



Orders of the Supreme Court of Texas  
Fiscal Year 2014  
(September 1, 2013 – August 31, 2014)

Assembled by  
The Supreme Court of Texas Clerk's Office

Blake A. Hawthorne, Clerk of the Court  
Monica Zamarripa, Deputy Clerk

# THE SUPREME COURT OF TEXAS

## Orders Pronounced September 6, 2013

### ORDERS ON CASES GRANTED

**THE FOLLOWING CERTIFIED QUESTION FROM THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT IS ACCEPTED:**

- 13-0670 IN RE DEEPWATER HORIZON  
[Note: The date and time for oral argument are yet to be determined.]

### ORDERS ON PETITIONS FOR REVIEW

**THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 12-0531 TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER v. MARGARITA HERNANDEZ VILLAGRAN, ET AL.; from Lubbock County; 7th Court of Appeals District (07-11-00257-CV, 369 SW3d 523, 03-22-12)
- 13-0310 IN THE INTEREST OF K.R.G., A CHILD; from Wise County; 2nd Court of Appeals District (02-12-00384-CV, \_\_\_ SW3d \_\_\_, 03-21-13)  
2 petitions
- 13-0322 JOHN RUPERT, WARDEN, TEXAS DEPARTMENT OF CRIMINAL JUSTICE v. JUAN ENRIQUEZ; from Travis County; 3rd Court of Appeals District (03-11-791-CV & 03-11-792-CV, \_\_\_ SW3d \_\_\_, 03-20-13)
- 13-0330 IN THE MATTER OF S.L-E.A.; from Tarrant County; 2nd Court of Appeals District (02-12-00482-CV, \_\_\_ SW3d \_\_\_, 03-21-13)
- 13-0361 IN THE INTEREST OF F.E.M., A CHILD; from Nolan County; 11th Court of Appeals District (11-12-00257-CV, \_\_\_ SW3d \_\_\_, 03-14-13)  
2 petitions
- 13-0451 REHAK CREATIVE SERVICES, INC. AND ROBERT REHAK v. ANN L. WITT, ELLEN WITT, RAYMOND WITT AND ANN WITT CAMPAIGN; from Harris County; 14th Court of Appeals District (14-12-00658-CV, \_\_\_ Sw3d \_\_\_, 05-21-13)

- 13-0460 NATIONWIDE MUTUAL INSURANCE COMPANY AND NATIONWIDE PROPERTY AND CASUALTY INSURANCE COMPANY v. LILLY HELENE SCHAFFER, M.D.; from Nueces County; 13th Court of Appeals District (13-11-00503-CV, \_\_\_ SW3d \_\_\_, 05-16-13)
- 13-0464 W. DOW HAMM III CORPORATION AND WILLIAM DOW HAMM III v. MILLENNIUM INCOME FUND, L.L.C.; from Harris County; 1st Court of Appeals District (01-12-00313-CV, \_\_\_ SW3d \_\_\_, 03-12-13)
- 13-0496 MARIA CIPRIANA GALINDO AND CAROLINA GALINDO v. BORDER FEDERAL CREDIT UNION; from Val Verde County; 4th Court of Appeals District (04-12-00725-CV, \_\_\_ SW3d \_\_\_, 05-15-13)
- 13-0502 CURTIS CAPPS v. MARVIN GIBBS; from Brazos County; 10th Court of Appeals District (10-12-00294-CV, \_\_\_ SW3d \_\_\_, 04-18-13)
- 13-0503 MUHAMMAD AMIR QURASHI v. ISMAT JABEEN; from Harris County; 14th Court of Appeals District (14-12-00858-CV, \_\_\_ SW3d \_\_\_, 06-11-13)
- 13-0505 JOHN FLOWERS v. CITY OF DIBOLL, TEXAS, STEVE BAKER AND KENT HAVARD; from Angelina County; 12th Court of Appeals District (12-12-00107-CV, \_\_\_ SW3d \_\_\_, 05-22-13)
- 13-0510 BRAZOS COUNTY APPRAISAL DISTRICT v. BRYAN-COLLEGE STATION REGIONAL ASSOCIATION OF REALTORS, INC.; from Brazos County; 10th Court of Appeals District (10-11-00438-CV, \_\_\_ SW3d \_\_\_, 04-18-13)
- 13-0511 TED L. WALKER v. RONALD ROGERS, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF LOUIS ROGERS; from Jasper County; 13th Court of Appeals District (13-12-00048-CV, \_\_\_ SW3d \_\_\_, 05-23-13)
- 13-0517 RODRIGO ORLANDO KULJIS, M.D. v. CHRISTOPHER L. NGUYEN, ET AL.; from Galveston County; 1st Court of Appeals District (01-11-00608-CV, \_\_\_ SW3d \_\_\_, 05-21-13)
- 13-0563 EMILY HAIRSTON v. SOUTHERN METHODIST UNIVERSITY; from Dallas County; 5th Court of Appeals District (05-11-00860-CV, \_\_\_ SW3d \_\_\_, 04-30-13)
- 13-0589 SADLER CLINIC ASSOCIATION, P.A. v. NORA C. HART, M.D., TAWFIQ GORDY ALAM, M.D., SANJAYKUMAR PATEL, M.D., TEMITOPE SOARES, M.D., AND BENNY WANG, M.D.; from Montgomery County; 9th Court of Appeals District (09-12-00086-CV, 403 SW3d 891, 06-13-13)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 12-0923 YOUNGBLOOD & ASSOCIATES, ELDON YOUNGBLOOD, HILARY YOUNGBLOOD, AND DAVID PEDERSON v. RONALD M. BENDALIN; from Dallas County; 6th Court of Appeals District (06-11-00110-CV, 381 SW3d 719, 10-02-12)
- 13-0433 RICARDO A. RODRIGUEZ v. HENRY E. RUIZ, M.D.; from Hidalgo County; 13th Court of Appeals District (13-12-00789-CV, \_\_\_ SW3d \_\_\_, 03-07-13)

## **MISCELLANEOUS**

### **THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

- 13-0514 IN RE TRANSCANADA KEYSTONE PIPELINE, L.P.; from Jefferson County; 9th Court of Appeals District (09-12-00484-CV, 402 SW3d 334, 05-23-13)

# THE SUPREME COURT OF TEXAS

## Orders Pronounced September 13, 2013

### ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

*(Chief Justice Jefferson not sitting in the following denied petitions for review)*

- 12-0911 IN THE INTEREST OF S.M.; from Comal County; 3rd Court of Appeals District (03-11-00558-CV, \_\_\_ SW3d \_\_\_, 09-26-12)
- 13-0371 CYNTHIA LEE TUCKER v. TROY WILLIAM TUCKER; from Victoria County; 13th Court of Appeals District (13-11-00056-CV, \_\_\_ SW3d \_\_\_, 01-24-13)
- 13-0380 JEFF BLANKINSHIP, COURTNEY BLANKINSHIP AND MIRACLE GOLF CONCEPTS v. TIMOTHY BROWN, GARY W. BLANSCET AND BLANSCET, SUTHERLAND, HOOPER & HALE, L.L.P.; from Dallas County; 5th Court of Appeals District (05-11-00649-CV, 399 SW3d 303, 03-14-13)
- 13-0407 DAVID D. KIM, M.D. v. STEVEN HOYT, INDIVIDUALLY AND AS NEXT FRIEND OF MINOR CHILDREN T.H. AND J.H. AND AS SOLE ADMINISTRATOR OF THE ESTATE OF KRISTINE HOYT; from Dallas County; 5th Court of Appeals District (05-12-00278-CV, 399 SW3d 714, 04-24-13)
- 13-0445 PETER E. PRATT, JR. v. JAMES WAYNE; from Victoria County; 13th Court of Appeals District (13-13-00103-CV, \_\_\_ SW3d \_\_\_, 03-21-13)
- 13-0455 HYDROSCIENCE TECHNOLOGIES, INC. v. HYDROSCIENCE, INC., WHITEHALL CORPORATION, TIMCO AVIATION SERVICES, INC., AVIATION SALES COMPANY, AND ROY RIMMER; from Dallas County; 5th Court of Appeals District (05-11-01536-CV, 401 SW3d 783, 05-07-13)
- 13-0462 ANTHONY R. FREEMAN v. LOUIS GARCIA; from Bee County; 13th Court of Appeals District (13-13-00131-CV, \_\_\_ SW3d \_\_\_, 05-02-13)
- 13-0516 BEHZAD KHALILNIA v. FEDERAL HOME LOAN MORTGAGE CORPORATION; from Harris County; 1st Court of Appeals District (01-12-00573-CV, \_\_\_ SW3d \_\_\_, 03-21-13)

- 13-0520 PAC CAPITAL HOLDINGS, LTD. D/B/A PAC GROUP, LTD. v. WYNNE/JACKSON DEVELOPMENT, L.P.; W/J LAKES, L.P.; HILLWOOD OIL & GAS OPERATING COMPANY, L.P.; HILLWOOD ENERGY TEXAS, L.P.; OWNER'S ASSOCIATION AT COUNTRY LAKES, INC.; AND DENTON INDEPENDENT SCHOOL DISTRICT BY AND THROUGH ITS SUPERINTENDENT AND MEMBERS; from Denton County; 13th Court of Appeals District (13-12-00449-CV, \_\_\_ SW3d \_\_\_, 06-06-13)
- 13-0556 IN RE COMMITMENT OF WILLIAM ERNEST WASHINGTON; from Montgomery County; 9th Court of Appeals District (09-11-00658-CV, \_\_\_ SW3d \_\_\_, 06-13-13)
- 13-0591 K&N BUILDER SALES, INC. v. DENNIS BALDWIN AND ROSELLA BALDWIN; from Harris County; 14th Court of Appeals District (14-12-00012-CV, \_\_\_ SW3d \_\_\_, 03-28-13)

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:**

- 12-0495 ILIAS GIANNAKOPOULOS v. BILL ERIS; from Harris County; 1st Court of Appeals District (01-11-00029-CV, 369 SW3d 618, 05-03-12) motion to dismiss petition for review granted

**ORDERS ON MOTIONS FOR REHEARING**

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

*(Chief Justice Jefferson not sitting in the following denied motions for rehearing of the petitions for review)*

- 13-0285 KAMAL S. KADI v. AUTUMN CHASE TOWNHOMES OWNER'S ASSOCIATION, INC.; from Harris County; 1st Court of Appeals District (01-10-00487-CV, \_\_\_ SW3d \_\_\_, 08-09-12)
- 13-0327 TINA AND LARRY PATTERSON v. CITY OF BELLMEAD; from McLennan County; 10th Court of Appeals District (10-12-00357-CV, \_\_\_ SW3d \_\_\_, 03-21-13)

## MISCELLANEOUS

### THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 13-0592 IN RE PHILIP B. SAUER; from Dallas County; 5th Court of Appeals District (05-13-00586-CV, \_\_\_\_\_ SW3d \_\_\_\_\_, 07-12-13) motion for emergency relief denied
- 13-0611 IN RE ANTHONY REBECCA; from McLennan County; 10th Court of Appeals District (10-13-00228-CV, \_\_\_\_\_ SW3d \_\_\_\_\_, 07-25-13) emergency motion for expedited review dismissed as moot
- 13-0614 IN RE PHILIPPE RENE NOTTEBOHM MAGANA AND MERCANTIL MURCIA S.A. DE C.V.; from Harris County; 14th Court of Appeals District (14-13-00563-CV, \_\_\_ SW3d \_\_\_, 07-18-13)

(Chief Justice Jefferson not sitting)

- 13-0655 IN RE THERESA BARNETT; from Dallas County; 5th Court of Appeals District (05-13-00775-CV, \_\_\_\_\_ SW3d \_\_\_\_\_, 07-02-13) motion for emergency relief from sanctions order denied

### THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 13-0699 IN RE KATHERINE LOUISE KING; from Harris County; 1st Court of Appeals District (01-13-00434-CV, \_\_\_\_\_ SW3d \_\_\_\_\_, 08-06-13) motion for leave to file in excess of word limit denied

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(i)(2)(D) and is struck. Relator is ordered to redraw; the petition is due to be filed by September 23, 2013."

(Justice Guzman notes that she would grant the motion to exceed the word limits)

# THE SUPREME COURT OF TEXAS

Orders Pronounced September 16, 2013

## MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

13-0725      IN RE GLORIA LONGORIA; from Hidalgo County; 13th Court of Appeals  
District      (13-13-00430-CV,      \_\_\_\_\_ SW3d      \_\_\_\_\_,      09-03-13)  
motion for immediate temporary relief denied



# THE SUPREME COURT OF TEXAS

## Orders Pronounced September 20, 2013

*Chief Justice Jefferson did not participate in the following orders:*

### ORDERS ON CAUSES

11-0737 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY v. BOSQUE RIVER COALITION; from Travis County; 3rd Court of Appeals District (03-10-00475-CV, 347 SW3d 366, 08-02-11)

The Court reverses the court of appeals' judgment and renders judgment.

Justice Devine delivered the opinion of the Court.

(Chief Justice Jefferson not sitting)

#### THE FOLLOWING CAUSE IS DISMISSED:

11-0366 ENTERPRISE PRODUCTS PARTNERS, L.P. AND DIXIE PIPELINE COMPANY v. CATHERINE MITCHELL, ET AL.; from Harris County; 1st Court of Appeals District (01-09-00653-CV, 340 SW3d 476, 02-10-11)  
abatement order issued May 17, 2013, lifted  
cause reinstated  
agreed motion to dismiss granted

(Chief Justice Jefferson not sitting)

## ORDERS ON CASES GRANTED

### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

12-0522 WASTE MANAGEMENT OF TEXAS, INC. v. TEXAS DISPOSAL SYSTEMS LANDFILL, INC.; from Travis County; 3rd Court of Appeals District (03-10-00826-CV, \_\_\_SW3d\_\_\_, 05-18-12)

2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., December 3, 2013.]

Time allotted to argue: 20/20 minutes

12-0824 ALLSTATE INSURANCE COMPANY v. MICHAEL SPELLINGS, ET AL.; from Harris County; 1st Court of Appeals District (01-11-01065-CV, 388 SW3d 729, 06-28-12)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 3, 2013.]

Time allotted to argue: 20/20 minutes

12-0983 MCALLEN HOSPITALS, L.P. d/b/a MCALLEN MEDICAL CENTER v. STATE FARM COUNTY MUTUAL INSURANCE COMPANY OF TEXAS; from Hidalgo County; 13th Court of Appeals District (13-11-00330-CV, \_\_\_SW3d\_\_\_, 10-25-12)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 4, 2013.]

Time allotted to argue: 20/20 minutes

13-0012 THE CITY OF WATAUGA v. RUSSELL GORDON; from Tarrant County; 2nd Court of Appeals District (02-12-00221-CV, 389 SW3d 604, 11-21-12)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 4, 2013.]

Time allotted to argue: 20/20 minutes

**THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS SET FOR  
ORAL ARGUMENT:**

12-0957 IN RE FORD MOTOR COMPANY; from Hidalgo County; 13th Court of Appeals District (13-12-00624-CV, \_\_\_ SW3d \_\_\_, 11-20-12)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 3, 2013.]

Time allotted to argue: 20/20 minutes

**ORDERS ON PETITIONS FOR REVIEW**

**THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

12-0070 GREAT AMERICAN LLOYDS INSURANCE COMPANY AND MID-CONTINENT CASUALTY COMPANY v. VINES-HERRIN CUSTOM HOMES, L.L.C., HERRIN CUSTOM HOMES, INC. AND EMIL G. CERULLO; from Dallas County; 5th Court of Appeals District (05-10-00007-CV, 357 SW3d 166, 12-21-11)

12-0754 WHEELABRATOR AIR POLLUTION CONTROL, INC. v. CITY OF SAN ANTONIO ACTING BY AND THROUGH CITY PUBLIC SERVICE BOARD A/K/A CPS ENERGY; from Bexar County; 4th Court of Appeals District (04-11-00821-CV, 381 SW3d 597, 08-01-12)

12-0806 NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA v. THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY F/K/A THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY; from El Paso County; 8th Court of Appeals District (08-06-00022-CV, 394 SW3d 228, 08-29-12)

- 12-0856 CASEY INDUSTRIAL, INC. v. CITY OF SAN ANTONIO ACTING BY AND THROUGH CITY PUBLIC SERVICE BOARD A/K/A CPS ENERGY; from Bexar County; 4th Court of Appeals District (04-11-00791-CV, 381 SW3d 589, 08-01-12)
- 13-0171 HELPING HANDS HOME CARE, INC. D/B/A AT HOME HEALTHCARE, JOHNNY JAMES GRICE AND LAURA DELZELL v. HOME HEALTH OF TARRANT COUNTY, INC. D/B/A HOME HEALTH SPECIALTIES; from Dallas County; 5th Court of Appeals District (05-08-01657-CV, 393 SW3d 492, 01-29-13)  
2 petitions
- 13-0185 BNW PROPERTY CO. v. CHESAPEAKE EXPLORATION, L.L.C.; from Loving County; 8th Court of Appeals District (08-11-00239-CV, 393 SW3d 852, 11-30-12)
- 13-0187 BNW PROPERTY CO. v. ANADARKO PETROLEUM CORPORATION; from Loving County; 8th Court of Appeals District (08-11-00238-CV, 393 SW3d 846, 11-30-12)
- 13-0201 HDW2000 256 EAST 49TH STREET, LLC AND WESTBURY, INC. v. THE CITY OF HOUSTON; from Harris County; 1st Court of Appeals District (01-12-00053-CV, \_\_\_ SW3d \_\_\_, 12-06-12)
- 13-0304 YOUNG SONG AND GINGER SONG D/B/A WHEEL BURGER, GENE NAZLANKIN D/B/A SILBER ROAD AUTO AND WORLD CATERING, INC. v. THE CITY OF HOUSTON; from Harris County; 14th Court of Appeals District (14-11-00903-CV, \_\_\_ SW3d \_\_\_, 01-24-13)
- 13-0313 MIKE BOULANGER, TRUSTEE, ON BEHALF OF WESTLUM TRUST v. WASTE MANAGEMENT OF TEXAS, INC., WASTE MANAGEMENT, INC., AND USA WASTE LANDFILL OPERATIONS & TRANSFER, INC.; from Harris County; 1st Court of Appeals District (01-10-01002-CV, 403 SW3d 1, 08-31-12)
- 13-0326 CAPLES LAND COMPANY, LLC AND WILLIAM D. ABRAHAM v. THE CITY OF EL PASO, TEXAS; from El Paso County; 8th Court of Appeals District (08-10-00264-CV, \_\_\_ SW3d \_\_\_, 01-23-13)
- 13-0329 CITY OF RIO GRANDE CITY, TEXAS v. REMEDIOS HERRERA; from Starr County; 4th Court of Appeals District (04-12-00382-CV, \_\_\_ SW3d \_\_\_, 01-16-13)
- 13-0333 HARRIS COUNTY HOUSING AUTHORITY v. GUY RANKIN, IV; from Harris County; 1st Court of Appeals District (01-12-00870-CV, \_\_\_ SW3d \_\_\_, 01-31-13)

- 13-0342 LANA MARIE BEVERING, AS NEXT FRIEND OF C.A.B., A MINOR v. JOSEPH GUY BEVERING, DECEASED, BY AND THROUGH HIS INDEPENDENT EXECUTRIX, DEBRA ELAINE BEVERING; from Bexar County; 4th Court of Appeals District (04-12-00389-CV, 401 SW3d 293, 03-13-13)
- 13-0403 PATRICIO AHUMADA v. JOE HINTON, COMPASS BANK AND JULIO SALAZAR; from Hidalgo County; 13th Court of Appeals District (13-12-00715-CV, \_\_\_ SW3d \_\_\_, 02-28-13)
- 13-0429 NEW YORK PARTY SHUTTLE, LLC v. JOHN BILELLO; from Harris County; 1st Court of Appeals District (01-11-01034-CV, \_\_\_ SW3d \_\_\_, 02-21-13)
- 13-0430 SAUNG PARK, M.D. v. MEMORIAL HEALTH SYSTEM OF EAST TEXAS, ET AL.; from Angelina County; 12th Court of Appeals District (12-11-00257-CV, 397 SW3d 283, 03-04-13)
- 13-0442 RALPH CARPINTEYRO, M.D., INTERNAL MEDICINE CLINIC UVALDE AND AMISTAD NURSING AND REHABILITATION CENTER, L.L.C. v. VERONICA GOMEZ, ET AL.; from Uvalde County; 4th Court of Appeals District (04-12-00790-CV, 403 SW3d 508, 05-01-13)  
2 petitions
- 13-0453 TOMMY HAMILTON v. ISABELLA BEZZERRA; from Dallas County; 5th Court of Appeals District (05-11-01229-CV, \_\_\_ SW3d \_\_\_, 04-22-13)
- 13-0456 RICHARD P. DALE, JR. v. BRENT TIMMERMAN D/B/A TIMMERMAN CUSTOM BUILDERS; from Dallas County; 5th Court of Appeals District (05-11-01690-CV, 397 SW3d 327, 03-27-13)
- 13-0465 CABOT OIL & GAS CORPORATION v. HEALEY, L.P.; from Rusk County; 12th Court of Appeals District (12-11-00236-CV, \_\_\_ SW3d \_\_\_, 03-28-13)
- 13-0548 KEITH REDBURN v. CHARMELE GARRETT, INDIVIDUALLY AND AS CITY MANAGER OF THE CITY OF VICTORIA, TEXAS AND LYNN SHORT, INDIVIDUALLY AND AS DIRECTOR OF PUBLIC WORKS OF THE CITY OF VICTORIA AND THE CITY OF VICTORIA; from Victoria County; 13th Court of Appeals District (13-12-00215-CV, \_\_\_ SW3d \_\_\_, 05-16-13)
- 13-0549 WILL WILLIAMS v. AMERICA FIRST LLOYDS INSURANCE; from Tarrant County; 2nd Court of Appeals District (02-12-00318-CV, \_\_\_ SW3d \_\_\_, 06-13-13)

- 13-0553 ALLEN PARKER COMPANY v. TRUSTMARK NATIONAL BANK; from Fort Bend County; 14th Court of Appeals District (14-12-00766-CV, \_\_\_ SW3d \_\_\_, 06-06-13)
- 13-0554 GEORGE HADDY v. JOHN CALDWELL; from El Paso County; 8th Court of Appeals District (08-12-00131-CV, 403 SW3d 544, 05-08-13)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 12-0561 LAMBERT ADUMEKWE v. NEW HAMPSHIRE INSURANCE COMPANY; from Harris County; 14th Court of Appeals District (14-12-00169-CV, \_\_\_ SW3d \_\_\_, 04-11-13)
- 12-0880 SPENCE KERRIGAN, INDIVIDUALLY AND AS ATTORNEY-IN-FACT FOR KATHLEEN KERRIGAN v. MEMORIAL HERMANN HOSPITAL SYSTEM D/B/A MEMORIAL HERMANN MEMORIAL CITY HOSPITAL; from Harris County; 14th Court of Appeals District (14-11-00880-CV; 14-11-00890-CV, \_\_\_ SW3d \_\_\_, 08-28-12)
- 13-0220 HERBERT LAWRENCE POLINARD v. E.M. GILMORE, JR. AND R.J. HAYES; from Bexar County; 4th Court of Appeals District (04-12-00061-CV, \_\_\_ SW3d \_\_\_, 10-31-12)
- 13-0255 DEBRA A. SMITH v. JAMES EAST AND TERRI BAYLESS EAST; from Williamson County; 3rd Court of Appeals District (03-11-00800-CV, \_\_\_ SW3d \_\_\_, 02-22-13)
- 13-0297 SHIRLEY MARTINEZ AND RICHARD MARTINEZ v. HOUSTON MCLANE COMPANY, LLC D/B/A HOUSTON ASTROS BASEBALL CLUB; from Harris County; 1st Court of Appeals District (01-12-00433-CV, \_\_\_ SW3d \_\_\_, 03-12-13)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR  
WRIT OF MANDAMUS IS DENIED:

13-0379 IN RE ANTHONY W. SPENCER

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 12-0952 IN RE CHAMPION INDUSTRIAL SALES, LLC, ET AL.; from Harris County; 13th Court of Appeals District (13-12-00505-CV, 398 SW3d 812, 10-29-12)
- 13-0057 IN RE ST. LUKE'S SUGAR LAND PARTNERSHIP, L.L.P.; from Harris County; 1st Court of Appeals District (01-12-01065-CV, \_\_\_ SW3d \_\_\_, 01-02-13)  
stay order issued February 8, 2013, lifted
- 13-0089 IN RE ALL COMMERCIAL FLOORS, INC. AND KEVIN JONES; from Tarrant County; 2nd Court of Appeals District (02-13-00024-CV, \_\_\_ SW3d \_\_\_, 01-23-13)
- 13-0463 IN RE A.H.D.; from Bexar County; 4th Court of Appeals District (04-13-00269-CV, \_\_\_ SW3d \_\_\_, 05-08-13)
- 13-0624 IN RE HARVELLA JONES; from Fort Bend County; 14th Court of Appeals District (14-12-00306-CV, \_\_\_ SW3d \_\_\_, 06-06-13)
- 13-0634 IN RE SOLUM ENGINEERING, INC.; from Harris County; 14th Court of Appeals District (14-13-00529-CV, \_\_\_ SW3d \_\_\_, 06-27-13)

THE FOLLOWING APPEALS FROM A DECISION OF THE BOARD OF  
DISCIPLINARY APPEALS ARE DISMISSED FOR WANT OF  
PROSECUTION:

12-1023 DONALD G. MACPHAIL v. COMMISSION FOR LAWYER DISCIPLINE

12-1024 DONALD G. MACPHAIL v. COMMISSION FOR LAWYER DISCIPLINE

12-1025 DONALD G. MACPHAIL v. COMMISSION FOR LAWYER DISCIPLINE

12-1026 DONALD G. MACPHAIL v. COMMISSION FOR LAWYER DISCIPLINE

12-1027 DONALD G. MACPHAIL v. COMMISSION FOR LAWYER DISCIPLINE



# THE SUPREME COURT OF TEXAS

## Orders Pronounced September 27, 2013

### ORDERS ON CAUSES

11-0732 IN RE STEPHANIE LEE; from Harris County; 14th Court of Appeals District (14-11-00714-CV, \_\_\_ SW3d \_\_\_, 09-13-11)

The Court conditionally grants the writ of mandamus.

