

FILED
United States Court of Appeals
Tenth circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

JUN 13 1990

ROBERT L. HOECKER
Clerk

CURTIS McCULLOUGH; JUDITH M. McCULLOUGH,)
husband and wife,)
)
Plaintiffs-Appellants,)
)
v.)
)
GOLDEN RULE INSURANCE COMPANY, an)
Illinois corporation doing business in)
Wyoming,)
)
Defendant-Appellee.)

No. 86-1168
(D.C. No. C-84-0473-B)
(D. Wyo.)

ORDER AND JUDGMENT*

Before LOGAN, MOORE, and BRORBY, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

This matter is before the court on the answer of the Supreme Court of Wyoming to our certified questions. That part of the district court's judgment which directed a verdict in favor of

* This order and judgment has no precedential value and shall not be cited, or used by any court within the Tenth Circuit, except for purposes of establishing the doctrines of the law of the case, res judicata, or collateral estoppel. 10th Cir. R. 36.3.

defendant on plaintiffs' claim of breach of good faith is VACATED and the matter REMANDED to the district court for further proceedings consistent with the opinion of the Wyoming Supreme Court in McCullough v. Golden Rule Insurance Co., 789 P.2d 855 (Wyo. 1990).

The mandate shall issue forthwith.

ENTERED FOR THE COURT
PER CURIAM