

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

MAY 8 - 1991

ROBERT L. HOECKER
Clerk

SHELLY B. JOHNSON and
MARK JOHNSON,

Plaintiffs-Appellants,

v.

GORDON E. DRAKE,

Defendant, and

CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS, a Utah Corporation,

Defendant-Appellee.

No. 90-4072
(D.C. No. 89-C-490W)
(C.D. Utah)

ORDER AND JUDGMENT*

Before TACHA and SETH, Circuit Judges, and BRATTON, District Judge.**

Plaintiffs-appellants contest the district court's grant of summary judgment to defendant-appellee Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints (Church). The district court held the Church was not liable to plaintiffs-appellants because defendant Drake was not

* 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.

** Honorable Howard C. Bratton, Senior Judge, United States District Court: for the District of New Mexico, sitting by designation.

within the scope of his employment with the Church when he caused the injuries of which plaintiffs-appellants complain. We **AFFIRM** for substantially the reasons given by the district court.

ENTERED FOR THE COURT

Deanell Reece Tacha
Circuit Judge