MURRELL V. KEITHLEY, 1985-NMSC-042, 102 N.M. 565, 698 P.2d 435 (S. Ct. 1985)

**H. J. MURRELL, M.D., DOYLE SIMMONS, M.D., and X-RAY
ASSOCIATES, a New Mexico corporation, Petitioners,
vs.
MRS. WAYNE KEITHLEY, Personal Representative of the Estate
of Wayne Keithley, Respondent, ST. JOSEPH HOSPITAL,
Petitioner, and H. J. MURRELL, M.D.; DOYLE
SIMMONS, M.D.; and X-RAY ASSOCIATES, a
New Mexico corporation, Defendants,
v. MRS. WAYNE KEITHLEY,
Personal Representative
of the Estate of
Wayne
Keithley,
Respondent.**

Nos. 15676, 15678

SUPREME COURT OF NEW MEXICO

1985-NMSC-042, 102 N.M. 565, 698 P.2d 435

April 16, 1985

Original Proceedings on Certiorari, Gerald R. Cole, District Judge

COUNSEL

Rodey, Dickason, Sloan, Akin & Robb, W. Robert Lasater, Jr., Mark C. Meiering, Albuquerque, New Mexico, For Simmons and Murrell.

Campbell & Black, Bruce D. Black, Santa Fe, New Mexico.

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Sigmund L. Bloom, Albuquerque, New Mexico, For Keithley.

Civerolo, Hansen & Wolf, Richard Civerolo, Carl J. Butkus, Albuquerque, New Mexico, For St. Joseph Hospital.

Johnson & Lanphere, Harry G. W. Griffith, Thomas J. McBride, Albuquerque, New Mexico, For NM Hospital Association Amicus Curiae.

JUDGES

Federici, C.J., wrote the opinion. WE CONCUR: DAN SOSA, JR., Senior Justice, MARY C. WALTERS, Justice. WILLIAM RIORDAN, Justice, dissenting. HARRY E. STOWERS, Jr., Justice, dissenting.

AUTHOR: FEDERICI

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OPINION

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WILLIAM R. FEDERICI, Chief Justice.

ORDER

{1} The writs of certiorari heretofore issued by this Court are quashed as having been improvidently granted. **See Kern v. St. Joseph Hospital, Inc.,** 102 N.M. 452, 697 P.2d 135 (1985). In the event of any conflict between **Kern** and **Keithley v. St. Joseph's Hospital,** 102 N.M. 565, 698 P.2d 435, 23 SBB 1220 (Ct. App.1984), **Kern** shall control. This order together with the opinion of the Court of Appeals shall be published.

{2} IT IS SO ORDERED.

SOSA, Senior Justice, and WALTERS, J., concur.

RIORDAN, and STOWERS, JJ., dissenting.