Justice Lehrmann announced the Court's decision and delivered the opinion of the Court as to Parts I, II, III, V, and VII, in which Justice Johnson, Justice Willett, Justice Guzman, and Justice Boyd joined, and delivered an opinion as to Parts IV and VI, in which Justice Johnson, Justice Willett, and Justice Boyd joined.

Justice Guzman delivered a concurring opinion.

Justice Green delivered a dissenting opinion, in which Chief Justice Jefferson, Justice Hecht, and Justice Devine joined.

### THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS GRANTED:

12-0483 ROSEMARIE PORRETTO AND RANDY W. WILLIAMS, AS CHAPTER 7 TRUSTEE OF THE BANKRUPTCY ESTATE OF SONYA PORRETTO v. TEXAS GENERAL LAND OFFICE AND JERRY PATTERSON, IN HIS OFFICIAL CAPACITY AS TEXAS LAND COMMISSIONER; from Galveston County; 1st Court of Appeals District (01-09-00520-CV, 369 SW3d 276, 12-015-11)

unopposed motion to allow amici to participate in oral argument granted

Time allotted to argue: 15/20/5 minutes

(Chief Justice Jefferson not sitting)

*Chief Justice Jefferson did not participate in the following orders:*

## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 13-0388 JOHN E. RODARTE SR. v. BEXAR COUNTY, TEXAS, SHERIFF RALPH LOPEZ, ET AL.; from Bexar County; 4th Court of Appeals District (04-12-00211-CV, \_\_\_ SW3d \_\_\_, 05-08-13)
- 13-0559 DEECYE CLAYTON BEDELL v. THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-11-00502-CV, \_\_\_ SW3d\_\_\_, 06-05-13)
- 13-0560 IN THE ESTATE OF RAYMOND OATMAN WHIPPLE, JR., DECEASED; from Guadalupe County; 4th Court of Appeals District (04-11-00645-CV, \_\_\_ SW3d \_\_\_, 04-17-13)
- 13-0568 DEBRA CHRIS MONTGOMERY KROUPA WILLIAMS v. ROBERT WARD WILLIAMS; from Dallas County; 5th Court of Appeals District (05-11-01607-CV, \_\_\_ SW3d \_\_\_, 03-26-13)
- 13-0582 CITY OF BEAUMONT, TEXAS v. BEAUMONT PROFESSIONAL FIREFIGHTERS LOCAL 399 AND JAMES LANDRUM; from Jefferson County; 14th Court of Appeals District (14-12-00059-CV, \_\_\_ SW3d \_\_\_, 04-30-13)
- 13-0608 JOEL D. MALLORY, JR. v. J.P. MORGAN CHASE BANK, N.A. & CODILIS & STARWIARSKI, P.C.; from Harris County; 1st Court of Appeals District (01-12-00707-CV, \_\_\_ SW3d \_\_\_, 06-13-13)
- 13-0626 GERARDO PEREZ NIETO v. VERONICA FLORES DE PEREZ NIETO; from Bexar County; 4th Court of Appeals District (04-11-00807-CV, \_\_\_ SW3d\_\_\_, 05-01-13)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO  
TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

13-0374 DARLENE C. AMRHEIN v. LA MADELEINE, INC.; from Dallas County; 6th Court of Appeals District (06-12-00107-CV, \_\_\_ SW3d \_\_\_, 03-06-13) motion for extension of page limits denied

The Court strikes the redrafted petition for review with the following notation: "The petition violates TEXAS RULES OF APPELLATE PROCEDURE 9.4(i) and is struck. Petitioner is ordered to redraw; the petition is due to be filed by October 7, 2013."

## **ORDERS ON MOTIONS FOR REHEARING**

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR  
REVIEW ARE DENIED:

13-0260 GWENDOLYN JEANNETTE WATEL v. DUMANN REALTY, LLC; from Dallas County; 5th Court of Appeals District (05-12-00938-CV, \_\_\_ SW3d \_\_\_, 11-8-12)

13-0393 JUAN ALFREDO MARTINEZ v. ARTHUR BECKWITH D/B/A B&B FARMS; from Hidalgo County; 13th Court of Appeals District (13-12-00498-CV, \_\_\_ SW3d \_\_\_, 04-18-13)

13-0419 WILLIAM DAVID GOLDEN v. JANET SUE GOLDEN; from Harris County; 1st Court of Appeals District (01-09-00735-CV, \_\_\_ SW3d \_\_\_, 02-07-13)

13-0498 MAXINE ADAMS AND CECIL ADAMS v. REBECCA ROSS; from Harris County; 1st Court of Appeals District (01-11-00098-CV, \_\_\_ SW3d \_\_\_, 03-21-13)  
motion to vacate in part appellate judgment for lack of jurisdiction and motion for relief denied

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR  
WRIT OF MANDAMUS ARE DENIED:

- 13-0485 IN RE ALBERTO ROMAN GONZALEZ; 4th Court of Appeals District (04-13-00232-CV, \_\_\_ SW3d \_\_\_, 04-24-13)
- 13-0486 IN RE ALBERT RIGSBAY; from Grayson County; 5th Court of Appeals District (05-13-00549-CV, 05-13-00550-CV, 05-13-00551-CV, \_\_\_ SW3d \_\_\_, 05-07-13)

**MISCELLANEOUS**

THE FOLLOWING DIRECT APPEALS ARE DISMISSED:

- 13-0567 LAURANCE KRIEGEL v. CITY OF BOVINA; from Parmer County  
motion to recuse or disqualify denied

(Chief Justice Jefferson not sitting)

- 13-0580 KRISTIN WILKINSON v. STATE BAR OF TEXAS, COMMISSION FOR  
LAWYER DISCIPLINE AND NANCY ASHCRAFT IN HER OFFICIAL  
CAPACITY; from Travis County  
emergency motion for temporary relief dismissed as moot  
motion to use original documents in clerk's record denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 13-0743 IN RE JAMES M. FISHER, II; from Dallas County; 5th Court of Appeals District  
(05-13-01184-CV, \_\_\_ SW3d \_\_\_, 09-18-13)  
emergency motion for temporary relief denied

(Chief Justice Jefferson not sitting)

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF  
MANDAMUS:

13-0613 IN RE THE GOODYEAR TIRE & RUBBER COMPANY AND GOODYEAR-DUNLOP TIRES NORTH AMERICA, LTD.; from Calhoun County; 13th Court of Appeals District (13-13-00251-CV, \_\_\_ SW3d \_\_\_, 07-26-13) motion for temporary relief pending mandamus granted stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

(Chief Justice Jefferson not sitting)

# THE SUPREME COURT OF TEXAS

Orders Pronounced September 30, 2013

## MISCELLANEOUS

THE FOLLOWING CASE IS ABATED:

13-0760 IN RE GREGORY LEE WEST; from Cherokee County; 12th Court of Appeals District

[**Note:**This case is abated until further order of this Court and is removed from the Court's active docket. It is the parties' responsibility to immediately notify this Court once the court of appeals' decision is final.]

# THE SUPREME COURT OF TEXAS

Orders Pronounced October 2, 2013

## ORDERS ON CAUSES

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT  
IS GRANTED:

10-0567 TEXAS DEPARTMENT OF HUMAN SERVICES v. OLIVER OKOLI;  
from Harris County; 1st Court of Appeals District  
(01-07-00103-CV, 317 SW3d 800, 06-17-10)  
unopposed motion for leave to share respondent's oral argument allotted  
time granted

Time allotted: 20/15/5 minutes

# THE SUPREME COURT OF TEXAS

## Orders Pronounced October 4, 2013

*Justice Brown did not participate in the following orders:*

### ORDERS ON PETITIONS FOR REVIEW

#### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0633 BICH NGOC NGUYEN v. ALLSTATE INSURANCE COMPANY AND LINCOLN BENEFIT LIFE COMPANY; from Dallas County; 5th Court of Appeals District (05-11-01120-CV, \_\_\_ SW3d \_\_\_, 05-29-13)
- 13-0648 JAMES C. THOMASON AND DOROTHY L. LUPTON v. JAMES E. BADGETT, ET AL.; from Parker County; 2nd Court of Appeals District (02-12-00303-CV, \_\_\_ SW3d \_\_\_, 07-11-13)

### ORDERS ON MOTIONS FOR REHEARING

#### THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 13-0479 IN RE JOHN ALBERT ESTRADA, SR.; from Dallas County; 5th Court of Appeals District (05-13-00383-CV, \_\_\_ SW3d \_\_\_, 04-03-13)



## MISCELLANEOUS

### THE FOLLOWING DIRECT APPEAL IS DISMISSED:

13-0717 LAURANCE KRIEGEL v. CITY OF BOVINA; from Parmer County motions to recuse or disqualify district judges denied

### THE ABATEMENT ORDER IN THE FOLLOWING CASE IS LIFTED:

13-0519 VERN CANNON v. MBCI, A DIVISION OF NCI GROUP, INC.; from Harris County; 14th Court of Appeals District (14-11-00895-CV, \_\_\_ SW3d \_\_\_, 04-30-13) abatement order issued July 19, 2013, lifted  
motion to reinstate granted  
petition reinstated

### THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

13-0583 IN RE BRENDEN F. DETERMANN; from Dallas County; 5th Court of Appeals District (05-13-00902-CV, \_\_\_ SW3d \_\_\_, 07-18-13) motion for emergency relief denied

13-0620 IN RE ALFARO OIL & GAS, LLC, PINNACLE FINANCIAL PARTNERS CORPORATION; from Duval County; 4th Court of Appeals District (04-13-00443-CV, \_\_\_ SW3d \_\_\_, 08-07-13) motion for stay of sanctions order denied

13-0660 IN RE LEE ANN DUMBAULD, SCOTT SNIDER, LEISA HUTCHESON, DAVID MILLER AND THE CITY OF LUBBOCK; from Dallas County; 5th Court of Appeals District (05-11-00935-CV, 405 SW3d 257, 06-05-13) motion to dismiss petition for writ of mandamus for lack of jurisdiction dismissed as moot

13-0667 IN RE JOHN REED JR.; from Bell County

# THE SUPREME COURT OF TEXAS

Orders Pronounced October 11, 2013

*Justice Brown did not participate in the following orders:*

## ORDERS ON PETITIONS FOR REVIEW

### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0398 ADRIENNE GALLIEN v. GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT; from Harris County; 14th Court of Appeals District (14-11-0938-CV, \_\_\_ SW3d \_\_\_, 03-19-13)
- 13-0532 TWI XVIII, INC. AND TEXAS WINGS, INC. v. CHRISTOPHER S. CARROLL NUMBER 1, LTD.; from Denton County; 2nd Court of Appeals District (02-12-00065-CV, \_\_\_ SW3d \_\_\_, 04-11-13)
- 13-0595 JIM HERBERT HAMILTON, JR. v. BRAD LIVINGSTON, ET AL.; from Bee County; 13th Court of Appeals District (13-12-00637-CV, \_\_\_ SW3d \_\_\_, 06-13-13)
- 13-0602 IN THE INTEREST OF K.F., K.A.F., R.S.H., AND R.G.H., JR., CHILDREN; from Harris County; 14th Court of Appeals District (14-13-00110-CV, 402 SW3d 497, 06-20-13)
- 13-0621 CERTAIN UNDERWRITERS AT LLOYD'S, LONDON AND CERTAIN LONDON MARKET INSURANCE COMPANIES v. CHICAGO BRIDGE & IRON COMPANY; from Montgomery County; 9th Court of Appeals District (09-12-00121-CV, 406 SW3d 326, 06-27-13)
- 13-0637 IN RE COMMITMENT OF RUBEN MARTINEZ; from Montgomery County; 9th Court of Appeals District (09-13-00034-CV, \_\_\_ SW3d \_\_\_, 07-11-13)

13-0657 IN RE COMMITMENT OF PHILIP MCCARTY; from Montgomery County; 9th Court of Appeals District (09-12-00083-CV, \_\_\_ SW3d \_\_\_, 06-27-13)

13-0674 EDMOND L. BISLAND III and RHONDA T. BISLAND v. FINANCIAL INDEMNITY COMPANY; from Hays County; 3rd Court of Appeals District (03-11-00228-CV, \_\_\_ SW3d \_\_\_, 06-21-13)

13-0675 JERRY VALDEZ v. BRUCE ROBERTSON, JR.; from Bexar County; 4th Court of Appeals District (04-12-00105-CV, 406 SW3d 228, 05-29-13)

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED:

13-0129 U.S. BANK, N.A. v. MITCHELL KOBERNICK AND ALLAN KLEIN; from Harris County; 1st Court of Appeals District (01-11-00698-CV, 402 SW3d 748, 12-06-12)

joint motion to dismiss granted

13-0695 GLENN WINNINGHAM; HOUSE OF FEARN v. SARAH J. FULLENWIDER, C. PAGE, NINFA MARES, JAMES D. ROGERS, JEFFERY HALSTEAD, TOM LOWE, WILLIAM RUMULY, TERRIE LIVINGSTON, DEBRA SPISAK, JOE SHANNON, JR., & CHRIS PONDER; from Tarrant County; 6th Court of Appeals District (06-13-00017-CV, \_\_\_ SW3d \_\_\_, 07-17-13)

*See Tex. R. App. P. 5*

**ORDERS ON MOTIONS FOR REHEARING**

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW  
ARE DENIED:**

13-0233 GOOD SHEPHERD MEDICAL CENTER - LINDEN, INC v. BOBBY TWILLEY; from Cass County; 6th Court of Appeals District (06-12-00098-CV, \_\_\_ SW3d \_\_\_, 03-01-13)  
as amended

13-0268 STANLEY C. HADDOCK v. CAPITAL ONE, N.A.; from Dallas County; 5th Court of Appeals District (05-10-01028-CV, 394 SW3d 605, 11-02-12)

(Chief Justice Hecht not sitting)

13-0276 TOC ROCKY MOUNTAIN, INC. v. ENTERPRISE FIELD SERVICES, INC.; from Harris County; 1st Court of Appeals District (01-12-00345-CV, 405 SW3d 767, 02-28-13)

**MISCELLANEOUS**

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

13-0534 IN RE TEXAN FLOOR SERVICE, LTD.; from Fayette County; 3rd Court of Appeals District (03-13-00393-CV, \_\_\_ SW3d \_\_\_, 06-13-13)  
motion for emergency stay denied

13-0684 IN RE CHRISTOPHER ANTWON BLACKWELL; from McLennan County; 10th Court of Appeals District (10-13-00090-CV, \_\_\_ SW3d \_\_\_, 03-28-13)

13-0798 IN RE NUECES COUNTY, TEXAS; from Nueces County; 13th Court of Appeals District (13-13-00346-CV)  
emergency motion for temporary stay denied

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

13-0625 IN RE JAMES SUMMERSETT, III; from Hidalgo County; 13th Court of Appeals District (13-12-00431-CV, \_\_\_ SW3d \_\_\_, 07-18-13)

relator's emergency motion to stay enforcement order granted in part  
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE MOTION IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS  
GRANTED:

13-0794 IN RE GENERAL MOTORS, LLC; from Zapata County; 4th Court of Appeals District (04-13-00515-CV, \_\_\_ SW3d \_\_\_, 09-25-13)

relator's emergency motion for temporary relief granted, as supplemented  
order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

# THE SUPREME COURT OF TEXAS

Orders Pronounced October 17, 2013

## MISCELLANEOUS

### THE FOLLOWING CASE IS REINSTATED:

**13-0760** IN RE GREGORY LEE WEST; from Cherokee County; 12th Court of Appeals District (12-13-00273-CV, \_\_\_ SW3d \_\_\_, 10-09-13)  
abatement order issued September 30, 2013, lifted  
petition reinstated

# THE SUPREME COURT OF TEXAS

Orders Pronounced October 18, 2013

## ORDERS ON CAUSES

**10-0141** VERNON F. MINTON v. JERRY W. GUNN, INDIVIDUALLY, WILLIAMS SQUIRE & WREN, L.L.P., JAMES E. WREN, INDIVIDUALLY, SLUSSER & FROST, L.L.P., WILLIAM C. SLUSSER, INDIVIDUALLY, SLUSSER WILSON & PARTRIDGE, L.L.P., AND MICHAEL E. WILSON, INDIVIDUALLY; from Tarrant County; 2nd Court of Appeals District (02-06-00443-CV, 301 SW3d 702, 10-08-09) motion to dismiss petition for review dismissed as moot motion for oral argument dismissed as moot

The Court withdraws its order of February 8, 2011, granting the petition for review, as the petition was improvidently granted. The petition for review is denied. The pending motions to dismiss and to set for oral argument are both dismissed as moot.

## THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

**11-0441** IN RE MICHAEL N. BLAIR  
motion for expansion of limits granted

**12-0501** TARA S. BRIGHTON F/K/A SYBIL B. KOSS v. GREGORY KOSS; from Dallas County; 5th Court of Appeals District (05-10-01613-CV, \_\_\_ SW3d \_\_\_, 03-26-12)

## ORDERS ON CASES GRANTED

### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

**12-0867** BOB GREENE, AS NEXT FRIEND OF LAWAYNE GREENE v. FARMERS INSURANCE EXCHANGE; from Dallas County; 5th Court of Appeals District (05-11-00487-CV, 376 SW3d 278, 08-02-12)

[Note: This case has been set for oral argument at 9:00 a.m., December 4, 2013.]  
Time allotted to argue: 20/20 minutes

**13-0084** HOUSTON UNLIMITED, INC. METAL PROCESSING v. MEL ACRES RANCH; from Washington County; 14th Court of Appeals District (14-10-01006-CV, 389 SW3d 583, 11-15-12)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 5, 2013.]  
Time allotted to argue: 20/20 minutes

(Justice Brown not sitting)

**13-0103** KING FISHER MARINE SERVICE, L.P. v. JOSE H. TAMEZ; from Cameron County; 13th Court of Appeals District (13-10-00425-CV, \_\_\_ SW3d \_\_\_, 05-31-12)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 5, 2013.]  
Time allotted to argue: 20/20 minutes

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS GRANTED:**

**12-0830** TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES A/K/A BRENHAM STATE SCHOOL, ANTHONY V. WATSON, DWANE B. HUBBARD, AND ARETHA L. TURNER v. MARY CANNON, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF PATRICK TATE DYESS, DECEASED; from Washington County; 14th Court of Appeals District (14-11-00751-CV, 383 SW3d 571, 07-19-12)  
denial of petition for review on April 19, 2013, withdrawn  
petition reinstated

**ORDERS ON PETITIONS FOR REVIEW**

**THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

**12-0461** WESTERN AH 406 LTD. v. CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY; from Taylor County; 11th Court of Appeals District (11-10-00115-CV, 372 SW3d 672, 04-26-12)

**12-0511** CORNERSTONE HEALTHCARE GROUP HOLDING, INC. v. RELIANT HOSPITAL PARTNERS, LLC, ET AL.; from Dallas County; 5th Court of Appeals District (05-11-00952-CV, 374 SW3d 488, 06-08-12)

motion to dismiss petition for review as moot, dismissed as moot

(Chief Justice Hecht not sitting)



- 12-0523** COMMERCE & INDUSTRY INSURANCE CO. v. KIMBERLY FERGUSON-STEWART; from Orange County; 13th Court of Appeals District (13-10-00554-CV, \_\_\_ SW3d \_\_\_, 05-10-12)
- 12-0545** BRENT DUAINÉ BLACKMORE v. OFFICE OF THE ATTORNEY GENERAL; from Collin County; 5th Court of Appeals District (05-10-00850-CV, 370 SW3d 94, 05-23-12)
- 12-0719** EDWIN MARTIN AND ESTHER MARTIN, INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF ROBERT MARTIN v. MAVERICK COUNTY HOSPITAL DISTRICT (MCHD) AND JAMES H. FOWLER, M.D.; from Maverick County; 4th Court of Appeals District (04-11-00803-CV, 376 SW3d 163, 05-23-12)
- 12-0776** JUDY A. JENNINGS AND REBECCA BELL-METHEREAU v. WALLBUILDER PRESENTATIONS, INC., THROUGH ITS PRESIDENT, DAVID BARTON; WALLBUILDERS, L.L.P., THROUGH ITS PRESIDENT, DAVID BARTON; AND DAVID BARTON, INDIVIDUALLY; from Parker County; 2nd Court of Appeals District (02-12-00047-CV, \_\_\_ SW3d \_\_\_, 08-21-12)
- 12-0811** STEVEN AND SHYLA LIPSKY AND ALISA RICH v. RANGE RESOURCES CORPORATION AND RANGE PRODUCTION COMPANY; from Parker County; 2nd Court of Appeals District (02-12-00098-CV, \_\_\_ SW3d \_\_\_, 08-23-12)
- 12-0878** ROMA INDEPENDENT SCHOOL DISTRICT v. EWING CONSTRUCTION COMPANY, CAB-COS CONTRACTORS, L.L.C., SECHRIST-HALL COMPANY AND PADRON PLUMBING, INC.; from Starr County; 4th Court of Appeals District (04-12-00035-CV, \_\_\_ SW3d \_\_\_, 07-25-12)
- 12-0906** TRAIL ENTERPRISES, INC. D/B/A WILSON OIL COMPANY, ET AL. v. CITY OF HOUSTON, TEXAS; from Harris County; 14th Court of Appeals District (14-10-00944-CV; 14-11-00417-CV, \_\_\_ SW3d \_\_\_, 08-09-12)

