

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 23, 2024

**Christopher M. Wolpert
Clerk of Court**

TODD LOPEZ, as personal representative
of the wrongful death estate of Clara Mae
Cook,

Plaintiff - Appellee,

v.

CANTEX CONTINUING CARE
NETWORK, LLC; CANTEX HEALTH
CARE CENTERS III, LLC; MEDCARE
MGMT. HOLDINGS, INC.; BRATEX,
INC.; GOTEX INVESTMENTS, INC.;
GRANT KOCH ROBB INVESTMENTS,
LTD.; CONCORD WOOD
INVESTMENTS, LTD.; LB BELON,
LLC,

Defendants - Appellants,

and

CANTEX HEALTH CARE CENTERS II,
LLC; FARMINGTON HEALTH CARE
CENTER, LTD. CO., estate of Cedar
Ridge Inn; CANTEX HEALTH CARE
CENTERS, LLC; SANDRA PENA, in her
individual and official capacities; DAVID
HICKS, in his individual and official
capacities,

Defendants.

TODD LOPEZ, as personal representative
of the wrongful death estate of Robert
Lewis,

No. 24-2016
(D.C. No. 1:23-CV-00769-KWR-KK)
(D. N.M.)

Plaintiff - Appellee,

v.

CANTEX CONTINUING CARE
NETWORK, LLC; CANTEX HEALTH
CARE CENTERS III, LLC; MEDCARE
MGMT. HOLDINGS, INC.; BRATEX,
INC.; GOTEX INVESTMENTS, INC.;
GRANT KOCH ROBB INVESTMENTS,
LTD.; CONCORD WOOD
INVESTMENTS, LTD.; LB BELON,
LLC,

Defendants - Appellants,

and

CANTEX HEALTH CARE CENTERS II,
LLC; FARMINGTON HEALTH CARE
CENTER, LTD. CO., d/b/a Cedar Ridge
Inn; CANTEX HEALTH CARE
CENTERS, LLC; SANDRA PENA, in her
individual and official capacities; DAVID
HICKS, in his individual and official
capacities,

Defendants.

TODD LOPEZ, as personal representative
of the wrongful death estate of Gladys
Pioche,

Plaintiff - Appellee,

v.

CANTEX CONTINUING CARE
NETWORK LLC; CANTEX HEALTH
CARE CENTERS III, LLC; MEDCARE

No. 24-2017

(D.C. No. 1:23-CV-1003-KWR-KK)

(D. N.M.)

No. 24-2018

(D.C. No. 1:23-CV-00920-KWR-KK)

(D. N.M.)

MGMT. HOLDINGS, INC.; BRATEX, INC.; GOTEX INVESTMENTS, INC.; GRANT KOCH ROBB INVESTMENTS, LTD.; CONCORD WOOD INVESTMENTS, LTD.; LB BELON, LLC,

Defendants - Appellants,

and

CANTEX HEALTH CARE CENTERS II, LLC; FARMINGTON HEALTH CARE CENTER, LTD. CO., d/b/a Cedar Ridge Inn; CANTEX HEALTH CARE CENTERS, LLC; SANDRA PENA, in her individual and official capacities; DAVID HICKS, in his individual and official capacities,

Defendants

TODD LOPEZ, as personal representative of the wrongful death estate of Eva Hunt,

Plaintiff - Appellee,

v.

CANTEX CONTINUING CARE NETWORK, LLC; CANTEX HEALTH CARE CENTERS III, LLC; MEDCARE MGMT. HOLDINGS, INC.; BRATEX, INC.; GOTEX INVESTMENTS, INC.; GRANT KOCH ROBB INVESTMENTS, LTD.; CONCORD WOOD INVESTMENTS, LTD.; LB BELON, LLC,

Defendants - Appellants,

No. 24-2019
(D.C. No. 1:23-CV-00961-KWR-KK)
(D. N.M.)

and

CANTEX HEALTH CARE CENTERS II, LLC; FARMINGTON HEALTH CARE CENTER, LTD. CO., d/b/a Cedar Ridge Inn; CANTEX HEALTH CENTERS, LLC; SANDRA PENA, in her individual and official capacities; DAVID HICKS, in his individual and official capacities,

Defendants.

TODD LOPEZ, as personal representative of the wrongful death estate of Raymond Gabehart,

Plaintiff - Appellee,

v.

