



MCBEE v. FRAIRE

2022 OK 22

Case Number: [119190](#); [Comp w/119181](#); [119337](#)

Decided: 03/07/2022

THE SUPREME COURT OF THE STATE OF OKLAHOMA

Cite as: 2022 OK 22, ___ P.3d ___

VICKIE MCBEE, an individual, Plaintiff/Appellant,

v.

EFREN FRAIRE, an individual; AUGUSTINE FRAIRE, an individual; FRAIRE BRICKLAYERS, INC., an Oklahoma corporation; and JOHN DOES 1-5, true names unknown, Defendants/Appellees.

ORDER OF SUMMARY DISPOSITION

¶1 Rule 1.201 of the Oklahoma Supreme Court Rules provides that "[i]n any case in which it appears that a prior controlling appellate decision is dispositive of the appeal, the court may summarily affirm or reverse, citing in its order of summary disposition this rule and the controlling decision." Okla. Sup. Ct. Rule 1.201.

¶2 After reviewing the record in this case, THE COURT FINDS that our decision in [McBee v. Shanahan Home Design, et al.](#), [2021 OK 60](#), [499 P.3d 1](#), involves the same primary legal questions as those in the above-styled appeal; and therefore, our holding in [Shanahan](#) disposes of the issues herein.¹

¶3 IT IS THEREFORE ORDERED that the trial court's order sustaining defendants' motion to dismiss for untimely service of process is reversed and the cause is remanded for further proceedings.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 7th day of March, 2022.

/S/CHIEF JUSTICE

¶4 Darby, C.J., Kane, V.C.J., Kauger, Winchester, Edmondson, Gurich, Rowe, and Kuehn, JJ., concur.

¶5 Combs, J., not participating.

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Cite Name Level

None Found.

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Cite Name

Level

Oklahoma Supreme Court Cases

Cite	Name	Level
2021 OK 60 , 499 P.3d 1 ,	MCBEE v. SHANAHAN HOME DESIGN	Discussed

Title 12. Civil Procedure

Cite	Name	Level
12 O.S. 2004 ,	Process	Discussed

