

PUBLISH

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

JUN 03 1994

FOR THE TENTH CIRCUIT

ROBERT L. HOECKER
Clerk

JULIE DELANEY,)
)
 Plaintiff-Appellant,)
)
 v.)
)
 VICTOR R. CADE, D.O.;)
 ST. JOSEPH MEMORIAL HOSPITAL;)
 CENTRAL KANSAS MEDICAL CENTER,)
)
 Defendants-Appellees,)
)
 and)
)
 L.G. STEPHENSON & CO., INC.,)
)
 Defendant.)

No. 91-3358

ORDER

Appeal from the United States District Court
 for the District of Kansas
 (D. C. No. 88-1657-C)

Dwight A. Corrin, Corrin & Krysl, Wichita, Kansas, for Plaintiff-Appellant.

Robert G. Martin and Alisa M. Arst, McDonald, Tinker, Skaer, Quinn & Herrington, Wichita, Kansas, for Defendant-Appellee Victor R. Cade, D.O.

Anne M. Hull, Eldon L. Boisseau, and Brian C. Wright, Turner and Boisseau, Wichita, Kansas, for Defendants-Appellees St. Joseph Memorial Hospital and Central Kansas Medical Center.

Before **SEYMOUR**, Chief Circuit Judge, **MOORE**, Circuit Judge, and **BURCIAGA**, Chief District Judge.*

*Honorable Juan G. Burciaga, Chief Judge for the United States District Court for the District of New Mexico, sitting by designation.

MOORE, Circuit Judge.

This matter is before us following a response by the Supreme Court of the State of Kansas to our certification of the question whether Kansas recognizes the theory of the loss of chance of recovery. See *Delaney v. Cade*, ___ P.2d ___, No. 69,355, 1994 WL 150157 (Kan., Apr. 22, 1994). The certified question having been answered affirmatively, the portion of the judgment over which we retained jurisdiction in this matter is **REVERSED** and the cause **REMANDED** for further proceedings. The mandate shall issue forthwith.