(Justice Brown not sitting)

- 12-0926** AMERICAN HOME ASSURANCE COMPANY v. NOELA DE LOS SANTOS, INDIVIDUALLY AND AS NEXT FRIEND OF KIMBERLY ANN RUIZ; from Jim Wells County; 4th Court of Appeals District (04-10-00852-CV, \_\_\_ SW3d \_\_\_, 09-19-12)  
2 petitions

- 12-0984** EDER PENA, INDIVIDUALLY, MARIA ENRIQUETA PENA, INDIVIDUALLY, AND AS NEXT FRIEND OF ESMERALDA AND EDNA PENA, MINORS v. NABORS DRILLING USA, LP; from Zapata County; 4th Court of Appeals District (04-11-00910-CV, 385 SW3d 103, 08-29-12)
- 12-1038** JESUS MIRANDA v. STEPHEN BYLES; from Harris County; 1st Court of Appeals District (01-10-01022-CV, 390 SW3d 543, 10-25-12)
- 13-0039** BILLIE AND CAROLYN BUCKINGHAM, AND BRETT AND TARA BUCKINGHAM v. JOSH MCAFEE AND SHAWN SCHOLL; from Wheeler County; 7th Court of Appeals District (07-11-00350-CV, 393 SW3d 372, 12-12-12)
- 13-0044** ECHOSTAR SATELLITE, L.L.C. AND DISH NETWORK SERVICE, L.L.C. v. RAY AGUILAR; from El Paso County; 8th Court of Appeals District (08-10-00328-CV, 394 SW3d 276, 10-17-12)
- 13-0281** PATRICE MCBRIDE v. ALBERT MCBRIDE; from Harris County; 14th Court of Appeals District (14-12-00277-CV, 396 SW3d 724, 03-12-13)
- 13-0288** IN THE INTEREST OF C.M.F., L.M.F. AND C.G.E.; from Hardin County; 9th Court of Appeals District (09-11-00626-CV, \_\_\_ SW3d \_\_\_, 02-07-13)
- 13-0293** IN THE INTEREST OF C.A.P.; from Bexar County; 4th Court of Appeals District (04-12-00553-CV, \_\_\_ SW3d \_\_\_, 02-27-13)
- 13-0391** J.M. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Hays County; 3rd Court of Appeals District (03-12-00487-CV, \_\_\_ SW3d \_\_\_, 04-19-13)
- 13-0399** IN THE INTEREST OF L. J., A CHILD; from Dallas County; 5th Court of Appeals District (05-12-01283-CV, \_\_\_ SW3d \_\_\_, 03-18-13)
- 13-0400** IN THE INTEREST OF N.T., A CHILD; from Dallas County; 5th Court of Appeals District (05-12-01284-CV, \_\_\_ SW3d \_\_\_, 03-18-13)
- 13-0434** 4HG FANNIN INVESTMENTS, LLC, KYLE PAYNE, AND MARY PAYNE v. MEDO PJETROVIC; from Dallas County; 5th Court of Appeals District (05-12-00471-CV, 400 SW3d 119, 04-01-13)

- 13-0458** IN THE ESTATE OF MANUEL ARIZOLA; from Webb County; 4th Court of Appeals District (04-12-00062-CV, 401 SW3d 664, 04-24-13) motion to consolidate denied
- 13-0477** IN THE INTEREST OF B.C.T., A CHILD; from Palo Pinto County; 11th Court of Appeals District (11-12-00359-CV, \_\_\_ SW3d \_\_\_, 05-09-13)
- 13-0482** IN THE ESTATE OF ROMEN ARIZOLA; from Webb County; 4th Court of Appeals District (04-12-00063-CV, 401 SW3d 664, 04-24-13) motion to consolidate denied
- 13-0494** IN THE INTEREST OF D.R.P., M.R.P. AND J.R.P., CHILDREN; from Travis County; 3rd Court of Appeals District (03-13-00004-CV, \_\_\_ SW3d \_\_\_, 05-16-13)
- 13-0522** IN THE INTEREST OF G.C.; from Harris County; 1st Court of Appeals District (01-12-00935-CV, \_\_\_ SW3d \_\_\_, 03-05-13)
- 13-0562** IN THE INTEREST OF M.M.V. AND J.D.V., CHILDREN; from Nueces County; 13th Court of Appeals District (13-13-00256-CV, \_\_\_ SW3d \_\_\_, 06-06-13)
- 13-0617** IN THE INTEREST OF M.D.W., A CHILD; from Tarrant County; 2nd Court of Appeals District (02-13-00013-CV, \_\_\_ SW3d \_\_\_, 06-27-13)
- 13-0628** LIBERTY MUTUAL INSURANCE COMPANY v. TRANSIT MIX CONCRETE & MATERIALS COMPANY; from Bowie County; 6th Court of Appeals District (06-12-00117-CV, \_\_\_ SW3d \_\_\_, 06-28-13)
- 13-0629** MADHAVEN PISHARODI, M.D. v. SUSAN ANDREWS, INDIVIDUALLY AND IN HER CAPACITY AS CEO OF VALLEY REGIONAL MEDICAL CENTER; from Cameron County; 13th Court of Appeals District (13-13-00027-CV, \_\_\_ SW3d \_\_\_, 08-08-13)
- 13-0689** IN THE INTEREST OF K.A.A. AND K.N.A., CHILDREN; from Bexar County; 4th Court of Appeals District (04-13-00019-CV, \_\_\_ SW3d \_\_\_, 07-09-13)
- 13-0690** IN RE COMMITMENT OF RAUL FERNANDO BARRON; from Montgomery County; 9th Court of Appeals District (09-12-00529-CV, \_\_\_ SW3d \_\_\_, 07-11-13)

**THE MOTION IN THE FOLLOWING PETITION FOR REVIEW IS  
GRANTED:**

**13-0165** FROST NATIONAL BANK, AS TRUSTEE OF THE PETERS FAMILY TRUST AND AS GUARDIAN OF THE ESTATE OF PETER ATCHISON, NCM; AND FALCON INTERNATIONAL BANK, TRUSTEE v. HAGER OIL AND GAS COMPANY, COATES ENERGY TRUST, AND COATES ENERGY INTERESTS, LTD.; from Duval County; 4th Court of Appeals District (04-11-00838-CV, \_\_\_ SW3d \_\_\_, 11-28-12)

motion for partial dismissal pursuant to settlement granted

The Court dismisses the petition for review as to Hagar Oil and Gas Company. The petition for review as to Coates Energy Trust and Coates Energy Interests, Ltd. remains pending before this Court. The case has been restyled as Frost National Bank, as Trustee of the Peters Family Trust and as Guardian of the Estate of Peter Atchison, NCM; and Falcon International Bank, Trustee v. Coates Energy Trust and Coates Energy Interest, Ltd.

**ORDERS ON MOTIONS FOR REHEARING**

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS  
FOR REVIEW ARE DENIED:**

**12-0828** CITY OF MISSION, TEXAS v. ALEJANDRO GONZALEZ; from Hidalgo County; 13th Court of Appeals District (13-10-00688-CV, \_\_\_ SW3d \_\_\_, 08-30-12)

**12-0969** PEDRO ARIZOLA, SR. v. TUTTLE AND TUTTLE TRUCKING, INC., ET AL.; from La Salle County; 4th Court of Appeals District (04-11-00067-CV, \_\_\_ SW3d \_\_\_, 06-20-12)

motion to consolidate denied

**13-0174** RUTH WHEELER v. JOHN COLLIER HINSON; from Travis County; 3rd Court of Appeals District (03-11-00067-CV, \_\_\_ SW3d \_\_\_, 01-25-13)

**13-0224** HERBERT LAWRENCE POLINARD v. RALPH A. MEDINA AND ANN ANTHONY, LLC; from De Witt County; 13th Court of Appeals District (13-11-00403-CV, \_\_\_ SW3d \_\_\_, 07-19-12)

**13-0299** F.B. LARREA v. VIRGILIO ÁVILA AND UNIVISION TELEVISION GROUP, INC.; from Dallas County; 5th Court of Appeals District (05-11-01637-CV, 394 SW3d 646, 12-18-12)

**13-0470** MUHAMMAD RAMZAN KHAN v. FIRST MARK CREDIT UNION; from Wilson County; 4th Court of Appeals District (04-12-00465-CV, \_\_\_ SW3d \_\_\_, 05-22-13)

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

**13-0619** IN RE LATRICE WILLIAMS; from Harris County; 1st Court of Appeals District (01-10-00296-CV)

**MISCELLANEOUS**

**THE FOLLOWING MOTIONS TO CONSOLIDATE ARE GRANTED:**

**13-0697** SAN JUAN INSURANCE AGENCY, INC. D/B/A VALLEY INSURANCE PROVIDERS v. BRANNAN PAVING GP, LLC, D/B/A BRANNAN PAVING COMPANY, PAVEMENT MARKINGS, INC. AND LEICHT GENERAL AGENCY; from Hidalgo County; 13th Court of Appeals District (13-11-00005-CV, \_\_\_SW3d\_\_\_, 07-25-13)  
motion to consolidate granted

*consolidated with -*

**13-0698** SAN JUAN INSURANCE AGENCY, INC. D/B/A VALLEY INSURANCE PROVIDERS v. BRANNAN PAVING GP, LLC, D/B/A BRANNAN PAVING COMPANY, PAVEMENT MARKINGS, INC. AND LEICHT GENERAL AGENCY; from Hidalgo County; 5th Court of Appeals District (13-11-00013-CV, \_\_\_ SW3d \_\_\_, 07-25-13)  
motion to consolidate granted

**THE FOLLOWING CASE IS REINSTATED:**

**12-0419** IN RE BLUE SKY GOLDEN FPS, LTD.; from Harris County; 1st Court of Appeals District (01-12-00167-CV, \_\_\_ SW3d \_\_\_, 04-26-12)  
abatement order issued December 19, 2012, lifted  
petition reinstated

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE  
DENIED:**

- 12-0775** IN RE JUDY A. JENNINGS AND REBECCA BELL-METEREAU; from Parker County; 2nd Court of Appeals District (02-12-00339-CV, \_\_\_ SW3d \_\_\_, 08-21-12)
- 13-0618** IN RE RICHARD JAMES JOHNSON; from Potter County; 7th Court of Appeals District (07-13-00007-CV, \_\_\_ SW3d \_\_\_, 05-31-13)
- 13-0699** IN RE KATHERINE LOUISE KING; from Harris County; 1st Court of Appeals District (01-13-00434-CV, \_\_\_ SW3d \_\_\_, 08-06-13)  
as redrafted  
motion for emergency stay denied
- 13-0720** IN RE ACT METRO PROPERTIES, INC. AND TIMOTHY BRYANT TEAS; from Harris County; 1st Court of Appeals District (01-13-00529-CV, \_\_\_ SW3d \_\_\_, 07-30-13)
- 13-0804** IN RE JOHN PHILLIP BENDER; from Travis County; 3rd Court of Appeals District (03-09-00652-CR, \_\_\_ SW3d \_\_\_, 04-19-11)  
motions to transfer record denied  
motion to transfer original exhibits denied

**THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE  
FOLLOWING APPEAL IS AFFIRMED:**

- 13-0341** CYRIL O. CHUKWURAH v. COMMISSION FOR LAWYER DISCIPLINE

# THE SUPREME COURT OF TEXAS

**Orders Pronounced October 25, 2013**

## ORDERS ON CAUSES

12-0274 CITY OF LAREDO, TEXAS v. LUIS MONTANO, CECILIA MONTANO MOTA, CRUZ JORGE MONTANO, CLARENCE HILLBURN AND CLARENCE HILLBURN AS EXECUTOR OF THE ESTATE OF GLORIA MONTANO HILLBURN, DECEASED; from Webb County; 4th Court of Appeals District (04-10-00401-CV, \_\_\_ SW3d \_\_\_, 02-22-12)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses in part the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

### THE FOLLOWING CAUSE IS RESET FOR ORAL ARGUMENT:

12-0867 BOB GREENE, AS NEXT FRIEND OF LWAYNE GREENE v. FARMERS INSURANCE EXCHANGE; from Dallas County; 5th Court of Appeals District (05-11-00487-CV, 376 SW3d 278, 08-02-12)  
motion to postpone oral argument granted

[**Note:** This cause has been reset for oral argument at 9:00 a.m., January 7, 2014.]  
Time allotted to argue: 20/20 minutes

## ORDERS ON PETITIONS FOR REVIEW

### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

13-0511 TED L. WALKER v. RONALD ROGERS, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF LOUIS ROGERS; from Jasper County; 13th Court of Appeals District  
(13-12-00048-CV, \_\_\_ SW3d \_\_\_, 05-23-13)  
petition on behalf of Ronald Rogers denied

13-0547 PAUL BLACK, PBF INVESTMENTS, LTD., BNP HOLDINGS, LTD., BNP COMMERCIAL PROPERTIES, LTD., PAGENERGY COMPANY, LLC, TSE EQUITIES I LLC, TSE EQUITIES COMPANY, LTD, BNP MANAGEMENT LLC, AND 500 WATER STREET PROPERTY LLC v. TOBY SHOR AND SEASHORE INVESTMENTS MANAGEMENT TRUST; from Nueces County; 13th Court of Appeals District (13-11-00413-CV, \_\_\_ SW3d \_\_\_, 04-18-13)

13-0550 SEAFARERS INTERNATIONAL UNION v. JANICE HUNICKE; from Harris County; 14th Court of Appeals District (14-12-00199-CV, \_\_\_ SW3d\_\_\_, 06-04-13)

(Justice Brown not sitting)

13-0606 ROBERT C. MORRIS v. ELIZABETH CROSS, ET AL.; from Anderson County; 12th Court of Appeals District (12-12-00234-CV, \_\_\_ SW3d \_\_\_, 06-19-13)

13-0631 COASTAL RESOURCES LTD. v. LOS LAZOS CONSTRUCTION AND LEASE SERVICE, LLC AND COYOTE PAVING & CONSTRUCTION, INC.; from Zapata County; 4th Court of Appeals District (04-11-00763-CV, \_\_\_ SW3d \_\_\_, 05-29-13)

13-0646 MARK PARMAN v. TIERONE CONVERGED NETWORKS, INC.; from Dallas County; 5th Court of Appeals District (05-12-00026-CV, \_\_\_SW3d\_\_\_, 07-09-13)

13-0652 BRIAN SHANKLIN AND TODD RIMMER v. BASSOE OFFSHORE (USA), INC., MIKE SMITH AND JONATHAN FAIRBANKS; from Harris County; 1st Court of Appeals District (01-12-000563-CV, \_\_\_SW3d\_\_\_, 05-14-13)

## **ORDERS ON MOTIONS FOR REHEARING**

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

13-0415 MIKE KARLIN v. DCP MIDSTREAM, LP; from Hutchinson County; 7th Court of Appeals District (07-13-00059-CV, \_\_\_ SW3d \_\_\_, 06-06-13)

13-0511 TED L. WALKER v. RONALD ROGERS, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF LOUIS ROGERS; from Jasper County; 13th Court of Appeals



District (13-12-00048-CV, \_\_\_ SW3d \_\_\_, 05-23-13)  
rehearing on behalf of Ted L. Walker denied

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR  
WRIT OF MANDAMUS ARE DENIED:**

13-0463 IN RE A.H.D.; from Bexar County; 4th Court of Appeals District (04-13-00269-CV, \_\_\_  
SW3d \_\_\_, 05-08-13)

13-0569 IN RE RHONDA TAYLOR AS NEXT FRIEND OF KEVIN R. GORDON, A  
MENTAL QUALIFIED DISABLED PERSON; from McLennan County  
as supplemented

**MISCELLANEOUS**

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

13-0609 IN RE WILLIAM BEATTY; from Harris County; 14th Court of Appeals District  
(14-13-00419-CV, \_\_\_ SW3d \_\_\_, 06-11-13)  
motion to stay dismissed as moot

13-0834 IN RE LINDA LEWIS AND ALICIA LEWIS; from Ellis County; 10th Court of Appeals  
District (10-12-00070-CV, \_\_\_ SW3d \_\_\_, 05-02-13)

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DISMISSED:**

13-0642 IN RE COCA-COLA REFRESHMENTS USA, INC. AND JON P. ROSALES; from  
Bexar County; 4th Court of Appeals District (04-13-00546-CV, \_\_\_ SW3d \_\_\_, 08-14-  
13)  
motion for dismissal of petition for writ of mandamus granted  
motion to stay dismissed as moot

13-0839 IN RE ARNOLD FRENCH; from Travis County; 3rd Court of Appeals District  
(03-13-00670-CV, \_\_\_SW3d\_\_\_, 10-15-13)  
motion to dismiss granted  
emergency motion to stay dismissed as moot



# THE SUPREME COURT OF TEXAS

Orders Pronounced November 1, 2013

## ORDERS ON CAUSES

### THE FOLLOWING CAUSE IS ABATED:

- 12-0636** IN RE MELISSA BLEVINS; from Somervell County; 10th Court of Appeals District (10-12-00136-CV, \_\_\_ SW3d \_\_\_, 08-02-12)  
abatement order issued  
The Court abates this cause pursuant to Texas Rule of Appellate Procedure 7.2.

Per Curiam Opinion

## ORDERS ON PETITIONS FOR REVIEW

### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0574** THE NEW TESTAMENT CHURCH OF CHRIST, INC., MINISTER ELBERT MOORE v. SUNNYVALE LIMITED PARTNERSHIP, SUPERIOR DYNAMICS, INC. AND JOHN WILLIE COLLINS; from Dallas County; 5th Court of Appeals District (05-12-00602-CV, \_\_\_ SW3d \_\_\_, 07-11-13)
- 13-0579** ANNIE COLE TRUITT v. SUSAN COLE BYARS AND WILLIAM C. COLE; from Wilbarger County; 7th Court of Appeals District (07-11-00348-CV, \_\_\_ SW3d \_\_\_, 05-30-13)
- 13-0656** KIEN M. NGUYEN v. CITIBANK, N.A.; from Harris County; 14th Court of Appeals District (14-12-00153-CV, 403 SW3d 927, 06-25-13)
- 13-0668** YIGAL BOSCH v. BRAES WOODS CONDOMINIUM ASSOCIATION; from Harris County; 1st Court of Appeals District (01-12-01114-CV, \_\_\_ SW3d \_\_\_, 07-11-13)
- 13-0669** LESTER JON RUSTON v. THE STATE OF TEXAS; from Collin County; 5th Court of Appeals District (05-13-00152-CV, \_\_\_ SW3d \_\_\_, 07-31-13)

**13-0671** CIRCLE RIDGE PRODUCTION, INC. v. KITTRELL FAMILY MINERALS, LLC; from Smith County; 6th Court of Appeals District (06-13-00009-CV, \_\_\_ SW3d \_\_\_, 07-17-13)

**13-0676** VERONICA CHAVEZ VARA v. MELISSA MORGAN WILLIAMS; from Travis County; 3rd Court of Appeals District (03-10-00861-CV, \_\_\_ SW3d \_\_\_, 03-28-13)

**13-0691** IN THE INTEREST OF P.Y.M., MINOR CHILD; from Bexar County; 4th Court of Appeals District (04-13-00024-CV, \_\_\_ SW3d \_\_\_, 08-07-13)

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:**

**08-0665** JERRY DOWDY, SHIRLEY DOWDY, LEO SANDOVAL, BEATRICE SANDOVAL AND KAY MORRIS v. UNION CARBIDE CORPORATION, ET AL.; from Orange County; 9th Court of Appeals District (09-08-00061-CV, 256 SW3d 869, 06-12-08)  
abatement order issued January 30, 2009, lifted  
motion to dismiss petition for review granted

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR  
WANT OF JURISDICTION:**

**13-0643** P. W. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Harris County; 1st Court of Appeals District (01-11-00603-CV, 403 SW3d 471, 04-23-13)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

**12-0876** ADVOCARE INTERNATIONAL, L.P. v. BRUCE BADGETT AND TERESA BADGETT; from Dallas County; 5th Court of Appeals District (05-10-00917-CV, \_\_\_ SW3d \_\_\_, 03-13-12)

(Chief Justice Hecht not sitting)

**13-0429** NEW YORK PARTY SHUTTLE, LLC v. JOHN BILELLO; from Harris County; 1st Court of Appeals District (01-11-01034-CV, \_\_\_ SW3d \_\_\_, 02-21-13)

**13-0520** PAC CAPITAL HOLDINGS, LTD. D/B/A PAC GROUP, LTD. v. WYNNE/JACKSON DEVELOPMENT, L.P.; W/J LAKES, L.P.; HILLWOOD OIL & GAS OPERATING COMPANY, L.P.; HILLWOOD ENERGY TEXAS, L.P.; OWNER'S ASSOCIATION AT COUNTRY LAKES, INC.; AND DENTON INDEPENDENT SCHOOL DISTRICT BY AND THROUGH ITS SUPERINTENDENT AND MEMBERS; from Denton County; 13th Court of Appeals District (13-12-00449-CV, \_\_\_ SW3d \_\_\_, 06-06-13)

### **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

**13-0581** IN RE GREGORY RANDALL ROOF

## MISCELLANEOUS

### THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

**13-0763** IN RE CATHERINE L. MARSTON, PH.D; from Travis County; 3rd Court of Appeals District (03-13-00287-CV, \_\_\_ SW3d \_\_\_, 05-09-13)

### THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

**13-0760** IN RE GREGORY LEE WEST; from Cherokee County; 12th Court of Appeals District (12-13-00273-CV, \_\_\_ SW3d \_\_\_, 10-09-13)  
motion to appoint counsel denied  
motion to subpoena trial court record dismissed as moot

# THE SUPREME COURT OF TEXAS

Orders Pronounced November 8, 2013

## ORDERS ON PETITIONS FOR REVIEW

### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0538** JASPER CANADY ENGLAND v. STATE OF TEXAS; from Milam County; 3rd Court of Appeals District (03-12-00635-CV, \_\_\_ SW3d \_\_\_, 05-31-13)
- 13-0539** JASPER CANADY ENGLAND v. STATE OF TEXAS; from Milam County; 3rd Court of Appeals District (03-12-00636-CV, \_\_\_ SW3d \_\_\_, 05-31-13)
- 13-0540** JASPER CANADY ENGLAND v. STATE OF TEXAS; from Milam County; 3rd Court of Appeals District (03-12-00637-CV, \_\_\_ SW3d \_\_\_, 05-31-13)
- 13-0541** JASPER CANADY ENGLAND v. STATE OF TEXAS; from Milam County; 3rd Court of Appeals District (03-12-00638-CV, \_\_\_ SW3d \_\_\_, 05-31-13)
- 13-0542** JASPER CANADY ENGLAND v. STATE OF TEXAS; from Milam County; 3rd Court of Appeals District (03-12-00639-CV, \_\_\_ SW3d \_\_\_, 05-31-13)
- 13-0543** JASPER CANADY ENGLAND v. STATE OF TEXAS; from Milam County; 3rd Court of Appeals District (03-12-00640-CV, \_\_\_ SW3d \_\_\_, 05-31-13)
- 13-0544** JASPER CANADY ENGLAND v. STATE OF TEXAS; from Milam County; 3rd Court of Appeals District (03-12-00641-CV, \_\_\_ SW3d \_\_\_, 05-31-13)

- 13-0545** JASPER CANADY ENGLAND v. STATE OF TEXAS; from Milam County; 3rd Court of Appeals District (03-12-00642-CV, \_\_\_ SW3d \_\_\_, 05-31-13)
- 13-0546** JASPER CANADY ENGLAND v. STATE OF TEXAS; from Milam County; 3rd Court of Appeals District (03-12-00643-CV, \_\_\_ SW3d \_\_\_, 05-31-13)
- 13-0653** DARRELL J. HARPER v. STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-13-00012-CV, \_\_\_SW3d\_\_\_, 08-09-13)
- 13-0679** BENITO MANUEL ALVAREZ ALONSO v. LUCIA ZEEVARET ALVAREZ; from Bexar County; 4th Court of Appeals District (04-12-00403-CV, \_\_\_ SW3d \_\_\_, 07-17-13)
- 13-0683** PANAMERICAN OPERATING, INC. v. MAUD SMITH ESTATE, A TEXAS GENERAL PARTNERSHIP; from Archer County; 8th Court of Appeals District (08-12-00036-CV, 409 SW3d 168, 07-24-13)
- 13-0685** CHRISTOPHER J. MCLUCAS v. GE CAPITAL INFORMATION TECHNOLOGY SOLUTIONS, INC.; from Tarrant County; 4th Court of Appeals District (04-12-00476-CV, \_\_\_ SW3d \_\_\_, 07-17-13)
- 13-0692** TWO BUSH COMMUNITY ACTION GROUP v. CITY OF JACKSBORO, IESI TX LANDFILL, LP AND THE TEXAS COMMISSION ON ENVIROMENTAL QUALITY; from Travis County; 3rd Court of Appeals District (03-10-00860-CV, \_\_\_ SW3d \_\_\_, 06-28-13)
- 13-0700** J. MARK AVERY v. LEANN RANDALL; from Williamson County; 3rd Court of Appeals District (03-12-00005-CV, \_\_\_ SW3d \_\_\_, 07-02-13)  
2 petitions



**13-0701** COMFORT NKASI ONYUNG, CHRISTINE ENEBONG ONYUNG AND THE ONYUNG LIVING TRUST v. DR. OKON ONYUNG, CMC BUILDERS CO., LTD., THE LAW OFFICE OF YUEN & ASSOCIATES, PLLC AND XENOS YUEN; from Fort Bend County; 1st Court of Appeals District (01-10-00519-CV, \_\_\_ SW3d \_\_\_, 07-25-13)

**13-0714** CHRISTOPHER KARONE TURNER v. TDCJ-ID ALLEN B. POLUNSKY UNIT; from Polk County; 9th Court of Appeals District (09-12-00517-CV, \_\_\_ SW3d \_\_\_, 06-27-13)

**13-0736** WORLD CAR NISSAN v. ABE'S PAINT & BODY, INC., ET AL.; from Bexar County; 4th Court of Appeals District (04-12-00457-CV, \_\_\_ SW3d \_\_\_, 07-31-13)

**13-0780** FLEETA FANNETTE v. BENJAMIN FANNETTE; from Brazos County; 10th Court of Appeals District (10-12-00141-CV, \_\_\_ SW3d \_\_\_, 07-11-13)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

**12-0805** RIO GRANDE REGIONAL HOSPITAL, ET AL. v. BELEM AYALA, INDIVIDUALLY AND AS NEXT FRIEND OF HER MINOR DAUGHTER, L.R., AND JUAN ANTONIO RIOS, JR., INDIVIDUALLY; from Hidalgo County; 13th Court of Appeals District (13-11-00686-CV, \_\_\_ SW3d \_\_\_, 08-24-12)

- 13-0505** JOHN FLOWERS v. CITY OF DIBOLL, TEXAS, STEVE BAKER AND KENT HAVARD; from Angelina County; 12th Court of Appeals District (12-12-00107-CV, \_\_\_ SW3d \_\_\_, 05-22-13)
- 13-0548** KEITH REDBURN v. CHARMELLE GARRETT, INDIVIDUALLY AND AS CITY MANAGER OF THE CITY OF VICTORIA, TEXAS AND LYNN SHORT, INDIVIDUALLY AND AS DIRECTOR OF PUBLIC WORKS OF THE CITY OF VICTORIA AND THE CITY OF VICTORIA; from Victoria County; 13th Court of Appeals District (13-12-00215-CV, \_\_\_ SW3d \_\_\_, 05-16-13)
- 13-0549** WILL WILLIAMS v. AMERICA FIRST LLOYDS INSURANCE; from Tarrant County; 2nd Court of Appeals District (02-12-00318-CV, \_\_\_ SW3d \_\_\_, 06-13-13)

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

- 13-0592** IN RE PHILIP B. SAUER; from Dallas County; 5th Court of Appeals District (05-13-00586-CV, \_\_\_ SW3d \_\_\_, 07-12-13)

**MISCELLANEOUS**

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

- 13-0784** IN RE MARIA GARCIA; from Denton County; 2nd Court of Appeals District (02-13-00299-CV, \_\_\_ SW3d \_\_\_, 08-29-13)
- 13-0791** IN RE JOE EARL THOMAS
- 13-0884** IN RE MOBILE CRANE SERVICE, INC.; from Hidalgo County; 13th Court of Appeals District (13-13-00575-CV, \_\_\_ SW3d \_\_\_, 11-01-13)  
emergency motion for temporary relief denied

# THE SUPREME COURT OF TEXAS

Orders Pronounced November 15, 2013

## ORDERS ON CAUSES

### THE FOLLOWING CAUSE IS SET FOR SUBMISSION:

**13-0638** FRANKIE SIMS, ET AL. v. CARRINGTON MORTGAGE SERVICES, L.L.C.

[**Note:** This cause has been set for oral argument at 9:00 a.m., December 4, 2013.]

Time allotted to argue: 20/20 minutes

## ORDERS ON PETITIONS FOR REVIEW

### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

**13-0519** VERN CANNON v. MBCI, A DIVISION OF NCI GROUP, INC.; from Harris County; 14th Court of Appeals District (14-11-00895-CV, \_\_\_ SW3d \_\_\_, 04-30-13)  
as reinstated

(Justice Brown not sitting)

**13-0713** LARRY R. MILLER v. ECTOR COUNTY HOSPITAL DISTRICT D/B/A MEDICAL CENTER HOSPITAL; from Ector County; 11th Court of Appeals District (11-11-00221-CV, \_\_\_ SW3d \_\_\_, 08-08-13)

**13-0718** ZANBAKA, USA, LLC, D/B/A DUKE'S TRAVEL PLAZA v. CITY OF CANTON, TEXAS; from Van Zandt County; 12th Court of Appeals District (12-12-00006-CV, \_\_\_ SW3d \_\_\_, 07-03-13)

**13-0737** ADALBERTO OLABARRIETA AND ALICIA OLABARRIETA v. COMPASS BANK, N.A. AND ROBERT NORMAN; from Hidalgo County; 13th Court of Appeals District (13-11-00748-CV, \_\_\_ SW3d \_\_\_, 08-01-13)

**13-0738** J. M. ARPAD LAMELL v. INDYMAC MORTGAGE SERVICES, DIVISION OF ONE WEST BANK, FSB, A FOREIGN CORPORATION; from Harris County; 14th Court of Appeals District (14-12-00412-CV, \_\_\_ SW3d \_\_\_, 07-11-13)

**13-0810** JOHN KLEAS v. CLARK, THOMAS & WINTERS, P.C.; from Travis County; 3rd Court of Appeals District (03-12-00755-CV, \_\_\_ SW3d \_\_\_, 08-21-13)

**13-0827** IN THE INTEREST OF A.G., ET AL., MINOR CHILDREN; from Bexar County; 4th Court of Appeals District (04-13-00131-CV, \_\_\_ SW3d \_\_\_, 08-28-13)

**THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED:**

**12-0990** RONALD JERROLS v. TEXAS MUTUAL INSURANCE COMPANY; from Harris County; 14th Court of Appeals District (14-11-00131-CV, 385 SW3d 619, 10-11-12)

respondent's motion to dismiss petition for review granted

(Justice Brown not sitting)

**12-0991** CEDRIC WILLIAMS AND JAIME LUNA v. TEXAS MUTUAL INSURANCE COMPANY; from Harris County; 14th Court of Appeals District (14-11-00496-CV, \_\_\_ SW3d \_\_\_, 10-11-12)

respondent's motion to dismiss petition for review granted

(Justice Brown not sitting)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:**

**13-0460** NATIONWIDE MUTUAL INSURANCE COMPANY AND NATIONWIDE PROPERTY AND CASUALTY INSURANCE COMPANY v. LILLY HELENE SCHAFFER, M.D.; from Nueces County; 13th Court of Appeals District (13-11-00503-CV, \_\_\_ SW3d \_\_\_, 05-16-13)

### **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

**13-0634** IN RE SOLUM ENGINEERING, INC.; from Harris County; 14th Court of Appeals District (14-13-00529-CV, \_\_\_ SW3d \_\_\_, 06-27-13)

## **MISCELLANEOUS**

### **THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

**13-0793** IN RE MARIO SAUCEDO SR.

**13-0797** IN RE JESUS GARCIA, JR.

**13-0799** IN RE DR. JOSEPH L. JEYARAJ; from McLennan County; 10th Court of Appeals District (10-13-00165-CV, \_\_\_ SW3d \_\_\_, 07-11-13)

**THE MOTIONS TO STAY IN THE FOLLOWING PETITIONS FOR WRIT  
OF MANDAMUS ARE DENIED:**

**13-0849** IN RE TRAVELERS LLOYDS OF TEXAS INSURANCE COMPANY; from Harris County; 1st Court of Appeals District (01-13-00225-CV, \_\_\_ SW3d \_\_\_, 10-15-13)  
motion for temporary relief denied

[Note: The petition for writ of mandamus remains pending before this Court.]

**13-0855** IN RE LOYA INSURANCE COMPANY; from Harris County; 1st Court of Appeals District (01-13-00242-CV, \_\_\_ SW3d \_\_\_, 10-15-13)  
motion for temporary relief denied

[Note: The petition for writ of mandamus remains pending before this Court.]

**13-0862** IN RE CECIL ADAMS AND MAXINE ADAMS; from Harris County; 1st Court of Appeals District (01-11-00552-CV, \_\_\_ SW3d \_\_\_, 08-02-13)  
emergency motion to stay denied

[Note: The petition for writ of mandamus remains pending before this Court.]

# THE SUPREME COURT OF TEXAS

Orders Pronounced November 22, 2013

## ORDERS ON CAUSES

11-0213 COINMACH CORP. F/K/A SOLON AUTOMATED SERVICES, INC. v. ASPENWOOD APARTMENT CORP.; from Harris County; 1st Court of Appeals District (01-08-00636-CV, 349 SW3d 621, 02-10-11)  
2 petitions

The Court affirms in part and reverses in part the court of appeals' judgment, renders judgment in part and remands the case to the trial court.

Justice Boyd delivered the opinion of the Court.

Justice Guzman delivered a concurring opinion, in which Justice Devine and Justice Brown joined.

12-0685 DALLAS METROCARE SERVICES v. ADOLFO JUAREZ; from Dallas County; 5th Court of Appeals District (05-11-01144-CV, \_\_\_ SW3d \_\_\_, 07-16-12)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

12-0721 CITY OF HOUSTON v. CHRISTOPHER RHULE; from Harris County; 1st Court of Appeals District (01-09-01079-CV, 377 SW3d 734, 06-07-12)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and renders judgment.

Per Curiam Opinion

**THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS  
GRANTED:**

13-0012 THE CITY OF WATAUGA v. RUSSELL GORDON; from Tarrant County; 2nd Court of Appeals District (02-12-00221-CV, 389 SW3d 604, 11-21-12) motion for leave to participate in oral argument granted

Time allotted to argue: 15/20/5 minutes

**THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE  
DENIED:**

11-0729 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY v. CITY OF WACO; from Travis County; 3rd Court of Appeals District (03-09-00005-CV, 346 SW3d 781, 06-17-11)

Court's [opinion](#) of August 23, 2013, corrected

11-0737 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY v. BOSQUE RIVER COALITION; from Travis County; 3rd Court of Appeals District (03-10-00475-CV, 347 SW3d 366, 08-02-11)

11-0934 LIBERTY MUTUAL INSURANCE COMPANY v. RICKY ADCOCK; from Tarrant County; 2nd Court of Appeals District (02-11-00059-CV, 353 SW3d 246, 10-20-11)

12-0539 KEVIN T. MORTON v. HUNG NGUYEN AND CAROL S. NGUYEN; from Harris County; 14th Court of Appeals District (14-11-00126-CV, 369 SW3d 659, 05-17-12)

(Justice Brown not sitting)



# ORDERS ON CASES GRANTED

## THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

12-0563 ALLEN CHADWICK BURBAGE v. W. KIRK BURBAGE AND BURBAGE FUNERAL HOME; from Bastrop County; 3rd Court of Appeals District (03-09-00704-CV, \_\_\_ SW3d \_\_\_, 12-21-11)

2 petitions

[Note: This case has been set for oral argument at 9:00 a.m., January 9, 2014.]

Time allotted to argue: 20/20 minutes

12-0789 TENASKA ENERGY, INC., TENASKA ENERGYHOLDINGS, LLC, TENASKACLEBURNE, LLC, CONTINENTAL ENERGY SERVICES, INC. AND ILLINOVA GENERATING COMPANY v. PONDEROSA PINE ENERGY, LLC; from Dallas County; 5th Court of Appeals District (05-10-00516-CV, 376 SW3d 358, 08-20-12)

[Note: This case has been set for oral argument at 9:00 a.m., January 7, 2014.]

Time allotted to argue: 20/20 minutes

12-0905 ENVIRONMENTAL PROCESSING SYSTEMS, L.C. v. FPL FARMING LTD.; from Liberty County; 9th Court of Appeals District (09-08-00083-CV, 383 SW3d 274, 09-13-12)

2 petitions

[Note: This case has been set for oral argument at 9:00 a.m., January 7, 2014.]

Time allotted to argue: 20/20 minutes

12-0937 MEHRDAD MOAYEDI v. INTERSTATE 35/CHISAM ROAD, L.P. AND MALACHI DEVELOPMENT CORPORATION; from Dallas County; 5th Court of Appeals District (05-11-00209-CV, \_\_\_ SW3d \_\_\_, 08-02-12)

[Note: This case has been set for oral argument at 9:00 a.m., January 8, 2014.]

Time allotted to argue: 20/20 minutes

12-1013 SCHLUMBERGER, LTD. D/B/A SCHLUMBERGER INFORMATION SYSTEMS AND SCHLUMBERGER TECHNOLOGY CORPORATION v. CHRISTOPHER ARTHEY AND DENISE ARTHEY; from Refugio County; 13th Court of Appeals District (13-11-00392-CV, 398 SW3d 831, 11-08-12)

[Note: This case has been set for oral argument at 9:00 a.m., January 8, 2014.]  
Time allotted to argue: 20/20 minutes

(Justice Green not sitting)

12-1039 LUBBOCK COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT AND TOMMY FISHER, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE BOARD OF DIRECTORS OF THE LUBBOCK COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT v. CHURCH & AKIN, L.L.C.; from Lubbock County; 7th Court of Appeals District (07-11-00495-CV, \_\_\_ SW3d \_\_\_, 10-16-12)

[Note: This case has been set for oral argument at 9:00 a.m., January 8, 2014.]  
Time allotted to argue: 20/20 minutes

(Justice Johnson not sitting)

13-0122 VENTURE COTTON COOPERATIVE AND NOBLE AMERICAS CORP. v. SHELBY ALAN FREEMAN, ET AL.; from Gaines County; 11th Court of Appeals District (11-11-00093-CV, 395 SW3d 272, 01-11-13)

[Note: This case has been set for oral argument at 9:00 a.m., January 9, 2014.]  
Time allotted to argue: 20/20 minutes

## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

12-0825 CUSTOM TRANSIT, L.P. AND CUSTOM OPERATIONS, LLC v. FLATROLLED STEEL, INC.; from Harris County; 14th Court of Appeals District (14-10-00936-CV, 375 SW3d 337, 06-14-12)  
2 petitions

(Justice Brown not sitting)

12-0959 PAMELA ROCHELLE KINNEY v. CHARLES PATRICK BATTEN; from Fort Bend County; 1st Court of Appeals District (01-11-00393-CV, \_\_\_ SW3d \_\_\_, 07-19-12)

- 13-0049 GLORIA ESTRADA v. ARTHUR & ENEDELIA MARTINEZ; from Bexar County; 4th Court of Appeals District (04-11-00893-CV, 392 SW3d 261, 12-05-12)
- 13-0184 ROSIE SIMMONS v. STEPHEN PAMATMAT, M.D. AND TYLER NEPHROLOGY ASSOCIATES, P.A.; from Smith County; 12th Court of Appeals District (12-11-00318-CV, \_\_\_ SW3d \_\_\_, 12-20-12)
- 13-0345 MADELYN HOLZMAN, M.D. v. THE STATE OF TEXAS; from Nueces County; 13th Court of Appeals District (13-11-00168-CV, \_\_\_ SW3d \_\_\_, 01-31-13)
- 13-0353 ENVIRONMENTAL PROCEDURES, INC. AND ADVANCED WIRECLOTH, INC. v. GEORGE E. GUIDRY AND DWIGHT W. ANDRUS INSURANCE, INC.; from Harris County; 14th Court of Appeals District (14-11-00090-CV, \_\_\_ SW3d \_\_\_, 09-13-12)

(Justice Guzman and Justice Brown not sitting)

- 13-0356 ANDREA SHERMAN v. HEALTHSOUTH SPECIALTY HOSPITAL, INC. DBA HEALTHSOUTH DALLAS REHAB HOSPITAL; from Dallas County; 5th Court of Appeals District (05-11-01039-CV, 397 SW3d 869, 04-02-13)
- 13-0370 MEMORIAL HERMANN SURGERY CENTER TEXAS MEDICAL CENTER, LLP v. LESTER SMITH AND WIFE, PATRICIA NELSON-SMITH; from Harris County; 1st Court of Appeals District (01-12-00393-CV, \_\_\_ SW3d \_\_\_, 12-20-12)
- 13-0396 PRINCIPAL COMMERCIAL ACCEPTANCE, L.L.C. v. BUCHANAN FUND V, L.L.C.; from Harris County; 1st Court of Appeals District (01-11-00782-CV, \_\_\_ SW3d \_\_\_, 12-06-12)
- 13-0397 HITESH B. YAGNIK, M.D. v. MARCUS HERNANDEZ AND DIANE HERNANDEZ; from Tarrant County; 2nd Court of Appeals District (02-11-00510-CV, \_\_\_ SW3d \_\_\_, 04-18-13)
- 13-0410 MARATHON MACHINE TOOLS INC. v. DAVIS-LYNCH, INC.; from Harris County; 14th Court of Appeals District (14-11-00794-CV, 400 SW3d 133, 04-09-13)
- 13-0421 GEORGE DONINGER v. THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Coryell County; 10th Court of Appeals District (10-13-00005-CV, \_\_\_ SW3d \_\_\_, 04-11-13)

13-0422 JACQUELINE RHODES v. DREVER WATERSTONE, LP AND CONCIERGE ASSET MANAGEMENT, LLC; from Harris County; 14th Court of Appeals District (14-12-00130-CV, \_\_\_ SW3d \_\_\_, 02-28-13)

13-0438 FELIX MICHAEL KUBOSH D/B/A KUBOSH BAIL BONDING, ET AL. v. HARRIS COUNTY, CHRIS DANIEL, IN HIS OFFICIAL CAPACITY AS DISTRICT CLERK OF HARRIS COUNTY, ET AL.; from Harris County; 1st Court of Appeals District (01-12-00214-CV, \_\_\_ SW3d \_\_\_, 05-02-13)

13-0443 ADEDAYO J. FASHAKIN v. FEDERAL HOME LOAN MORTGAGE CORPORATION; from Fort Bend County; 14th Court of Appeals District (14-11-01079-CV, \_\_\_ SW3d \_\_\_, 04-02-13)

(Justice Brown not sitting)

13-0492 MARYAM PARVIZ-KHYAVI, PH.D. v. ALCON LABORATORIES, INC. AND AETNA LIFE INSURANCE COMPANY; from Dallas County; 5th Court of Appeals District (05-11-00752-CV, \_\_\_ SW3d \_\_\_, 02-15-13)

13-0500 CHRIS THYGESEN AND BRUCE W. DERRICK, DERIVATIVELY ON BEHALF OF CLEARMEDIAONE, INC., AND ITS SHAREHOLDERS v. ROBERT F. STRANGE, JR., ROBERT J. VIGUET, JR. AND THOMPSON & KNIGHT, LLP; from Harris County; 14th Court of Appeals District (14-09-00866-CV; 14-10-00324-CV, \_\_\_ SW3d \_\_\_, 05-21-13)

(Justice Boyd not sitting)

13-0509 CYNTHIA DUPNIK v. HERMINA HERMIS; from Karnes County; 4th Court of Appeals District (04-12-00417-CV, \_\_\_ SW3d \_\_\_, 03-13-13)

13-0528 JUDSON LOFTS, LTD. v. GERARDO RICO; from Bexar County; 4th Court of Appeals District (04-12-00330-CV, \_\_\_ SW3d \_\_\_, 05-29-13)

13-0566 RICK D. BATY v. BOWEN MICLETTE & BRITT, INC., SAMUEL F. BOWEN, DAVID G. MICLETTE AND EDWARD G. BRITT JR.; from Harris County; 14th Court of Appeals District (14-11-00663-CV, \_\_\_ SW3d \_\_\_, 05-23-13)

(Justice Brown not sitting)

13-0604 J. RAY (TEX) RILEY v. COMMISSIONERS COURT OF BLANCO COUNTY, TEXAS; PAUL GRANBERG; VILL GUTHRIE; CHRIS LEISMAN; JAMES SULTEMEIER; AND JOHN F. WOOD; from Blanco County; 3rd Court of Appeals District (03-11-00276-CV, \_\_\_ SW3d \_\_\_, 05-23-13)

- 13-0612 IN RE COMMITMENT OF WILLIAM PAUL WEISSINGER; from Montgomery County; 9th Court of Appeals District (09-12-00486-CV, \_\_\_ SW3d \_\_\_, 06-27-13)
- 13-0630 TRACY NIXON v. ATTORNEY GENERAL OF THE STATE OF TEXAS GREG ABBOTT; from Dallas County; 5th Court of Appeals District (05-12-01065-CV, \_\_\_ SW3d \_\_\_, 08-05-13)
- 13-0654 CATHY CHARBONNET AND ERNEST CHARBONNET v. FAROUK SHAMI, INDIVIDUALLY, FAROUK SYSTEMS, INC. D/B/A FAROUK SYSTEMS GROUP, ARMSTRONG MCCALL, INC., ARMSTRONG MCCALL HOLDINGS, INC., ARMSTRONG MCCALL MANAGEMENT, L.C. AND ANDREW GUERRA; from Travis County; 4th Court of Appeals District (04-12-00711-CV, \_\_\_ SW3d \_\_\_, 06-12-13)
- 13-0662 SOUTHWEST PHARMACY SOLUTIONS, INC. D/B/A AMERICAN PHARMACIES v. TEXAS HEALTH AND HUMAN SERVICES COMMISSION AND THOMAS SUEHS, SOLELY IN HIS OFFICIAL CAPACITY AS EXECUTIVE COMMISSIONER OF THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION; from Travis County; 3rd Court of Appeals District (03-12-00293-CV, 408 SW3d 549, 07-12-13)

(Justice Boyd not sitting)

- 13-0665 PAMELA SCHEEL AND GARY M. POENISCH v. BRIAN ALFARO AND PRIMERA ENERGY PARTNERS, L.L.C.; from Bexar County; 4th Court of Appeals District (04-11-00443-CV; 04-11-00649-CV, 406 SW3d 216, 05-15-13)
- 13-0677 KAMAL S. KADI v. NEW TECH ENGINEERING, LP; from Harris County; 14th Court of Appeals District (14-12-00872-CV, \_\_\_ SW3d \_\_\_, 05-30-13)

(Justice Brown not sitting)

- 13-0734 EMMETT ROGERS v. ROBERT ORR AND WALKCON LTD.; from Parker County; 2nd Court of Appeals District (02-12-00333-CV, 408 SW3d 640, 08-01-13)
- 13-0735 HILDA GUADALUPE DAVILA v. JOSE ANTONIO DAVILA; from Hidalgo County; 13th Court of Appeals District (13-12-00517-CV, \_\_\_ SW3d \_\_\_, 08-01-13)
- 13-0803 IN THE INTEREST OF M.L.R., A CHILD; from Bexar County; 4th Court of Appeals District (04-13-00299-CV, \_\_\_ SW3d \_\_\_, 08-21-13)

- 13-0807 KELLY L. KILPATRICK v. TIMOTHY S. KILPATRICK AND KEVIN K. KILPATRICK; from Tarrant County; 2nd Court of Appeals District (02-12-00206-CV, \_\_\_ SW3d \_\_\_, 07-25-13)
- 13-0821 TAMMY ELLIOTT COCKE v. SIMON ELLIOTT, ET AL.; from Travis County; 3rd Court of Appeals District (03-12-00667-CV, \_\_\_SW3d\_\_\_, 08-27-13)
- 13-0826 SHARON HARTON v. FIRST VICTORIA NATIONAL BANK; from Jackson County; 13th Court of Appeals District (13-12-00491-CV, \_\_\_SW3d\_\_\_, 07-03-13)

THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 13-0732 IN RE COMMITMENT OF MARK PETERSIMES; from Montgomery County; 9th Court of Appeals District (09-12-00410-CV, \_\_\_ SW3d \_\_\_, 08-15-13) motion to exceed page limit denied

The Court strikes the petition for review with the following notation: "The petition violates Texas Rule of Appellate Procedure 9.4(i) and is struck. Petitioner is ordered to redraw; the petition is due to be filed by December 2, 2013."

- 13-0874 C.H. v. THE STATE OF TEXAS; from Tarrant County; 2nd Court of Appeals District (02-11-00335-cv, \_\_\_ SW3d \_\_\_, 09-12-13)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 5, 53.1, 53.2(k)(1)(C), and Misc. Docket No. 11-9152 - Electronic-Filing Rules and is struck. Petitioner is ordered to redraw; the petition is due to be filed by December 2, 2013."

- 13-0916 THREE LEGGED MONKEY, L.P., JAMES MICHAEL ARMSTRONG AND 2700 N. MESA, LLC v. JOHN COOK; from El Paso County; 8th Court of Appeals District (08-13-00189-CV, \_\_\_ SW3d \_\_\_, 08-21-13) motion requesting permission to file documents in paper form denied

The Court strikes the petition for review with the following notation: "The petition violates Misc. Docket No. 11-9152 - Electronic-Filing Rules and is struck. Petitioner is ordered to redraw; the petition is due to be filed by December 2, 2013."

**THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED FOR  
WANT OF JURISDICTION:**

- 13-0650 JOHN COCHRAN AND ALL OTHER OCCUPANTS OF 6808 CAMINO COURT FORT WORTH, TEXAS 76126 v. FEDERAL NATIONAL MORTGAGE ASSOCIATION AKA FANNIE MAE; from Tarrant County; 13th Court of Appeals District (13-12-00448-CV, \_\_\_ SW3d \_\_\_, 08-01-13)
- 13-0659 SADDLE BROOK WEST APARTMENTS v. SUNG JOON JANG AND SUNMI A. JANG; from McLennan County; 10th Court of Appeals District (10-11-00450-CV, \_\_\_ SW3d \_\_\_, 07-11-13)

**ORDERS ON MOTIONS FOR REHEARING**

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR  
REVIEW ARE DENIED:**

- 12-0814 STRAND SYSTEMS ENGINEERING, INC. v. JJW DEVELOPMENT, L.L.C. AND JOHN J. WINGFIELD, JR.; from Collin County; 5th Court of Appeals District (05-10-01359-CV, 378 SW3d 571, 08-24-12)
- 13-0185 BNW PROPERTY CO. v. CHESAPEAKE EXPLORATION, L.L.C.; from Loving County; 8th Court of Appeals District (08-11-00239-CV, 393 SW3d 852, 11-30-12)
- 13-0187 BNW PROPERTY CO. v. ANADARKO PETROLEUM CORPORATION; from Loving County; 8th Court of Appeals District (08-11-00238-CV, 393 SW3d 846, 11-30-12)
- 13-0291 METRO FORD TRUCK SALES, INC. v. MOTOR VEHICLE DIVISION, TEXAS DEPARTMENT OF MOTOR VEHICLES, FREIGHTLINER, LLC, N/K/A DAIMLER TRUCK NORTH AMERICA, LLC, AND STERLING TRUCK CORPORATION; from Travis County; 3rd Court of Appeals District (03-12-00411-CV, \_\_\_ SW3d \_\_\_, 03-13-13)

- 13-0304 YOUNG SONG AND GINGER SONG D/B/A WHEEL BURGER, GENE NAZLANKIN D/B/A SILBER ROAD AUTO AND WORLD CATERING, INC. v. THE CITY OF HOUSTON; from Harris County; 14th Court of Appeals District (14-11-00903-CV, \_\_\_ SW3d \_\_\_, 01-24-13)
- 13-0323 GLORIA OCHOA v. UNIVERSITY OF TEXAS SYSTEM; from Travis County; 3rd Court of Appeals District (03-11-00596-CV, \_\_\_ SW3d \_\_\_, 12-21-12)
- 13-0455 HYDROSCIENCE TECHNOLOGIES, INC. v. HYDROSCIENCE, INC., WHITEHALL CORPORATION, TIMCO AVIATION SERVICES, INC., AVIATION SALES COMPANY, AND ROY RIMMER; from Dallas County; 5th Court of Appeals District (05-11-01536-CV, 401 SW3d 783, 05-07-13)
- 13-0717 LAURANCE KRIEGEL v. CITY OF BOVINA; from Parmer County

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

- 13-0699 IN RE KATHERINE LOUISE KING; from Harris County; 1st Court of Appeals District (01-13-00434-CV, \_\_\_ SW3d \_\_\_, 08-06-13)

**MISCELLANEOUS**

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

- 11-1007 IN RE STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY; from Bexar County; 4th Court of Appeals District (04-11-00708-CV, \_\_\_ SW3d \_\_\_, 10-12-11)
- 13-0118 IN RE DISCOUNT TIRE COMPANY OF TEXAS; from Bexar County; 4th Court of Appeals District (04-12-00850-CV, \_\_\_ SW3d \_\_\_, 01-23-13)
- 13-0188 IN RE PAMELA ROCHELLE KINNEY; from Harris County; 1st Court of Appeals District (01-11-00393-CV)



13-0480 IN RE: IN THE INTEREST OF C.G.H., A MINOR; from Smith County; 12th  
Court of Appeals District (12-12-00433-CV)  
motion to request accelerated review dismissed as moot

13-0523 IN RE CHARLES JONES; from Grayson County; 5th Court of Appeals District  
(05-13-00782-CV, \_\_\_ SW3d \_\_\_, 06-28-13)

**THE FOLLOWING APPEAL FROM A DECISION OF THE BOARD OF  
DISCIPLINARY APPEALS IS DISMISSED:**

13-0898 CRAIG F. SANDLING v. COMMISSION FOR LAWYER DISCIPLINE

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced November 25, 2013**

**ORDERS ON CAUSES**

**THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS**  
**GRANTED:**

13-0084 HOUSTON UNLIMITED, INC. METAL PROCESSING v. MEL ACRES RANCH;  
from Washington County; 14th Court of Appeals District (14-10-01006-CV, 389  
SW3d 583, 11-15-12)  
motion for leave to participate in oral argument granted

Time allotted to argue: 15/20/5 minutes

# THE SUPREME COURT OF TEXAS

Orders Pronounced November 26, 2013

## ORDERS ON CAUSES

### THE FOLLOWING CAUSE IS DISMISSED:

12-0824 ALLSTATE INSURANCE COMPANY v. MICHAEL SPELLINGS, ET AL.; from Harris County; 1st Court of Appeals District (01-11-01065-CV, 388 SW3d 729, 06-28-12)  
petitioner's motion to dismiss appeal granted

## MISCELLANEOUS

### THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

13-0921 IN RE TEXANS FOR REAL EFFICIENCY AND EQUITY IN EDUCATION, ET AL.; from Travis County; 3rd Court of Appeals District (03-13-00733-CV, \_\_\_ SW3d \_\_\_, 11-14-13)  
2 petitions  
emergency motion for temporary relief denied

# THE SUPREME COURT OF TEXAS

## Orders Pronounced December 6, 2013

### ORDERS ON PETITIONS FOR REVIEW

#### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0615 RUKMI INDAH IDNIARTI, ET AL. v. BELL HELICOPTER TEXTRON, INC., ET AL.; from Tarrant County; 2nd Court of Appeals District (02-12-00045-CV, \_\_\_SW3d\_\_\_, 05-09-13)
- 13-0640 BRENDA GAIL SUTTON LEVETZ v. THOMAS MICHAEL SUTTON; from Collin County; 5th Court of Appeals District (05-11-00737-CV, \_\_\_SW3d\_\_\_, 06-03-13)
- 13-0716 D&M MARINE, INC. D/B/A PHIPPS & COMPANY HOMES v. J. NEAL TURNER AND KERIE B. TURNER; from Denton County; 1st Court of Appeals District (01-12-00622-CV, 409 SW3d 693, 07-11-13)
- 13-0744 ROPA EXPLORATION CORP. v. BARASH ENERGY, LTD.; from Tarrant County; 2nd Court of Appeals District (02-11-00258-CV, \_\_\_ SW3d \_\_\_, 06-13-13)
- 13-0762 EDWIN A. WHITE v. WELLS FARGO BANK, N.A. FKA WELLS FARGO BANK MINNESOTA, N.A., AS TRUSTEE FOR THE REGISTERED HOLDERS OF J.P. MORGAN CHASE COMMERCIAL MORTGAGE SECURITIES CORP., COMMERCIAL PASS THROUGH CERTIFICATES, SERIES 2003-PMI, ACTING THROUGH SERVICER ORIX CAPITAL MARKET; from Harris County; 14th Court of Appeals District (14-12-00574-CV, 407 SW3d 830, 07-09-13)
- (Justice Johnson not sitting)
- 13-0767 ENTERPRISE RECOVERY SYSTEMS, INC. v. CHRISTOPHER BROWN AND CARRIE BROWN; from Tarrant County; 2nd Court of Appeals District (02-11-00436-CV, \_\_\_SW3d\_\_\_, 08-22-13)

13-0770 MELISSA GATES v. TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES AND ANNE HEILIGENSTEIN; from Travis County; 3rd Court of Appeals District (03-11-00363-CV, \_\_\_ SW3d \_\_\_, 08-15-13)

(Justice Boyd not sitting)

13-0785 CLAVO OIL, L.L.C. v. MICHAEL HALLER, TONY KISHINDO AND HHT LIMITED COMPANY; from Shackelford County; 11th Court of Appeals District (11-11-00230-CV, \_\_\_ SW3d \_\_\_, 08-15-13)

13-0805 LINDA STARK BARRAS v. WILLIAM STARK III, INDEPENDENT EXECUTOR OF THE ESTATE OF IDA DICKENS STARK; from Orange County; 9th Court of Appeals District (09-12-00499-CV, \_\_\_ SW3d \_\_\_, 06-04-13)

13-0841 IN RE COMMITMENT OF CHARLES STEVEN CHAPMAN; from Montgomery County; 9th Court of Appeals District (09-11-00561-CV, \_\_\_ SW3d \_\_\_, 09-05-13)

13-0860 IN THE INTEREST OF E.E.V. AND D.D.F., CHILDREN; from Bexar County; 4th Court of Appeals District (04-13-00402-CV, \_\_\_ SW3d \_\_\_, 09-11-13)

13-0864 GENERAL CAPITAL GROUP BETELIGUNGSBERATUNG, GmbH v. AT&T, INC.; from Dallas County; 5th Court of Appeals District (05-12-00446-CV, 407 SW3d 507, 07-31-13)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

12-0878 ROMA INDEPENDENT SCHOOL DISTRICT v. EWING CONSTRUCTION COMPANY, CAB-COS CONTRACTORS, L.L.C., SECHRIST-HALL COMPANY AND PADRON PLUMBING, INC.; from Starr County; 4th Court of Appeals District (04-12-00035-CV, \_\_\_ SW3d \_\_\_, 07-25-12)

13-0388 JOHN E. RODARTE SR. v. BEXAR COUNTY, TEXAS, SHERIFF RALPH LOPEZ, ET AL.; from Bexar County; 4th Court of Appeals District (04-12-00211-CV, \_\_\_ SW3d \_\_\_, 05-08-13)

- 13-0399 IN THE INTEREST OF L. J., A CHILD; from Dallas County; 5th Court of Appeals District (05-12-01283-CV, \_\_\_ SW3d \_\_\_, 03-18-13)
- 13-0400 IN THE INTEREST OF N.T., A CHILD; from Dallas County; 5th Court of Appeals District (05-12-01284-CV, \_\_\_ SW3d \_\_\_, 03-18-13)
- 13-0674 EDMOND L. BISLAND III and RHONDA T. BISLAND v. FINANCIAL INDEMNITY COMPANY; from Hays County; 3rd Court of Appeals District (03-11-00228-CV, \_\_\_ SW3d \_\_\_, 06-21-13)

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

- 13-0583 IN RE BRENDEN F. DETERMANN; from Dallas County; 5th Court of Appeals District (05-13-00902-CV, \_\_\_ SW3d \_\_\_, 07-18-13)

**MISCELLANEOUS**

**THE FOLLOWING CASE IS REINSTATED:**

- 12-0485 IN RE TERESA CORRAL-LERMA; from El Paso County; 8th Court of Appeals District (08-11-00134-CV)  
motion to reinstate appeal granted abatement order issued December 14, 2012, lifted petition reinstated

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

- 13-0846 IN RE WILMA REYNOLDS; from Brazoria County; 14th Court of Appeals District (14-13-00871-CV, \_\_\_ SW3d \_\_\_, 10-17-13)  
motion to transfer in camera documents dismissed as moot motion to strike denied
- 13-0858 IN RE ANTHONY R. FREEMAN; from Bee County; 13th Court of Appeals District (13-13-00131-CV, \_\_\_ SW3d \_\_\_, 05-02-13)

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF  
MANDAMUS:

13-0953 IN RE MAGNUM HUNTER RESOURCES CORPORATION; from Dallas County; 5th Court of Appeals District (05-13-01649-CV, \_\_\_ SW3d \_\_\_,) emergency motion for temporary relief granted stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE FOLLOWING PETITION FOR WRIT OF INJUNCTION IS DENIED:

13-0878 IN RE JASMINE RICKS; from Harris County; 14th Court of Appeals District (14-13-00801-CV, \_\_\_ SW3d \_\_\_, 09-26-13) motion to stay dismissed as moot

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced December 12, 2013**

**ORDERS ON CAUSES**

THE FOLLOWING CAUSE IS ABATED:

12-0636 IN RE MELISSA BLEVINS; from Somervell County; 10th Court of Appeals  
District  
(10-12-00136-CV, \_\_\_ SW3d \_\_\_, 08-02-12)  
abatement order issued

[**Note:** The Courts' abatement order issued November 1, 2013 is extended until  
January 31,2014 and this cause remains abated pursuant to Texas Rule of  
Appellate Procedure 7.2.]



# THE SUPREME COURT OF TEXAS

Orders Pronounced December 13, 2013

## ORDERS ON CAUSES

12-0183 ROSSCER CRAIG TUCKER, II v. LIZABETH THOMAS; from Harris County; 14th Court of Appeals District (14-09-01081-CV, 405 SW3d 694, 12-20-11)

The Court reverses in part the court of appeals' judgment and remands the case to the trial court.

Justice Green delivered the opinion of the Court.

Justice Guzman delivered a concurring opinion, in which Justice Lehrmann joined.

(Justice Brown not sitting)

13-0072 YSLETA INDEPENDENT SCHOOL DISTRICT v. MARCELINO FRANCO; from El Paso County; 8th Court of Appeals District (08-12-00061-CV, 394 SW3d 728, 12-27-12)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and dismisses the case.

Per Curiam Opinion

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE  
DENIED:

11-0195 MONCRIEF OIL INTERNATIONAL, INC. v. OAO GAZPROM, GAZPROM EXPORT, LLC, AND GAZPROM MARKETING & TRADING, LTD.; from Tarrant County; 2nd Court of Appeals District (02-09-00336-CV, 332 SW3d 1, 11-24-10)

11-0394 LENNAR CORPORATION, LENNAR HOMES OF TEXAS SALES & MARKETING LTD. AND LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD. v. MARKEL AMERICAN INSURANCE COMPANY; from Harris County; 14th Court of Appeals District (14-10-00008-CV, 342 SW3d 704, 04-19-11)

motion to correct judgment granted  
corrected judgment issued

11-0438 JOSE L. ELIZONDO AND GUILLERMINA ELIZONDO v. RONALD D. KRIST, THE KRIST LAW FIRM, P.C., KEVIN D. KRIST, AND WILLIAM T. WELLS; from Harris County; 14th Court of Appeals District (14-09-00267-CV, 338 SW3d 17, 12-14-10)

(Chief Justice Hecht and Justice Brown not sitting)

11-0767 MICHAEL ROBERT TEDDER v. GARDNER ALDRICH, LLP; from Tarrant County; 2nd Court of Appeals District (02-10-00115-CV, \_\_\_ SW3d \_\_\_, 08-11-11)

corrected opinion issued

(Justice Lehrmann not sitting)

# ORDERS ON CASES GRANTED

## THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 12-0289 HMC HOTEL PROPERTIES II LIMITED PARTNERSHIP AND HOST HOTELS & RESORTS, INC. F/K/A HOST MARRIOTT CORPORATION AND HOST HOTELS & RESORTS, L.P. F/K/A HOST MARRIOTT, L.P. v. KEYSTONE-TEXAS PROPERTY HOLDING CORPORATION; from Bexar County; 4th Court of Appeals District (04-10-00620-CV, \_\_\_ SW3d \_\_\_, 11-23-11)  
motion for rehearing granted  
denial of petition for review on June 28, 2013, withdrawn  
petition reinstated

[**Note:** This case has been set for oral argument at 9:00 a.m., February 4, 2014.]  
Time allotted to argue: 20/20 minutes

- 13-0043 ROBERT KINNEY v. ANDREW HARRISON BARNES (A/K/A A. HARRISON BARNES, A.H. BARNES, ANDREW H. BARNES, HARRISON BARNES), BCG ATTORNEY SEARCH, INC., EMPLOYMENT CROSSING, INC. AND JD JOURNAL; from Travis County; 3rd Court of Appeals District (03-10-00657-CV, \_\_\_ SW3d \_\_\_, 11-21-12)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 9, 2014.]  
Time allotted to argue: 20/20 minutes

13-0096 TENET HOSPITALS LIMITED, A TEXAS LIMITED PARTNERSHIP D/B/A PROVIDENCE MEMORIAL HOSPITAL v. ELIZABETH RIVERA, AS NEXT FRIEND FOR MADELINE RODRIGUEZ; from El Paso County; 8th Court of Appeals District (08-11-00279-CV, 392 SW3d 326, 12-28-12)  
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., February 4, 2014.]  
Time allotted to argue: 20/20 minutes

13-0156 KEY OPERATING EQUIPMENT, INC. v. WILL HEGAR AND LOREE HEGAR; from Washington County; 1st Court of Appeals District (01-10-00350-CV, 403 SW3d 318, 01-07-13)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 4, 2014.]  
Time allotted to argue: 20/20 minutes

## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

13-0036 CORPUS CHRISTI INDEPENDENT SCHOOL DISTRICT v. TL MECHANICAL; from Nueces County; 13th Court of Appeals District (13-11-00624-CV, \_\_\_ SW3d \_\_\_, 03-29-12)

13-0157 HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61 v. FWO DEVELOPMENT, LTD.; from Harris County; 14th Court of Appeals District (14-12-00496-CV, 396 SW3d 647, 01-29-13)

(Justice Brown not sitting)

13-0369 SANDRA KINNEY, ET AL. v. GEORGE FLEMING AND FLEMING & ASSOCIATES, LLP; from Harris County; 14th Court of Appeals District (14-11-00611-CV, 395 SW3d 917, 04-09-13)

2 petitions

13-0412 FRANLINK, INC. D/B/A LINK STAFFING SERVICES v. GJMS UNLIMITED, INC., GLORIA M SALAZAR, AND JAIME LEE SALAZAR; from Harris County; 14th Court of Appeals District (14-12-00290-CV, 401 Sw3d 705, 04-25-13)

(Justice Brown not sitting)

13-0414 FAIRWAYS OFFSHORE EXPLORATION, INC. v. PATTERSON SERVICES, INC.; from Harris County; 1st Court of Appeals District (01-11-00079-CV, \_\_\_ SW3d \_\_\_, 05-23-13)

2 petitions

13-0452 NORCO CORPORATION v. PROTECT ENVIRONMENTAL SERVICES, INC.; from Tarrant County; 8th Court of Appeals District (08-11-00303-CV, 403 SW3d 532, 05-08-13)

13-0467 ROSALAVA SALAZAR v. CHCA BAYSHORE LP, D/B/A EAST HOUSTON REGIONAL MEDICAL CENTER; from Harris County; 14th Court of Appeals District (14-12-00928-CV, \_\_\_ SW3d \_\_\_, 05-07-13)

13-0531 BAKER HUGHES INCORPORATED v. ROBERT E. BROOKS; from Harris County; 14th Court of Appeals District (14-12-00534-CV, 405 SW3d 246, 06-04-13)

13-0647 ENCANA OIL & GAS (USA) INC. v. NABORS DRILLING USA, L.P.; from Wise County; 2nd Court of Appeals District (02-12-00166-CV, \_\_\_ SW3d \_\_\_, 07-11-13)

13-0661 GLENN SULLIVAN v. JANI-KING OF NEW YORK; from Dallas County; 5th Court of Appeals District (05-11-01546-CV, \_\_\_SW3d\_\_\_, 07-11-13)

13-0666 ALBERT ORTIZ v. NATIONAL CITY BANK OF INDIANA AND NATIONAL CITY HOME LOAN SERVICES, INC.; from Harris County; 14th Court of Appeals District (14-10-01125-CV, \_\_\_ SW3d \_\_\_, 05-16-13)

(Justice Brown not sitting)

13-0704 AMERICAN NATIONAL PROPERTY & CASUALTY COMPANY v. FREDRICH 2 PARTNERS, LTD.; from Denton County; 8th Court of Appeals District (08-12-00133-CV, 408 SW3d 610, 07-31-13)

13-0708 PATRICK KENNEDY, JR., BLAIR LABATT, TAYLOR COLLINS, DANA MCGINNIS & CLAIR OPPENHEIMER O'MALLEY v. BOARD OF ADJUSTMENT FOR THE CITY OF SAN ANTONIO & TRINITY UNIVERSITY; from Bexar County; 4th Court of Appeals District (04-12-00757-CV, 410 SW3d 31, 07-03-12)

13-0731 MATHEW ESTERS v. TEXAS DEPARTMENT OF TRANSPORTATION AND STANLEY YIN, IN HIS OFFICIAL CAPACITY; from Harris County; 14th Court of Appeals District (14-11-00977-CV, \_\_\_ SW3d \_\_\_, 07-30-13)

(Justice Brown not sitting)

13-0777 DOUGLAS RASMUSSEN AND KATHY RASMUSSEN v. TEXAS FARM BUREAU UNDERWRITERS AND TEXAS FARM BUREAU INSURANCE; from Brazoria County; 1st Court of Appeals District (01-12-00992-CV, \_\_\_ SW3d \_\_\_, 07-11-13)

- 13-0790 JAY SANDON COOPER v. CITY OF PLANO, TEXAS; from Collin County; 5th Court of Appeals District (05-12-01445-CV, \_\_\_ SW3d \_\_\_, 08-02-13)
- 13-0828 CITY OF SAN ANTONIO v. MARIA ELENA RODRIGUEZ; from Bexar County; 4th Court of Appeals District (04-13-00116-CV, \_\_\_ SW3d \_\_\_, 08-30-13)
- 13-0840 LEGALZOOM.COM, INC. v. SIMON SOLOTKO; from Travis County; 3rd Court of Appeals District (03-10-00755-CV, \_\_\_SW3d\_\_\_, 07-11-13)
- 13-0875 FRANCISCO BRACAMONTES v. YVONNE BRACAMONTES; from Hidalgo County; 13th Court of Appeals District (13-11-00779-CV, \_\_\_ SW3d \_\_\_, 07-25-13)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 12-0984 EDER PENA, INDIVIDUALLY, MARIA ENRIQUETA PENA, INDIVIDUALLY, AND AS NEXT FRIEND OF ESMERALDA AND EDNA PENA, MINORS v. NABORS DRILLING USA, LP; from Zapata County; 4th Court of Appeals District (04-11-00910-CV, 385 SW3d 103, 08-29-12)
- 13-0288 IN THE INTEREST OF C.M.F., L.M.F. AND C.G.E.; from Hardin County; 9th Court of Appeals District (09-11-00626-CV, \_\_\_ SW3d \_\_\_, 02-07-13)
- 13-0385 OLGA MURRY v. DODEKA, L.L.C.; from Tarrant County; 2nd Court of Appeals District (02-12-00062-CV, \_\_\_ SW3d \_\_\_, 01-10-13)

13-0595 JIM HERBERT HAMILTON, JR. v. BRAD LIVINGSTON, ET AL.; from Bee County; 13th Court of Appeals District (13-12-00637-CV, \_\_\_ SW3d \_\_\_, 06-13-13)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

13-0655 IN RE THERESA BARNETT; from Dallas County; 5th Court of Appeals District (05-13-00775-CV, \_\_\_ SW3d \_\_\_, 07-02-13)

motion for emergency relief denied

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

13-0294 IN RE RCI ENTERTAINMENT (SAN ANTONIO), INC.; from Bexar County; 4th Court of Appeals District (04-12-00732-CV, \_\_\_ SW3d \_\_\_, 11-27-12)

13-0346 IN RE GARY DON PERRYMAN, NANCY K. PERRYMAN AND LEASHA PERRYMAN BOWDEN; from Harris County; 14th Court of Appeals District (14-13-00131-CV, \_\_\_ SW3d \_\_\_, 04-04-13)

(Justice Brown not sitting)



13-0622 IN RE TOMAS ESPINOSA AND MARTHA ESPINOSA; from Tarrant County; 2nd Court of Appeals District (02-13-00246-CV, \_\_\_ SW3d \_\_\_, 07-29-13)

13-0889 IN RE GERALD ALLEN PERRY; from Harris County

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE  
DISMISSED:

13-0954 IN RE MONARCH SERVICE COMPANY II, LLC, FLEX CAPITAL TRANSPORTS, LLC, FLEXFRAC PROPPANT SAND SUPPLIERS, LLC AND ANDREW ADAMS; from Tarrant County; 2nd Court of Appeals District (02-13-00393-CV, \_\_\_ SW3d \_\_\_, 11-21-13)  
2 petitions  
as amended  
relators' unopposed motions to dismiss granted  
relators' amended motion for emergency temporary relief dismissed

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK  
PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

13-0965 IN RE CHRISTINE E. REULE; from Harris County; 14th Court of Appeals District (14-13-00502-CV)  
motion to exceed page limit denied

The Court strikes the petition for writ of mandamus with the following notation:  
"The petition violates Texas Rules of Appellate Procedure 9.4(i)(2)(D) and is struck. Relator is ordered to redraw; the petition is due to be filed by December 20, 2013."

THE FOLLOWING APPEAL FROM A DECISION OF THE BOARD OF  
DISCIPLINARY APPEALS IS DISMISSED:

13-0417 PAIGE HORELICA v. COMMISSION FOR LAWYER DISCIPLINE

# THE SUPREME COURT OF TEXAS

**Orders Pronounced December 16, 2013**

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

13-0972 IN RE JODIE STRAIN AND AMERITOX, LTD.; from Montgomery County;  
9th Court of Appeals District 09-13-00442-CV, \_\_\_ SW3d \_\_\_, 11-21-13)  
emergency motion for temporary relief denied

# THE SUPREME COURT OF TEXAS

## Orders Pronounced December 20, 2013

### ORDERS ON PETITIONS FOR REVIEW

#### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0649 A.V. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Victoria County; 13th Court of Appeals District (13-12-00684-CV, \_\_\_ SW3d \_\_\_, 05-09-13)
- 13-0719 VIOLETA PASKAUSKIENE v. TEXAS WORKFORCE COMMISSION & MICROCONSULT INC.; from Tarrant County; 2nd Court of Appeals District (02-12-00358-CV, \_\_\_ SW3d \_\_\_, 08-08-13)
- 13-0757 CHARLES P. BRANNAN AND CAREN ANN BRANNAN v. DENNIS M. TOLAND, M.D. AND NORTH CYPRESS MEDICAL CENTER OPERATING COMPANY LTD.; from Harris County; 1st Court of Appeals District (01-13-00051-CV, \_\_\_ SW3d \_\_\_, 08-06-13)
- 13-0831 SANTA ROSA INDEPENDENT SCHOOL DISTRICT v. RIGNEY CONSTRUCTION & DEVELOPMENT, LLC; from Cameron County; 13th Court of Appeals District (13-12-00627-CV, \_\_\_ SW3d \_\_\_, 06-13-13)
- 13-0896 CAMBRIDGE LEGACY GROUP, INC. v. RAVI JAIN; from Dallas County; 5th Court of Appeals District (05-12-00991-CV, \_\_\_ SW3d \_\_\_, 07-22-13)
- 13-0899 DONALD SEEBERGER v. BNSF RAILWAY COMPANY; from Harris County; 1st Court of Appeals District (01-12-00583-CV, \_\_\_ SW3d \_\_\_, 09-26-13)
- 13-0908 CHRISTUS HEALTH ARK-LA-TEX D/B/A CHRISTUS ST. MICHAEL HEALTH SYSTEM v. WILLIAM C. CURTIS AND TINA CURTIS; from Bowie County; 6th Court of Appeals District (06-13-00052-CV, 412 SW3d 44, 08-30-13)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 13-0532 TWI XVIII, INC. AND TEXAS WINGS, INC. v. CHRISTOPHER S. CARROLL NUMBER 1, LTD.; from Denton County; 2nd Court of Appeals District (02-12-00065-CV, \_\_\_ SW3d \_\_\_, 04-11-13)
- 13-0547 PAUL BLACK, PBF INVESTMENTS, LTD., BNP HOLDINGS, LTD., BNP COMMERCIAL PROPERTIES, LTD., PAGENERGY COMPANY, LLC, TSE EQUITIES I LLC, TSE EQUITIES COMPANY, LTD, BNP MANAGEMENT LLC, AND 500 WATER STREET PROPERTY LLC v. TOBY SHOR AND SEASHORE INVESTMENTS MANAGEMENT TRUST; from Nueces County; 13th Court of Appeals District (13-11-00413-CV, \_\_\_ SW3d \_\_\_, 04-18-13)

## **MISCELLANEOUS**

### **THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

- 13-0862 IN RE CECIL ADAMS AND MAXINE ADAMS; from Harris County; 1st Court of Appeals District (01-11-00552-CV, \_\_\_ SW3d \_\_\_, 08-02-13)
- 13-0918 IN RE SAMUEL LANGHORNE GLADNEY; from Travis County; 3rd Court of Appeals District (03-13-00552-CV, \_\_\_ SW3d \_\_\_, 08-21-13)
- 13-0995 IN RE SUGARLAND ANESTHESIA PLLC, STUART A. LINDE, M.D. STUART A. LINDE, M.D., PLLC, HUGH KER THOMSON, M.D., HUGH KER THOMSON, M.D., P.A., TL BILLING AND PRACTICE MANAGEMENT, LLC, FORT BEND MEDICAL STAFFING, LLC; from Harris County; 14th Court of Appeals District (14-13-00835-CV, \_\_\_ SW3d \_\_\_, 12-12-13) emergency motion for temporary relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

13-0264 IN RE MAMA TRIED, LLC AND JAMES ARLY NELSON; from Comal County; 3rd Court of Appeals District (03-13-00 174-CV, \_\_\_ SW3d \_\_\_, 03-21-13)  
motion to dismiss granted

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK  
PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

13-0992 IN RE ROBERT CHARLES SNIP, M.D. IN HIS PERSONAL CAPACITY AND AS THE INDEPENDENT EXECUTOR OF THE ESTATE OF RUSSELL THORN SNIP, M.D., DECEASED; from Bexar County; 4th Court of Appeals District (04-13-00714-CV, \_\_\_ SW3d \_\_\_, 11-13-13)

The Court strikes the petition for writ of mandamus with the following notation:  
"The petition violates Texas Rules of Appellate Procedure 5, 9.4(i), 52.3(k), and Misc. Docket No. 11-9152 - Electronic-Filing Rules 5(b)-(d), (g), 9, and Rules Governing Admission to the Bar of Texas - Rule XIX and is struck."

# THE SUPREME COURT OF TEXAS

Orders Pronounced December 30, 2013

## MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

13-0981 IN RE PHYSICIANS AND ALLIED HEALTH PROFESSIONALS GROUP, P.A.  
F/K/A MEDICAL EDGE HELATHCARE GROUP; from Dallas County; 5th Court  
of Appeals District (05-13-01287-CV, \_\_\_ SW3d \_\_\_, 10-31-13)  
motion for stay denied

# THE SUPREME COURT OF TEXAS

## Orders Pronounced January 3, 2014

### ORDERS ON PETITIONS FOR REVIEW

#### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0672 JOHN "TRACY" JOSEY v. STATE OF TEXAS; from Wise County; 2nd Court of Appeals District (02-13-00210-CV, \_\_\_ SW3d \_\_\_, 07-27-13)  
motion for writ of possession denied  
motion in arrest of judgment denied  
motion in supplemental affidavit of defense denied  
motion for writ of mandamus denied
- 13-0739 IN RE COMMITMENT OF RICHARD DARREN GOODWIN; from Montgomery County; 9th Court of Appeals District (09-12-00403-CV, \_\_\_ SW3d \_\_\_, 08-15-13)
- 13-0741 JESSE P. SKINNER v. THE STATE OF TEXAS; from Dallas County; 5th Court of Appeals District (05-12-00576-CV, \_\_\_ SW3d \_\_\_, 07-29-13)
- 13-0752 IN RE COMMITMENT OF ERICK LAWSON; from Montgomery County; 9th Court of Appeals District (09-12-00391-CV, \_\_\_ SW3d \_\_\_, 08-15-13)
- 13-0759 JESUS CERVANTES v. NEW HAMPSHIRE INSURANCE COMPANY, TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION, AND ROD BORDELON, JR. IN HIS OFFICIAL CAPACITY AS WORKERS' COMPENSATION COMMISSIONER; from Maverick County; 4th Court of Appeals District (04-12-00722-CV, \_\_\_ SW3d \_\_\_, 07-10-13)
- 13-0766 ALLEN MAKI v. BAHIIJA ASKOUR; from Tarrant County; 2nd Court of Appeals District (02-12-00513-CV, \_\_\_ SW3d \_\_\_, 08-15-13)
- 13-0772 PAUL KRAMER AND PK INDUSTRIES D/B/A CASTLEGATE HOMES v. MELISSA AND SCOT HOLLMANN; from Tarrant County; 2nd Court of Appeals District (02-11-00136-CV, \_\_\_ SW3d \_\_\_, 11-21-12)
- 13-0792 GERALD WILSON v. THE STATE OF TEXAS; from Montgomery County; 9th Court of Appeals District (09-12-00408-CV, \_\_\_ SW3d \_\_\_, 08-15-13)

- 13-0813 FREDERICK DEONE GOODEN v. JASON W. SCHOLL, D. ALVORADO, D. PIAZZA, S. TRENT, JAMES ANDERS, TRACI COOKE, LINDA RICHEY, T.D.C.J.-CID, AND RICK THALER; from Wichita County; 2nd Court of Appeals District (02-13-00268-CV, \_\_\_ SW3d \_\_\_, 08-22-13)
- 13-0822 JUD WALTON v. CITY OF MIDLAND; from Midland County; 11th Court of Appeals District (11-11-00237-CV, 409 SW3d 926, 08-30-13)
- 13-0833 IN THE MATTER OF Z.R., A CHILD; from Fort Bend County; 1st Court of Appeals District (01-11-00715-CV, \_\_\_ SW3d \_\_\_, 08-29-13)
- 13-0838 MENESE WALL v. PHILLIP M. ORR, AS TRUSTEE OF THE ORR FAMILY TRUST; from Collin County; 5th Court of Appeals District (05-12-00369-CV, \_\_\_SW3d\_\_\_, 07-30-13)
- 13-0847 MILLET HARRISON, JR. v. THE STATE OF TEXAS; from Jefferson County; 9th Court of Appeals District (09-13-00069-CV, \_\_\_ SW3d \_\_\_, 09-05-13)
- 13-0850 CONNOR R. BLAND v. TEXAS DEPARTMENT OF PUBLIC SAFETY; from Grimes County; 14th Court of Appeals District (14-12-01057-CV, \_\_\_ SW3d \_\_\_, 07-23-13)
- 13-0853 CURTIS W. BERRY v. CAROLYN I. BERRY; from Denton County; 8th Court of Appeals District (08-12-00033-CV, \_\_\_ SW3d \_\_\_, 09-11-13)
- 13-0900 DONALD E. SPENCER v. GC SERVICES LIMITED PARTNERSHIP AND ROSS, BANKS, MAY, CRON & CAVIN, P.C.; from Harris County; 1st Court of Appeals District (01-12-00159-CV, \_\_\_ SW3d \_\_\_, 05-07-13)
- 13-0911 IN RE COMMITMENT OF RONALD KEITH MITCHELL; from Montgomery County; 9th Court of Appeals District (09-12-00607-CV, \_\_\_ SW3d \_\_\_, 10-17-13)
- 13-0929 IN THE INTEREST OF J.M. AND Z.M., CHILDREN; from Nacogdoches County; 12th Court of Appeals District (12-11-00319-CV, \_\_\_ SW3d \_\_\_, 10-16-13)



## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:**

13-0653 DARRELL J. HARPER v. STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-13-00012-CV, \_\_\_SW3d\_\_\_, 08-09-13)

### **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

13-0804 IN RE JOHN PHILLIP BENDER; from Travis County; 3rd Court of Appeals District (03-09-00652-CR, \_\_\_ SW3d \_\_\_, 04-19-11)

## **MISCELLANEOUS**

### **THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

13-0852 IN RE MITCHELL KAZU ASTALOS; from Collin County; 5th Court of Appeals District (05-13-01311-CV)

13-0923 IN RE MICHAEL E. FITZMAURICE, WILLIAM FITZMAURICE, DOROTHY FITZMAURICE, GREGORY BRUMBAUGH AND KAREN MCCLURE; from Waller County; 14th Court of Appeals District (14-12-01121-CV, \_\_\_ SW3d \_\_\_, 10-10-13)

13-0965 IN RE CHRISTINE E. REULE; from Harris County; 14th Court of Appeals District  
(14-13-00502-CV  
as redrafted  
motion to stay proceedings denied)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

13-0054 IN RE RED FROG EVENTS, LLC; from Dallas County; 5th Court of Appeals  
District (05-13-00037-CV, 391 SW3d 341, 01-14-13)  
motion to dismiss proceeding granted

# THE SUPREME COURT OF TEXAS

## Orders Pronounced January 7, 2014

### MISCELLANEOUS

#### THE FOLLOWING CASE IS ABATED:

**13-0118** IN RE DISCOUNT TIRE COMPANY OF TEXAS; from Bexar County; 4th Court of Appeals District (04-12-00850-CV, \_\_\_ SW3d \_\_\_, 01-23-13)

agreed motion to abate for settlement granted  
abatement order issued

[**Note:** This case is removed from the Court's active docket until March 10, 2014, by which time the parties must file either a status report or a motion to dismiss.]

# THE SUPREME COURT OF TEXAS

## Orders Pronounced January 10, 2014

### ORDERS ON CAUSES

#### THE FOLLOWING CAUSE IS SET FOR SUBMISSION:

- 13-0639 STATE OFFICE OF RISK MANAGEMENT v. CHRISTY CARTY, INDIVIDUALLY AND AS NEXT FRIEND FOR B.C., J.C. AND M.C., MINORS AND AS REPRESENTATIVE OF THE ESTATE OF JIMMY CARTY JR., DECEASED  
[Note: This cause has been set for oral argument at 9:00 a.m., February 5, 2014.]  
Time allotted to argue: 20/20 minutes

### ORDERS ON PETITIONS FOR REVIEW

#### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0680 CHARLES J. WILLIAMSON v. THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-11-00786-CV, \_\_\_ SW3d \_\_\_, 06-26-13)
- 13-0681 CHARLES J. WILLIAMSON v. THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-11-00344-CV, \_\_\_ SW3d \_\_\_, 06-26-13)
- 13-0693 CHRISTINE E. REULE v. COLONY INSURANCE COMPANY; from Harris County; 14th Court of Appeals District (14-11-00602-CV, 407 SW3d 402, 07-12-13)

- 13-0788 JAMES J. AND JENEANE CREMERS v. MORRIS L. HALLMAN; from Smith County; 6th Court of Appeals District (06-13-00011-CV, \_\_\_ SW3d \_\_\_, 06-13-13)  
2 petitions
- 13-0845 DTND SIERRA INVESTMENTS, LLC v. DEUTCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., ASSET-BACKED-THROUGH CERTIFICATES, SERIES 2005-R6; from Bexar County; 4th Court of Appeals District (04-12-00817-CV, \_\_\_ SW3d \_\_\_, 08-21-13)
- 13-0890 GERALD ALLEN PERRY v. E.C. WILLIAMS, FORMER WARDEN; C. VONDRA, ASSISTANT WARDEN; TAMMY A. MESSIMER, PROPERTY OFFICER; FRAKIE HAYNES, LAW LIBRARIAN; STEVEN RICH, FORMER WARDEN; GENE A. KROLL, WARDEN; from Wichita County; 2nd Court of Appeals District (02-12-00006-CV, \_\_\_ SW3d \_\_\_, 06-20-13)
- 13-0891 OSCAR REYES, JR. v. ROBERTO M. BARRASA; from Bexar County; 4th Court of Appeals District (04-12-00673-CV, \_\_\_ SW3d \_\_\_, 09-11-13)
- 13-0939 IN RE COMMITMENT OF LLOYD ALEXANDER; from Montgomery County; 9th Court of Appeals District (09-11-00650-CV, \_\_\_ SW3d \_\_\_, 09-26-13)
- 13-0951 SCOTT MATTISON LAWSON v. TEXAS COURT OF CRIMINAL APPEALS SPECIFICALLY: BARBARA P. HERVEY, J., SHARON KELLER, P.J., CHARLES R. HOLCOMB, J., MIKE KEASLER, J., AND CATHY COCHRAN, J.; from Travis County; 11th Court of Appeals District (11-12-00026-CV, \_\_\_ SW3d \_\_\_, 10-24-13)
- 13-0952 ANDREA L. VIDRINE v. THE WOODLANDS LAND DEVELOPMENT COMPANY, L.P.; from Montgomery County; 9th Court of Appeals District (09-12-00378-CV, \_\_\_ SW3d \_\_\_, 09-19-2013)
- 13-0959 IN THE INTEREST OF M.P., K.G., AND J.P., CHILDREN; from Midland County; 11th Court of Appeals District (11-13-00142-CV, \_\_\_SW3d\_\_\_, 10-17-13)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

13-0630 TRACY NIXON v. ATTORNEY GENERAL OF THE STATE OF TEXAS GREG ABBOTT; from Dallas County; 5th Court of Appeals District (05-12-01065-CV, \_\_\_ SW3d \_\_\_, 08-05-13)

13-0683 PANAMERICAN OPERATING, INC. v. MAUD SMITH ESTATE, A TEXAS GENERAL PARTNERSHIP; from Archer County; 8th Court of Appeals District (08-12-00036-CV, 409 SW3d 168, 07-24-13)

## **MISCELLANEOUS**

### **THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

13-0962 EX PARTE DANIEL TREVINO; from Uvalde County; 4th Court of Appeals District (04-13-00543-CV, \_\_\_ SW3d \_\_\_, 10-09-13)

13-0963 IN RE MICHAEL IDROGO; from Bexar County; 4th Court of Appeals District (04-13-00684-CV)

13-1011 IN RE BANNER LIFE INSURANCE COMPANY; from Tom Green County; 3rd Court of Appeals District (03-13-00672-CV, \_\_SW3d \_\_, 12-19-13)  
motion for stay denied

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced January 15, 2014**

**ORDERS ON CASES GRANTED**

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

12-0620 RAHUL K. NATH, M.D. v. TEXAS CHILDREN'S HOSPITAL AND BAYLOR COLLEGE OF MEDICINE; from Harris County; 14th Court of Appeals District (14-11-00034-CV, 375 SW3d 403, 06-26-12)  
as reinstated

[**Note:** This case has been set for oral argument at 9:00 a.m., February 5, 2014.]  
Time allotted to argue: 20/20 minutes

12-0657 ASHISH PATEL, ANVERALI SATANI, NAZIRA MOMIN, MINAZ CHAMADIA, AND VIJAY LAKSHMI YOGI v. TEXAS DEPARTMENT OF LICENSING AND REGULATION, ET AL.; from Travis County; 3rd Court of Appeals District (03-11-00057-CV, \_\_\_ SW3d \_\_\_, 07-25-12)  
2 petitions

[**Note:** Oral argument of this case will be conducted on Thursday, February 27, 2014 at 10:00 a.m. at Hill County Courthouse, Hillsboro, Texas. *See* Tex. Const. art. V, § 3(a).]  
Time allotted to argue: 20/20 minutes

12-1002 MARCIA FULLER FRENCH, ET AL. v. OCCIDENTAL PERMIAN LTD.; from Scurry County; 11th Court of Appeals District (11-10-00282-CV, 391 SW3d 215, 10-31-12)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 5, 2014.]  
Time allotted to argue: 20/20 minutes

12-1006 CITY OF HOUSTON v. SHAYN A. PROLER; from Harris County; 14th Court of Appeals District (14-10-00971-CV, \_\_\_ SW3d \_\_\_, 05-31-12)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 6, 2014.]  
Time allotted to argue: 20/20 minutes

(Justice Brown not sitting)

13-0234 GILBERT WHEELER, INC. v. ENBRIDGE PIPELINES (EAST TEXAS), L.P.;  
from Shelby County; 12th Court of Appeals District (12-11-00303-CV, 393  
SW3d 921, 02-13-13)

[**Note:** Oral argument of this case will be conducted on Thursday, February 27,  
2014 at 10:00 a.m. at Hill County Courthouse, Hillsboro, Texas. *See* Tex. Const.  
art. V, § 3(a).]

Time allotted to argue: 20/20 minutes

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS SET FOR  
ORAL ARGUMENT:

13-0161 IN RE STATE BAR OF TEXAS; from Galveston County

[**Note:** This case has been set for oral argument at 9:00 a.m., February 6, 2014.]  
Time allotted to argue: 20/20 minutes



**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced January 16, 2014**

**MISCELLANEOUS**

THE MOTION TO STAY IN THE FOLLOWING PETITION FOR WRIT OF  
MANDAMUS IS DENIED:

13-0513 IN RE TEXAS ALCOHOLIC BEVERAGE COMMISSION AND SHERRY  
COOK, IN HER OFFICIAL CAPACITY AS TABC ADMINISTRATOR; from  
Travis County; 3rd Court of Appeals District (03-13-00435-CV, \_\_\_ SW3d \_\_\_,  
07-03-13)  
motion for emergency relief denied

[**Note:** The petition for writ of mandamus remains pending before this Court.]

# THE SUPREME COURT OF TEXAS

**Orders Pronounced January 17, 2014**

## ORDERS ON CAUSES

07-0010 GALVESTON CENTRAL APPRAISAL DISTRICT v. TRQ  
CAPTAIN'S LANDING, A TEXAS LIMITED PARTNERSHIP AND  
AMERICAN HOUSING FOUNDATION, A TEXAS NON PROFIT  
CORPORATION; from Galveston County; 1st Court of Appeals District  
(01-05-00496-CV, 212 SW3d 726, 10-05-06)  
abatement order issued August 28, 2009, lifted  
as reinstated

The Court affirms the court of appeals' judgment.

Chief Justice Hecht delivered the opinion of the Court.

12-0102 TEXAS COAST UTILITIES COALITION v. RAILROAD  
COMMISSION OF TEXAS AND CENTERPOINT ENERGY  
RESOURCES CORP. D/B/A CENTERPOINT ENERGY ENTEX AND  
CENTERPOINT ENERGY TEXAS GAS; from Travis County; 3rd  
Court of Appeals District (03-10-00242-CV, 357 SW3d 731, 10-27-11)  
2 petitions

The Court affirms the court of appeals' judgment.

Justice Boyd delivered the opinion of the Court.

12-0661 EWING CONSTRUCTION COMPANY, INCORPORATED v.  
AMERISURE INSURANCE COMPANY

The Court answers the first certified question by the United States Court of Appeals for the Fifth Circuit “no” and does not answer the second.

Justice Johnson delivered the opinion of the Court.

13-0257 IN THE INTEREST OF K.N.D., A CHILD; from Harris County; 1st  
Court of Appeals District (01-12-00584-CV, 403 SW3d 277, 12-21-12)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

12-0636 IN RE MELISSA BLEVINS; from Somervell County; 10th Court of  
Appeals District (10-12-00136-CV, \_\_\_ SW3d \_\_\_, 08-02-12)

motion for extension of court mandate denied

Because the request for an extension did not come from the trial court,  
the motion for extension of court mandate is denied.

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

12-0884 BNSF RAILWAY COMPANY v. RONALD NICHOLS; from Tarrant  
County; 2nd Court of Appeals District (02-10-00375-CV, 379 SW3d  
378, 06-21-12)

- 12-0918 TEXAS BOARD OF NURSING v. BERNARDINO PEDRAZA, JR.; from Hidalgo County; 13th Court of Appeals District (13-11-00068-CV, \_\_\_ SW3d \_\_\_, 08-31-12)
- 13-0082 ALEXANDER TAN AND LAN LY TAN v. ANTONIO DINAPOLI AND MAYA DINAPOLI; from Travis County; 3rd Court of Appeals District (03-11-00508-CV, \_\_\_ SW3d \_\_\_, 10-19-12)  
motion to dismiss for lack of subject matter jurisdiction denied
- 13-0165 FROST NATIONAL BANK, AS TRUSTEE OF THE PETERS FAMILY TRUST AND AS GUARDIAN OF THE ESTATE OF PETER ATCHISON, NCM; AND FALCON INTERNATIONAL BANK, TRUSTEE v. HAGER OIL AND GAS COMPANY, COATES ENERGY TRUST, AND COATES ENERGY INTERESTS, LTD.; from Duval County; 4th Court of Appeals District (04-11-00838-CV, \_\_\_ SW3d \_\_\_, 11-28-12)
- 13-0239 IN THE INTEREST OF R.T., J.L. AND E.Y., CHILDREN; from Victoria County; 13th Court of Appeals District (13-12-00580-CV, \_\_\_ SW3d \_\_\_, 02-07-13)
- 13-0336 DANIEL CALDWELL v. JENNIFER E. GOODFELLOW CALDWELL GARFUTT; from Williamson County; 3rd Court of Appeals District (03-10-00292-CV, \_\_\_ SW3d \_\_\_, 11-08-12)
- 13-0348 FFE TRANSPORTATION SERVICES, INC. AND CONWELL, LLC v. ANNIE CERVANTES RAMIREZ; from Bexar County; 4th Court of Appeals District (04-12-00342-CV, \_\_\_ SW3d \_\_\_, 04-03-03)
- 13-0350 RYAN T. SMITH AND CATHERINE R. SMITH v. SKINNER CUSTOM HOMES, INC.; from Tarrant County; 8th Court of Appeals District (08-12-00039-CV, 397 SW3d 841, 03-27-13)

- 13-0386 KENNETH W. FUQUA, RODNEY JAY GAPPLEBERG, FUQUA & GAPPLEBERG, LLP F/K/A FUQUA HUDNALL & GAPPLEBERG, LLP, TODD E. TRACY, AND TRACY AND CARBOY v. CANDACE GUNN, INDIVIDUALLY, AND AS NEXT FRIEND OF GARY GUNN, SR.; from Dallas County; 5th Court of Appeals District (05-11-00162-CV, 397 SW3d 358, 04-11-13)
- 13-0423 FORTY-FIVE THOUSAND FOUR HUNDRED EIGHTY DOLLARS, U.S. CURRENCY v. THE STATE OF TEXAS; from Titus County; 6th Court of Appeals District (06-12-00090-CV, \_\_\_ SW3d \_\_\_, 04-03-13)
- 13-0425 MT FALKIN INVESTMENTS, L.L.C. v. CHISHOLM TRAIL ELKS LODGE NO. 2659; from Williamson County; 3rd Court of Appeals District (03-11-00888-CV, 400 SW3d 658, 05-02-13)
- 13-0561 JEFFREY GRASS v. KNAPP MEDICAL CENTER, INC.; from Hidalgo County; 13th Court of Appeals District (13-12-00099-CV, \_\_\_ SW3d \_\_\_, 06-06-13)
- 13-0587 BH DFW, INC. v. BETTER BUSINESS BUREAU OF METROPOLITAN DALLAS, INC.; from Dallas County; 5th Court of Appeals District (05-12-00587-CV, 402 SW3d 299, 05-15-13)
- 13-0687 KATHERINE ELIZABETH WILLIAMS v. STATE OF TEXAS; from Guadalupe County; 4th Court of Appeals District (04-12-00144-CV, 406 SW3d 273, 06-19-13)
- 13-0694 JOHN H. THOMAS, M.D. v. GRAHAM MORTGAGE CORP., ET AL.; from Burnet County; 3rd Court of Appeals District (03-11-00335-CV, 408 SW3d 581, 07-24-13)

- 13-0706 BARTONVILLE WATER SUPPLY CORPORATION v. THE TOWN OF BARTONVILLE PLANNING AND ZONING BOARD OF ADJUSTMENTS AND KRISTI GILBERT; from Denton County; 4th Court of Appeals District (04-12-00483-CV, 410 SW3d 23, 06-12-13)
- 13-0707 CHARLES RAY MASON v. CRAIG WATKINS, CRIMINAL DISTRICT ATTORNEY, ET AL.; from Dallas County; 5th Court of Appeals District (05-11-00046-CV, \_\_\_ SW3d \_\_\_, 04-09-13)
- 13-0746 PUBLIC UTILITY COMMISSION OF TEXAS v. CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC; from Travis County; 3rd Court of Appeals District (03-11-00065-CV, 408 SW3d 910, 08-16-13)
- 13-0748 ALEJANDRO HERNANDEZ v. LAURA PORTER; from El Paso County; 8th Court of Appeals District (08-12-00111-CV, 406 SW3d 789, 07-31-13)
- 13-0771 ELNORA MOSES v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; from Lee County; 7th Court of Appeals District (07-12-00207-CV, \_\_\_ SW3d \_\_\_, 08-29-13)
- 13-0773 MID-CONTINENT CASUALTY COMPANY v. ROBERT KROLCZYK; from Waller County; 1st Court of Appeals District (01-12-00587-CV, 408 SW3d 896, 08-15-13)
- 13-0774 T.H. SONG-WINKLER, MICHELE ROELCKE AND SUSAN BRAUSS v. RMB INVESTMENTS, INC.; from Dallas County; 5th Court of Appeals District (05-11-00271-CV, 411 SW3d 614, 08-13-13)
- 13-0782 JAGHOUB "JACOB" KOHANNIM v. PARVANEH KATOLI; from Tarrant County; 8th Court of Appeals District (08-11-00155-CV, \_\_\_ SW3d \_\_\_, 07-24-13)

- 13-0809 THEAOLA ROBINSON v. KTRK TELEVISION, INC.; from Harris County; 1st Court of Appeals District (01-12-00372-CV, 409 SW3d 682, 07-11-13)
- 13-0811 JOHN T. JENKINS v. COUNSELOR LINDSAY L. LAMBERT AND CHERYL R. WORLEY, ET AL.; from Dallas County; 5th Court of Appeals District (05-13-00265-CV, \_\_\_ SW3d \_\_\_, 06-27-13)
- 13-0817 JESSE CANTU v. GUILLERMO GARZA D/B/A WILHOME BUILDERS & CONSTRUCTION; from Harris County; 14th Court of Appeals District (14-11-00724-CV, \_\_\_ SW3d \_\_\_, 08-27-13)
- 13-0818 MICHAEL S. TRAN, M.D. AND THANH TRAN v. CITIBANK (SOUTH DAKOTA), N.A.; from Dallas County; 5th Court of Appeals District (05-11-01423-CV, \_\_\_ SW3d \_\_\_, 06-21-13)
- 13-0835 CLIFTON E. WOLF, MELBA R. WOLF, MARY ELLEN CASTILLO AND JAMES ALLEN REINARZ, M.D. v. SHADY ACRES PROPERTY OWNERS ASSOCIATION, INC.; from Burnet County; 3rd Court of Appeals District (03-13-00069-CV, \_\_\_ SW3d \_\_\_, 08-29-13)
- 13-0868 IN THE MATTER OF J.D., A JUVENILE; from McLennan County; 10th Court of Appeals District (10-13-00112-CV, \_\_\_ SW3d \_\_\_, 09-26-13)
- 13-0904 ROSA SERRANO DBA THE LENS FACTORY AND INDIVIDUALLY v. PELLICANO BUSINESS PARK, L.L.C.; from El Paso County; 8th Court of Appeals District (08-13-00201-CV, \_\_\_ SW3d \_\_\_, 10-30-13)

13-0906 RANDALL LEE HALER v. BOYINGTON CAPITAL GROUP, INC.;  
from Collin County; 5th Court of Appeals District (05-12-00207-CV,  
411 SW3d 631, 08-15-13)

13-0935 RAYMOND MICHAEL LEE v. HARRIS COUNTY HOSPITAL  
DISTRICT; from Harris County; 1st Court of Appeals District (01-12-  
00311-CV, \_\_\_ SW3d \_\_\_, 10-15-13)

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED FOR WANT OF  
JURISDICTION:

13-0830 JAMES H. MAXWELL v. U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR JP MORGAN MORTGAGE ACQUISITION  
TRUST 2006-HE3 ASSET BACKED PASS-THROUGH  
CERTIFICATES SERIES 2006-HE3; from Harris County; 14th Court of  
Appeals District (14-12-00209-CV, \_\_\_ SW3d \_\_\_, 07-11-13)

*See* TEX. GOV'T CODE § 22.225(b)(1)

13-0885 MARVIN BRITTINGHAM, AND ALL OTHER OCCUPANTS OF  
3402 JAYWOOD COURT, ARLINGTON, TEXAS 76017 v. FEDERAL  
HOME LOAN MORTGAGE CORPORATION; from Tarrant County;  
2nd Court of Appeals District (02-12-00416-CV, \_\_\_SW3d\_\_\_ 09-19-  
13)

*See* TEX. GOV'T CODE § 22.225(b)(1)

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

13-0702 SCOTT M. BOLICK v. DRESSER-RAND COMPANY; from Harris  
County; 14th Court of Appeals District (14-12-00192-CV, \_\_\_ SW3d  
\_\_\_, 07-18-13)

abatement order issued

[**Note:** Effective as of December 19, 2013, the case is abated pursuant to  
Tex. R. App. P. 8.2 until further order of this Court and is removed from  
the Court's active docket, subject to reinstatement upon proper motion.  
Tex. R. App. P. 8.3. Tex. R. App. P. 8.2 and 8.3.]



**ORDERS ON MOTIONS FOR REHEARING**

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW  
ARE DENIED:

- 13-0366 MAJID NIKMARAM v. SECURITY STATE BANK & TRUST; from Bexar County; 4th Court of Appeals District (04-11-00928-CV, 397 SW3d 715, 12-21-12)
- 13-0659 SADDLE BROOK WEST APARTMENTS v. SUNG JOON JANG AND SUNMI A. JANG; from McLennan County; 10th Court of Appeals District (10-11-00450-CV, \_\_\_ SW3d \_\_\_, 07-11-13)
- 13-0677 KAMAL S. KADI v. NEW TECH ENGINEERING, LP; from Harris County; 14th Court of Appeals District (14-12-00872-CV, \_\_\_ SW3d \_\_\_, 05-30-13)
- (Justice Brown not sitting)
- 13-0679 BENITO MANUEL ALVAREZ ALONSO v. LUCIA ZEEVARET ALVAREZ; from Bexar County; 4th Court of Appeals District (04-12-00403-CV, 409 SW3d 754, 07-17-13)
- 13-0692 TWO BUSH COMMUNITY ACTION GROUP v. CITY OF JACKSBORO, IESI TX LANDFILL, LP AND THE TEXAS COMMISSION ON ENVIROMENTAL QUALITY; from Travis County; 3rd Court of Appeals District (03-10-00860-CV, \_\_\_ SW3d \_\_\_, 06-28-13)
- 13-0807 KELLY L. KILPATRICK v. TIMOTHY S. KILPATRICK AND KEVIN K. KILPATRICK; from Tarrant County; 2nd Court of Appeals District (02-12-00206-CV, \_\_\_ SW3d \_\_\_, 07-25-13)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF  
MANDAMUS IS DENIED:

13-0523 IN RE CHARLES JONES; from Grayson County; 5th Court of Appeals  
District (05-13-00782-CV, \_\_\_ SW3d \_\_\_, 06-28-13)

THE MOTIONS FOR REHEARING OF THE FOLLOWING DIRECT APPEALS ARE  
DENIED:

12-1023 DONALD G. MACPHAIL v. COMMISSION FOR LAWYER  
DISCIPLINE

12-1024 DONALD G. MACPHAIL v. COMMISSION FOR LAWYER  
DISCIPLINE

12-1025 DONALD G. MACPHAIL v. COMMISSION FOR LAWYER  
DISCIPLINE

12-1026 DONALD G. MACPHAIL v. COMMISSION FOR LAWYER  
DISCIPLINE

12-1027 DONALD G. MACPHAIL v. COMMISSION FOR LAWYER  
DISCIPLINE

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

11-1012 IN RE LAW ENFORCEMENT ALLIANCE OF AMERICA, INC.; from  
Travis County; 3rd Court of Appeals District (03-11-00634-CV, \_\_\_  
SW3d \_\_\_, 12-09-11)

12-0419 IN RE BLUE SKY GOLDEN FPS, LTD.; from Harris County; 1st Court of Appeals District (01-12-00167-CV, \_\_\_ SW3d \_\_\_, 04-26-12)  
as reinstated

13-0428 IN RE TWISTER B.V.; from Dallas County; 5th Court of Appeals District (05-13-00587-CV, \_\_\_ SW3d \_\_\_, 06-11-13)  
stay order issued August 27, 2013, lifted

13-0526 IN RE CURTIS MACK LEWIS; from Harris County

13-1040 IN RE TEXAS LA FIESTA AUTO SALES, LLC AND PATRICIA TUBBS; from Harris County; 14th Court of Appeals District (14-13-01067-CV)  
motion for emergency relief denied

14-0040 IN RE JOE POOL  
emergency motion for temporary relief denied  
emergency motion to increase word count dismissed as moot

(Justice Devine and Justice Brown not sitting)

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced January 24, 2014**

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

13-0232 IN THE INTEREST OF J.R.W., CHILD; from Harris County; 14th Court of Appeals District (14-12-00850-CV, \_\_\_ SW3d \_\_\_, 02-12-13)

(Justice Brown not sitting)

13-0354 IN THE INTEREST OF E.A., JR., A CHILD; from Tarrant County; 2nd Court of Appeals District (02-12-00418-CV, \_\_\_ SW3d \_\_\_, 03-28-13)

13-0754 IN THE INTEREST OF A.T., A CHILD; from Dallas County; 5th Court of Appeals District (05-13-00497-CV, 406 SW3d 365, 07-10-13)

2 petitions

13-0765 IN THE INTEREST OF M.C.D. II AND J.N.D., CHILDREN; from Tarrant County; 2nd Court of Appeals District (02-13-00061-CV, \_\_\_ SW3d \_\_\_, 07-18-13)

13-0808 IN THE INTEREST OF C.D., A CHILD; from Dallas County; 5th Court of Appeals District (05-13-00569-CV, \_\_\_ SW3d \_\_\_, 09-17-13)

13-0938 IN THE INTEREST OF M.A.M.S., A CHILD; from Tarrant County; 2nd Court of Appeals District (02-13-00168-CV, \_\_\_ SW3d \_\_\_, 10-17-13)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF  
JURISDICTION:

13-0859 ERIC W. NORRIS v. HOME CARE PROFESSIONAL SERVICES, INC.; from Harris County; 14th Court of Appeals District (14-13-00430-CV, \_\_\_ SW3d \_\_\_, 07-18-13)  
*See* Tex. R. App. P. 53.7(a)

THE MOTION FOR STAY IN THE FOLLOWING PETITION FOR REVIEW  
IS DENIED:

13-1036 CARL BENSON v. JP MORGAN CHASE BANK N.A., ET AL.; from Dallas County; 5th Court of Appeals District (05-12-00825-CV, \_\_\_ SW3d \_\_\_, 06-12-13)  
motion to stay temporary injunction denied

[**Note:** The petition for review remains pending before this Court.]

# THE SUPREME COURT OF TEXAS

Orders Pronounced January 31, 2014

## ORDERS ON CAUSES

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

10-0121 THE FINANCE COMMISSION OF TEXAS, THE CREDIT UNION COMMISSION OF TEXAS, AND TEXAS BANKERS ASSOCIATION v. VALERIE NORWOOD, ELISE SHOWS, MARYANN ROBLES-VALDEZ, BOBBY MARTIN, PAMELA COOPER, AND CARLOS RIVAS; from Travis County; 3rd Court of Appeals District (03-06-00273-CV, 303 SW3d 404, 01-08-10)

Supplemental Opinion on Motion for Rehearing

11-0228 BYRON D. NEELY, INDIVIDUALLY, AND BYRON D. NEELY, M.D., P.A. v. Nanci Wilson, CBS STATIONS GROUP OF TEXAS, L.P., D/B/A KEYE-TV AND VIACOM, INC.; from Travis County; 3rd Court of Appeals District (03-08-00495-CV, 331 SW3d 900, 02-09-11)

The Court's opinion issued June 28, 2013 is corrected. The dissenting opinion by Chief Justice Jefferson, joined by Justice Green and Justice Lehrmann, and the judgment issued June 28, 2013, remain in place.

Justice Lehrmann dissents to the denial of the motion for rehearing.

(Chief Justice Hecht not sitting)

# **ORDERS ON PETITIONS FOR REVIEW**

## **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 13-0751 DRIVEWAY AUSTIN GP, LLC v. TURBO PARTNERS, LLC; from Travis County; 7th Court of Appeals District (07-12-00191-CV, 409 SW3d 197, 08-07-13)
- 13-0800 RON VALENTINE v. JEREMY JAGODZINSKI AND CHRISTY GREEN; from Travis County; 3rd Court of Appeals District (03-13-00377-CV, \_\_\_ SW3d \_\_\_, 10-22-13)
- 13-0819 NEW DELIVERANCE CHURCH, INC. v. ADAM MILLER AND HOUSSIERE, DURANT & HOUSSIERE, LLP; from Harris County; 14th Court of Appeals District (14-10-01127-CV, \_\_\_SW3d\_\_\_, 07-25-13)
- 13-0832 PERRY D. (DON) WRIGHT AND LEE MURPHY v. THE MODERN GROUP, LTD, THE MODERN GROUP GP, INC., MODERN EPC, INC., WILL CRENSHAW AND CASEY CRENSHAW; from Jefferson County; 13th Court of Appeals District (13-12-00293-CV, \_\_\_SW3d\_\_\_, 08-30-13)
- 13-0843 IN THE INTEREST OF D.A.M., ET AL., A CHILD; from Bexar County; 4th Court of Appeals District (04-13-00601-CV, \_\_\_ SW3d \_\_\_, 10-07-13)
- 13-0894 SHAFII CHILDREN'S TRUST AND PARTY AND RECEPTION CENTER, INC. v. WEST AMERICAN INSURANCE COMPANY, LIBERTY MUTUAL INSURANCE COMPANY, OHIO CASUALTY INSURANCE COMPANY, AND AMERICA FIRST INSURANCE COMPANY; from Harris County; 14th Court of Appeals District (14-12-00447-CV, \_\_\_SW3d\_\_\_, 10-08-13)
- 13-0915 IN RE ESTATE OF JOHN DAVID HARRIS, DECEASED; from Tarrant County; 2nd Court of Appeals District (02-13-00294-CV, \_\_\_ SW3d \_\_\_, 10-03-13)

- 13-0919 IN THE MATTER OF D.X.S.; from Tarrant County; 13th Court of Appeals District (13-12-00446-CV, \_\_\_SW3d\_\_\_, 10-03-13)
- 13-0933 IN THE ESTATE OF RUBY RENEE BYROM, DECEASED; from Cherokee County; 12th Court of Appeals District (12-12-00374-CV, \_\_\_ SW3d \_\_\_, 07-31-13)
- 13-0980 IN RE COMMITMENT OF EDWARD RUSSELL TESSON; from Montgomery County; 9th Court of Appeals District (09-11-00709-CV, 413 SW3d 514, 10-17-13)
- 13-0985 FRED SAMSON v. JOHN JAMES GARZA; from Harris County; 1st Court of Appeals District (01-12-00938-CV, \_\_\_ SW3d \_\_\_, 10-29-13)
- 13-0990 DR. LALE YURTTAS v. MICHAEL V. PISHKO, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY, N.K. ANAND, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY, AND TEXAS A&M UNIVERSITY; from Brazos County; 10th Court of Appeals District (10-13-00029-CV, \_\_\_ SW3d \_\_\_, 10-31-13)
- 13-0999 AMY SELF v. TINA KING AND ELIZABETH TUCKER; from Collin County; 5th Court of Appeals District (05-11-01296-CV, \_\_\_ SW3d \_\_\_, 06-28-13)
- 13-1017 WENDY REESE-MANNS v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Gregg County; 6th Court of Appeals District (06-13-00058-CV, \_\_\_ SW3d \_\_\_, 10-17-13)



# **ORDERS ON MOTIONS FOR REHEARING**

## **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

12-0461 WESTERN AH 406 LTD. v. CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY; from Taylor County; 11th Court of Appeals District (11-10-00115-CV, 372 SW3d 672, 04-26-12)

13-0570 EDWARD PAUL CELESTINE, JR. v. COURTYARD OF THREE FOUNTAINS ASSOCIATION AND KRJ MANAGEMENT, INC.; from Harris County; 14th Court of Appeals District (14-12-00248-CV, \_\_\_ SW3d \_\_\_, 06-20-13)

