

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Official Citation: 2016-NMSC-006

Filing Date: February 15, 2016

Docket No. S-1-SC-35426

NOE RODRIGUEZ,

Worker-Respondent,

v.

BRAND WEST DAIRY, Uninsured Employer,

Employer-Respondent,

and

NEW MEXICO UNINSURED EMPLOYERS FUND,

Insurer-Petitioner,

Consolidated With:

MARIA ANGELICA AGUIRRE,

Worker-Respondent,

v.

M.A. & SONS CHILI PRODUCTS,

Employer-Respondent,

and

**FOOD INDUSTRY SELF INSURANCE
FUND OF NEW MEXICO,**

Insurer-Respondent.

AND

Docket No. S-1-SC-35438

NOE RODRIGUEZ,

Worker-Respondent,

v.

BRAND WEST DAIRY, Uninsured Employer,

Employer-Petitioner,

and

NEW MEXICO UNINSURED EMPLOYERS FUND,

Insurer,

Consolidated With:

MARIA ANGELICA AGUIRRE,

Worker-Respondent,

v.

M.A. & SONS CHILI PRODUCTS,

Employer-Petitioner,

and

**FOOD INDUSTRY SELF INSURANCE
FUND OF NEW MEXICO,**

Insurer-Petitioner.

ORDER

WHEREAS, this matter came on for consideration by the Court upon motion to clarify stay and response thereto, and the Court having considered said pleadings and being sufficiently advised, Chief Justice Barbara J. Vigil, Justice Petra Jimenez Maes, Justice Edward L. Chavez, Justice Charles W. Daniels, and Justice Judith K. Nakamura concurring;

NOW, THEREFORE, IT IS ORDERED that the motion to clarify the stay is GRANTED; and

IT IS FURTHER ORDERED that, pursuant to Rule 12-405(C) NMRA, the precedential value of the Court of Appeals' opinion in *Rodriguez v. Brand West Dairy*, 2015-NMCA-097, 356 P.3d 546, is hereby suspended until further order of this Court; and

IT IS FURTHER ORDERED that this case shall be scheduled for oral argument on the next available calendar.

IT IS SO ORDERED.

WITNESS, Honorable Barbara J. Vigil, Chief Justice Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 15th day of February, 2016.

(S E A L)

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