CANTEX CONTINUING CARE NETWORK LLC; CANTEX HEALTH CARE CENTERS III, LLC; MEDCARE MGMT. HOLDINGS, INC.; BRATEX, INC.; GOTEX INVESTMENTS, INC.; GRANT KOCH ROBB INVESTMENTS, LTD.; CONCORD WOOD INVESTMENTS, LTD.; LB BELON, LLC,

Defendants - Appellants,

and

CANTEX HEALTH CARE CENTERS II, LLC; FARMINGTON HEALTH CARE CENTER, LTD. CO., d/b/a Cedar Ridge Inn; CANTEX HEALTH CARE CENTERS, LLC; SANDRA PENA, in her individual and official capacities; DAVID HICKS, in his individual and official

No. 24-2020
(D.C. No. 1:23-CV-00765-KWR-KK)
(D. N.M.)

capacities,

Defendants

DENNIS MURPHY, as personal
representative of the wrongful death estate
of Joe A. James,

Plaintiff - Appellee,

v.

CANTEX CONTINUING CARE
NETWORK, LLC; CANTEX HEALTH
CARE CENTERS III, LLC; MEDCARE
MGMT. HOLDINGS, INC.; BRATEX,
INC.; GOTEX INVESTMENTS, INC.;
GRANT KOCH ROBB INVESTMENTS,
LTD.; CONCORD WOOD
INVESTMENTS, LTD.; LB BELON,
LLC,

Defendants - Appellants,

and

CANTEX HEALTH CARE CENTERS II,
LLC; FARMINGTON HEALTH CARE
CENTER, LTD. CO., d/b/a Cedar Ridge
Inn; CANTEX HEALTH CARE
CENTERS, LLC; SANDRA PENA, in her
individual and official capacities; DAVID
HICKS, in his individual and official
capacities,

Defendants.

TODD LOPEZ, as personal representative
of the wrongful death estate of Nellie

No. 24-2021
(D.C. No. 1:23-CV-01005-KWR-KK)
(D. N.M.)

Hardwood,

Plaintiff - Appellee,

v.

CANTEX CONTINUING CARE
NETWORK LLC; CANTEX HEALTH
CARE CENTERS III, LLC; MEDCARE
MGMT. HOLDINGS, INC.; BRATEX,
INC.; GOTEX INVESTMENTS, INC.;
GRANT KOCH ROBB INVESTMENTS,
LTD.; CONCORD WOOD
INVESTMENTS, LTD.; LB BELON,
LLC,

Defendants - Appellants,

and

CANTEX HEALTH CARE CENTERS II,
LLC; FARMINGTON HEALTH CARE
CENTER, LTD. CO., d/b/a Cedar Ridge
Inn; CANTEX HEALTH CARE
CENTERS, LLC; SANDRA PENA, in her
individual and official capacities; DAVID
HICKS, in his individual and official
capacities,

Defendants.

TODD LOPEZ, as personal representative
of the wrongful death estate of Don Begay,

Plaintiff - Appellee,

v.

CANTEX CONTINUING CARE
NETWORK LLC; CANTEX HEALTH
CARE CENTERS III, LLC; MEDCARE

No. 24-2022

(D.C. No. 1:23-CV-00770-KWR-KK)

(D. N.M.)

No. 24-2023

(D.C. No. 1:23-CV-00915-KWR-KK)

(D. N.M.)

MGMT. HOLDINGS, INC.; BRATEX,
INC.; GOTEX INVESTMENTS, INC.;
GRANT KOCH ROBB INVESTMENTS,
LTD.; CONCORD WOOD
INVESTMENTS, LTD.; LB BELON,
LLC,

Defendants - Appellants,

and

CANTEX HEALTH CARE CENTERS II,
LLC; FARMINGTON HEALTH CARE
CENTER, LTD. CO., d/b/a Cedar Ridge
Inn; CANTEX HEALTH CARE
CENTERS, LLC; SANDRA PENA, in her
individual and official capacities; DAVID
HICKS, in his individual and official
capacities,

Defendants.

ORDER

These consolidated appeals are before the court on *Appellants' Unopposed Motion to Dismiss Appeal*, in which appellants Cantex Continuing Care Network, LLC, Cantex Health Care Centers III, LLC, Medcare Mgmt. Holdings, Inc., Bratex, Inc., Gotex Investments, Inc., Grant Koch Robb Investments, Ltd., Concord Wood Investments, Ltd., LB Belon, LLC move to dismiss these appeals pursuant to Fed. R. App. P. 42(b)(2). Appellants' counsel states that "counsel for Appellees stated Appellees were unopposed to this motion to dismiss."

Upon consideration, the court:

- A. Grants the motion; and
- B. Dismisses each of these seven appeals, each party to bear its or his own costs on appeal.

See Fed. R. App. P. 42(b); 10th Cir. R. 46.3(C).

A copy of this order shall stand as and for the mandate of the court in each of the captioned appeals.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk