES, issue and heir, and her attorney, CHARLES
BERRY, Respondents-Respondents.**

NO. 26,658

SUPREME COURT OF NEW MEXICO

130 N.M. 154, 20 P.3d 811

December 26, 2000, Decided

OPINION

ORDER

WHEREAS, this matter came on for consideration by the Court upon petition for writ of certiorari, and the Court having considered said petition and being sufficiently advised, Chief Justice Pamela B. Minzner, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Patricio M. Serna, and Justice Petra Jimenez Maes concurring;

NOW THEREFORE, IT IS ORDERED that the order entered December 21, 2000, inadvertently denying said petition hereby is WITHDRAWN;

IT IS FURTHER ORDERED that the petition hereby is GRANTED and a writ of certiorari shall issue to the New Mexico Court of Appeals; and

IT IS FURTHER ORDERED that a subsequent order shall be entered identifying the issue(s) upon which the petition is granted and setting forth instructions regarding a briefing schedule, if any.

IT IS SO ORDERED.