(Justice Brown not sitting)

13-0650 JOHN COCHRAN AND ALL OTHER OCCUPANTS OF 6808 CAMINO COURT FORT WORTH, TEXAS 76126 v. FEDERAL NATIONAL MORTGAGE ASSOCIATION AKA FANNIE MAE; from Tarrant County; 13th Court of Appeals District (13-12-00448-CV, \_\_\_ SW3d \_\_\_, 08-01-13)

13-0767 ENTERPRISE RECOVERY SYSTEMS, INC. v. CHRISTOPHER BROWN AND CARRIE BROWN; from Tarrant County; 2nd Court of Appeals District (02-11-00436-CV, \_\_\_ SW3d \_\_\_, 08-22-13)

13-0810 JOHN KLEAS v. CLARK, THOMAS & WINTERS, P.C.; from Travis County; 3rd Court of Appeals District (03-12-00755-CV, \_\_\_ SW3d \_\_\_, 08-21-13)

13-0875 FRANCISCO BRACAMONTES v. YVONNE BRACAMONTES; from Hidalgo County; 13th Court of Appeals District (13-11-00779-CV, \_\_\_ SW3d \_\_\_, 07-25-13)

## MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE  
DENIED:

- 13-0984 IN RE FREDDIE LEE WALKER
- 13-0994 IN RE CHRIS ERCK; from Bexar County; 4th Court of Appeals District (04-13-00636-CV, \_\_\_ SW3d \_\_\_, 12-11-13)
- 13-1029 IN RE EDWARD R. NEWSOME; from Harris County; 14th Court of Appeals District (14-13-01051-CV, \_\_\_ SW3d \_\_\_, 12-12-13)

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF  
MANDAMUS:

- 14-0063 IN RE CLIVE BAR AUSTIN, LLC AND DKL HOLDINGS, LLC; from Travis County; 3rd Court of Appeals District (03-13-00829-CV, \_\_\_ SW3d \_\_\_, 01-17-14)

motion for temporary relief granted  
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced February 7, 2014**

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0374 DARLENE C. AMRHEIN v. LA MADELEINE, INC.; from Dallas County; 6th Court of Appeals District (06-12-00107-CV, \_\_\_ SW3d \_\_\_, 03-06-13)
- 13-0872 CAROLE ANN WALLACE AND DENNIS ARTHUR WALLACE, JR. v. BARBARA W. HERNANDEZ; from Travis County; 3rd Court of Appeals District (03-10-00555-CV, \_\_\_ SW3d \_\_\_, 08-28-13)
- 13-0971 MARSHA CHAMBERS v. THE STATE OF TEXAS; from Kaufman County; 5th Court of Appeals District (05-12-01178-CV, \_\_\_ SW3d \_\_\_, 08-26-13)
- 13-1034 IN THE INTEREST OF C.T., A.T., AND S.T., CHILDREN; from McLennan County; 10th Court of Appeals District (10-13-00391-CV, \_\_\_ SW3d \_\_\_, 12-12-13)
- 14-0003 CITY OF KILLEEN v. OFFICER ROBIN TALLEY; from Bell County; 3rd Court of Appeals District (03-09-00736-CV, \_\_\_SW3d\_\_\_, 11-20-13)

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 13-0922 IN RE ZAHIR QUERISHI; from Harris County; 14th Court of Appeals District (14-13-00834-CV, \_\_\_ SW3d \_\_\_, 10-10-13)
- 14-0024 IN RE CRESCENT DIRECTIONAL DRILLING, L.P., CRESCENT DIRECTIONAL DRILLING, LLC, GEORGE MOODY, TOBY ENGLE, CODY MEBANE, STEVE BIBB, RICKY NEAGLE, AND WILLIAM HOFFMAN; from Midland County; 11th Court of Appeals District (11-13-00359-CV)  
motion for emergency stay denied  
motion to seal granted

14-0036 IN RE PERSONAL CARE PRODUCTS, INC.; 3rd Court of Appeals District (03-13-00849-CV, \_\_\_\_\_ SW3d \_\_\_\_\_, 12-30-13)  
motion for emergency stay denied, as supplemented

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK  
PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

14-0053 IN RE COURTENAY BRANDT; from Williamson County; 3rd Court of Appeals District (03-13-00556-CV, \_\_\_ SW3d \_\_\_, 09-27-13)

The Court strikes the petition for writ of mandamus with the following notation:  
"The petition violates Texas Rules of Appellate Procedure 5, 9.4(h), (j)(2), (4), and 52.3(k)(B) and is struck. Relator is ordered to redraw; the petition is due to be filed by February 18, 2014."

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced February 14, 2014**

**ORDERS ON CAUSES**

**THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:**

- 11-0213 COINMACH CORP. F/K/A SOLON AUTOMATED SERVICES, INC. v. ASPENWOOD APARTMENT CORP.; from Harris County; 1st Court of Appeals District (01-08-00636-CV, 349 SW3d 621, 02-10-11)  
2 rehearings

The Court's opinion issued November 22, 2013 is corrected. The concurring opinion by Justice Guzman, joined by Justice Devine and Justice Brown, and the judgment issued November 22, 2013, remain in place.

- 12-0721 CITY OF HOUSTON v. CHRISTOPHER RHULE; from Harris County; 1st Court of Appeals District (01-09-01079-CV, 377 SW3d 734, 06-07-12)

**ORDERS ON CASES GRANTED**

**THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:**

- 13-0080 RSUI INDEMNITY COMPANY v. THE LYND COMPANY; from Bexar County; 4th Court of Appeals District (04-11-00193-CV, 399 SW3d 197, 03-28-12)

[**Note:** The date and time for oral argument are yet to be determined.]

- 13-0749 IN THE INTEREST OF A.B. AND H.B., CHILDREN; from Tarrant County; 2nd Court of Appeals District (02-11-00209-CV, 412 SW3d 588, 08-08-13)

[**Note:** This case has been set for oral argument at 9:00 a.m., April 22, 2014.]  
Time allotted to argue: 20/20 minutes

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS SET FOR  
ORAL ARGUMENT:

13-0537 IN RE STATE BOARD FOR EDUCATOR CERTIFICATION; from Travis County; 3rd Court of Appeals District (03-13-00376-CV, 411 SW3d 576, 07-03-13)

[**Note:** The date and time for oral argument are yet to be determined.]

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

13-0254 MELKO DOBROSLAVIC AND SOUTHAMPTON PROPERTIES, L.L.C. v. BEXAR APPRAISAL DISTRICT AND BEXAR COUNTY APPRAISAL REVIEW BOARD; from Bexar County; 4th Court of Appeals District (04-12-00207-CV, 397 SW3d 725, 12-28-12)

13-0472 ANDRA S. LITMAN v. CRAIG LITMAN; from Dallas County; 5th Court of Appeals District (05-11-00903-CV, 402 SW3d 280, 05-15-13)

13-0536 DEANA POLLARD SACKS v. BRIAN WEIL ZIMMERMAN AND ANDREW TODD MCKINNEY, IV; from Harris County; 14th Court of Appeals District (14-12-00115-CV, 401 SW3d 336, 04-04-13)

(Justice Brown not sitting)

13-0585 IN RE COMMITMENT OF JOHN EARL ALEXANDER; from Montgomery County; 9th Court of Appeals District (09-12-00236-CV, \_\_\_ SW3d \_\_\_, 05-30-13)

13-0607 SAN JACINTO TITLE SERVICES OF TEXAS, LLC, ET AL. v. KINGSLEY PROPERTIES, LP; from Nueces County; 13th Court of Appeals District (13-12-00352-CV, \_\_\_ SW3d \_\_\_, 04-25-13)

13-0627 LLOYD WARD & ASSOCIATES, PC AND LLOYD E. WARD v. THE BETTER BUSINESS BUREAU OF METROPOLITAN DALLAS, INC.; from Dallas County; 5th Court of Appeals District (05-12-00575-CV, 401 SW3d 440, 05-15-13)

13-0635 BISHOP PETROLEUM INC. v. INDIAN OIL COMPANY, LLC AND WILLIAM E. TROTTER, II; from Harris County; 14th Court of Appeals District (14-11-00908-CV, 406 SW3d 644, 04-25-13)

13-0636 GEORGE M. BISHOP v. ANDREW SHEBAY & COMPANY, P.L.L.C.; from Harris County; 1st Court of Appeals District (01-12-00118-CV, \_\_\_ SW3d \_\_\_, 05-02-13)

13-0644 VALLEY GRANDE MANOR, IN ITS ASSUMED OR COMMON NAME, VALLEY GRANDE MANOR, INC., IN ITS ASSUMED OR COMMON NAME, VALLEY GRANDE MANOR, INC. AND VALLEY GRANDE MANOR, INC. D/B/A VALLEY GRANDE MANOR v. RITA PAREDES, AS REPRESENTATIVE OF THE ESTATE OF SANTOS RAMON MEDINA, DECEASED; from Cameron County; 13th Court of Appeals District (13-11-00752-CV, \_\_\_ SW3d \_\_\_, 07-11-13)

(Chief Justice Hecht not sitting)

13-0658 JOHN MOORE SERVICES, INC. AND JOHN MOORE RENOVATION, LLC v. THE BETTER BUSINESS BUREAU OF METROPOLITAN HOUSTON, INC.; from Harris County; 1st Court of Appeals District (01-12-00990-CV, \_\_\_ SW3d \_\_\_, 07-16-13)

13-0663 DEBRA CHRIS MONTGOMERY KROUPA WILLIAMS v. WACHOVIA MORTGAGE CORP. AND ROBERT WARD WILLIAMS; from Dallas County; 5th Court of Appeals District (05-12-00038-CV, 407 SW3d 391, 07-11-13)

13-0673 ROY SEGER, ET AL. v. YORKSHIRE INSURANCE CO., LTD. AND OCEAN MARINE INSURANCE CO., LTD.; from Hutchinson County; 7th Court of Appeals District (07-12-00090-CV, 407 SW3d 435, 07-19-13)

- 13-0729 DESIGN TECH HOMES, LTD. AND DESIGN TECH HOMES OF TEXAS, LLC v. MARY MAYWALD AND RANDY MAYWALD; from Montgomery County; 9th Court of Appeals District (09-11-00589-CV, \_\_\_SW3d\_\_\_, 06-13-13)
- 13-0742 ADRIANE SPRINGS, INDIVIDUALLY AND AS NEXT FRIEND OF RON SPRINGS v. GAY ACEDO, R.N., JENNIFER BERTAUT, R.N., ABNOR SINDHU, R.N., DEBRA STUART, R.N., JACKIE LARAN, R.N., ISAAC DADA, EMMANUEL IWUOHA, BRITT BERRETT, PHD, FACHE, AND SUSAN HOLLINGSWORTH, R.N.; from Dallas County; 5th Court of Appeals District (05-12-00454-CV, \_\_\_ SW3d \_\_\_, 07-09-13)
- 13-0758 WILLIAM J. GONYEA AND CATHERINE J. GONYEA v. MIKE KERBY; from Johnson County; 10th Court of Appeals District (10-12-00182-CV, \_\_\_ SW3d \_\_\_, 08-08-13)
- 13-0764 KEVIN SCHRONK, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF HELEN SCHRONK, DECEASED, AND DUSTIN SCHRONK v. LAERDAL MEDICAL CORP; from Johnson County; 10th Court of Appeals District (10-12-00118-CV, \_\_\_ SW3d \_\_\_, 08-08-13)
- 13-0775 BIG ROCK INVESTORS ASSOCIATION v. J.A. MCENTIRE, III AND BIG ROCK PETROLEUM, INC.; from Tarrant County; 2nd Court of Appeals District (02-12-00396-CV, 409 SW3d 845, 08-15-13)
- 13-0778 VAREL INTERNATIONAL INDUSTRIES L.P. AND VAREL EUROPE, S.A.S. v. PETRODRILLBITS INTERNATIONAL, INC.; from Dallas County; 5th Court of Appeals District (05-12-00406-CV, \_\_\_ SW3d \_\_\_, 08-20-13)
- 13-0820 EDOM WASH 'N DRY, LLC v. THE SHED, LLC AND MARY ELLEN MALONE; from Van Zandt County; 12th Court of Appeals District (12-12-00073-CV, \_\_\_ SW3d \_\_\_, 07-10-13)
- 13-0863 CECIL ADAMS AND MAXINE ADAMS v. REBECCA ROSS; from Harris County; 1st Court of Appeals District (01-11-00552-CV, \_\_\_ SW3d \_\_\_, 11-19-13)



13-0881 CAROL BIRCH, CHARLES HOMER, ANN LANDEROS AND CAROL WOOD v. TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS; from Travis County; 4th Court of Appeals District (04-12-00681-CV, \_\_\_ SW3d \_\_\_, 07-24-13)  
3 petitions

13-0905 IRENE TILLMAN v. MEMORIAL HERMANN HOSPITAL SYSTEM D/B/A MEMORIAL HERMANN SOUTHWEST HOSPITAL; from Harris County; 14th Court of Appeals District (14-12-01169-CV, \_\_\_SW3d\_\_\_, 10-01-13)

13-0910 BOB BENNETT & ASSOCIATES, P.L.L.C. and BOB BENNETT v. GARY O. LAND; from Harris County; 1st Court of Appeals District (01-12-00795-CV, \_\_\_SW3d\_\_\_, 06-04-13)

**THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):**

13-1038 RODOLFO RIVERA MUNOZ v. THE CITY OF BALCONES HEIGHTS, THE CITY OF SAN ANTONIO, AND THE STATE OF TEXAS; from Bexar County; 4th Court of Appeals District (04-13-00439-CV, \_\_\_ SW3d \_\_\_, 11-20-13)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.2(c)(1)-(2), 9.4(i)(3), and 53.2(k)(1)(c), and is struck. Petitioner is ordered to redraw; the petition is due to be filed by February 24, 2014."

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:**

13-0925 IN THE ESTATE OF RODOLFO MORALES; from El Paso County; 8th Court of Appeals District (08-11-00334-CV, \_\_\_ SW3d \_\_\_, 09-11-13)  
motion to dismiss granted

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF  
JURISDICTION:**

13-0842 CYNTHIA JOHNSON v. NARISSA MOHAMMED AND NICHOLAS  
MOHAMMED; from Bell County; 3rd Court of Appeals District (03-10-00763-  
CV, \_\_\_ SW3d \_\_\_, 05-10-13)  
*See* TEX. GOV'T CODE § 22.225(b)(1)

**ORDERS ON MOTIONS FOR REHEARING**

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR  
REVIEW ARE DENIED:**

12-0906 TRAIL ENTERPRISES, INC. D/B/A WILSON OIL COMPANY, ET AL. v.  
CITY OF HOUSTON, TEXAS; from Harris County; 14th Court of Appeals  
District (14-10-00944-CV; 14-11-00417-CV, \_\_\_ SW3d \_\_\_, 08-09-12)

(Justice Brown not sitting)

12-0926 AMERICAN HOME ASSURANCE COMPANY v. NOELA DE LOS SANTOS,  
INDIVIDUALLY AND AS NEXT FRIEND OF KIMBERLY ANN RUIZ; from  
Jim Wells County; 4th Court of Appeals District (04-10-00852-CV, \_\_\_ SW3d  
\_\_\_, 09-19-12)

12-0959 PAMELA ROCHELLE KINNEY v. CHARLES PATRICK BATTEN; from Fort  
Bend County; 1st Court of Appeals District (01-11-00393-CV, \_\_\_ SW3d \_\_\_,  
07-19-12)

13-0647 ENCANA OIL & GAS (USA) INC. v. NABORS DRILLING USA, L.P.; from  
Wise County; 2nd Court of Appeals District (02-12-00166-CV, \_\_\_ SW3d \_\_\_,  
07-11-13)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR  
WRIT OF MANDAMUS IS DENIED:

13-0188 IN RE PAMELA ROCHELLE KINNEY; from Harris County; 1st Court of Appeals District

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

13-0261 IN RE LINDA RAE TEDESCO AND LUCILLE W. SHIVER; from Denton County; 2nd Court of Appeals District (02-12-00255-CV, \_\_\_ SW3d \_\_\_, 03-21-13)  
emergency motion for stay and other temporary relief denied

13-1015 IN RE JB OIL & GAS WELL SERVICE, INC.; from Dimmit County; 4th Court of Appeals District (04-13-00692-CV, \_\_\_ SW3d \_\_\_, 12-20-13)

13-1035 IN RE SAM HOUSTON AND MEERA SINGH; from Williamson County; 13th Court of Appeals District (13-13-00688-CV, \_\_\_ SW3d \_\_\_, 12-18-13)  
request for judicial notice denied, as supplemented

14-0026 IN RE D.D.E.; from Harris County; 1st Court of Appeals District (01-13-00623-CV, 415 SW3d 522, 10-11-13)  
motion for temporary relief and stay of mandamus dismissed as moot

14-0078 IN RE JOSE A. VALDEZ; from Webb County

THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE  
FOLLOWING APPEAL IS AFFIRMED:

13-0588 ARMANDO TREVINO v. COMMISSION FOR LAWYER DISCIPLINE

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced February 21, 2014**

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0851 ANTHONY BONFANTI, JR. v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE - INSTITUTIONAL DIVISION, TEXAS BOARD OF PARDONS PAROLES; from Travis County; 3rd Court of Appeals District (03-12-00350-CV, \_\_\_ SW3d \_\_\_, 08-16-13)
- 13-0854 JUANITA J. GAROFALO v. CHECK INTO CASH OF TEXAS, LLC; from Collin County; 5th Court of Appeals District (05-12-01193-CV, \_\_\_ SW3d \_\_\_, 07-24-13)
- 13-1036 CARL BENSON v. JP MORGAN CHASE BANK N.A., ET AL.; from Dallas County; 5th Court of Appeals District (05-12-00825-CV, \_\_\_ SW3d \_\_\_, 06-12-13)

**ORDERS ON MOTIONS FOR REHEARING**

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:

- 13-0292 MARTHA GREGORY D/B/A WORKZONE TECHNOLOGIES v. PORTER & HEDGES, L.L.P.; from Harris County; 14th Court of Appeals District (14-12-00197-CV, 398 SW3d 881, 03-21-13)

(Justice Brown not sitting)

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR  
WRIT OF MANDAMUS IS DENIED:**

13-0804 IN RE JOHN PHILLIP BENDER; from Travis County; 3rd Court of Appeals  
District (03-09-00652-CR, \_\_\_ SW3d \_\_\_, 04-19-11)

**MISCELLANEOUS**

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

14-0012 IN RE STEPHEN A. BERGENHOLTZ; from Collin County; 5th Court of  
Appeals District (05-13-01228-CV, \_\_\_ SW3d \_\_\_, 10-03-13)  
motion to seal certain records granted

14-0076 IN RE CABELTEL INTERNATIONAL CORPORATION N/K/A NEW  
CONCEPT ENERGY, INC.; from Tarrant County; 2nd Court of Appeals  
District (02-11-00224-CV, \_\_\_ SW3d \_\_\_, 07-12-12)  
motion for emergency stay denied

14-0118 IN RE TERRENCE M. GORE; from Dallas County; 5th Court of Appeals  
District (05-14-00103-CV, \_\_\_ SW3d \_\_\_, 02-05-14)  
request for temporary relief denied

**THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:**

14-0111 IN RE HUSQVARNA CONSUMER OUTDOOR PRODUCTS N.A., INC.;  
from Brazoria County; 1st Court of Appeals District (01-14-00093-CV, \_\_\_  
SW3d \_\_\_, 02-03-14)  
motion to dismiss granted

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced February 26, 2014**

**MISCELLANEOUS**

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

14-0127 IN RE WALKER & TWENHAFEL, LLP; from Hidalgo County; 13th Court of Appeals District (13-14-00065-CV, \_\_\_ SW3d \_\_\_, 02-14-14)  
motion for emergency stay denied, as supplemented

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced February 28, 2014**

**ORDERS ON CAUSES**

12-0163 IN RE MARK FISHER AND REECE BOUDREAUX; from Wise County; 2nd Court of Appeals District (02-11-00013-CV, \_\_\_ SW3d \_\_\_, 02-01-12)  
stay order issued September 21, 2012, lifted

The Court conditionally grants the writ of mandamus.

Justice Johnson delivered the opinion of the Court.

**ORDERS ON CASES GRANTED**

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR  
REVIEW IS GRANTED:**

13-0209 NACOGDOCHES HEART CLINIC, P.A., PRABHAKAR R. GUNIGANTI, M.D., AND EAST TEXAS CARDIOVASCULAR LABS, LLC v. VIJAY R. POKALA, M.D., D/B/A NACOGDOCHES CARDIAC CENTER; from Nacogdoches County; 12th Court of Appeals District (12-11-00133-CV, \_\_\_ SW3d \_\_\_, 02-06-13)  
denial of petition for review on August 23, 2013, withdrawn  
petition reinstated



## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 13-0732 IN RE COMMITMENT OF MARK PETERSIMES; from Montgomery County; 9th Court of Appeals District (09-12-00410-CV, \_\_\_ SW3d \_\_\_, 08-15-13)  
as redrafted
- 13-0924 HOLLY MILLER v. PATRICK KITTMAN; from Sabine County; 12th Court of Appeals District (12-13-00097-CV, \_\_\_SW3d\_\_\_, 08-29-13)
- 13-1007 SHANNON L. JOHNSON AND JAVIER G. GONZALEZ v. WATERS AT ELM CREEK, LLC; from Bexar County; 4th Court of Appeals District (04-12-00779-CV, 416 SW3d 42, 10-16-13)
- 13-1009 IN RE A REPORTED LIEN OR CLAIM AGAINST HAI QUANG LA AND THERESA THOM NGUYEN; from Tarrant County; 2nd Court of Appeals District (02-13-00110-CV, 415 SW3d 561, 10-17-13)
- 14-0044 TECORE, INC. v. AIRWALK COMMUNICATIONS, INC.; from Dallas County; 5th Court of Appeals District (05-12-00130-CV, \_\_\_ SW3d \_\_\_, 12-04-13)
- 14-0062 JOHN H. HARVISON, GLENDA SUE HARVISON, JOHN D. HARVISON, 7HBF MANAGEMENT CO., LTD., DONALD H. RAY, DONALD H. RAY, P.C., and RAY & WILSON v. GERALD BAKKE, INDIVIDUALLY AND ON BEHALF OF 7800 RANCH INVESTMENT, INC.; from Tarrant County; 8th Court of Appeals District (08-11-00300-CV, \_\_\_ SW3d \_\_\_, 10-16-13)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 13-0741 JESSE P. SKINNER v. THE STATE OF TEXAS; from Dallas County; 5th Court of Appeals District (05-12-00576-CV, \_\_\_ SW3d \_\_\_, 07-29-13)
- 13-0813 FREDERICK DEONE GOODEN v. JASON W. SCHOLL, D. ALVORADO, D. PIAZZA, S. TRENT, JAMES ANDERS, TRACI COOKE, LINDA RICHEY, T.D.C.J.-CID, AND RICK THALER; from Wichita County; 2nd Court of Appeals District (02-13-00268-CV, \_\_\_ SW3d \_\_\_, 08-22-13)
- 13-0891 OSCAR REYES, JR. v. ROBERTO M. BARRASA; from Bexar County; 4th Court of Appeals District (04-12-00673-CV, \_\_\_ SW3d \_\_\_, 09-11-13)
- 13-0929 IN THE INTEREST OF J.M. AND Z.M., CHILDREN; from Nacogdoches County; 12th Court of Appeals District (12-11-00319-CV, \_\_\_ SW3d \_\_\_, 10-16-13)
- 13-0952 ANDREA L. VIDRINE v. THE WOODLANDS LAND DEVELOPMENT COMPANY, L.P.; from Montgomery County; 9th Court of Appeals District (09-12-00378-CV, \_\_\_ SW3d \_\_\_, 09-19-13)

### **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:**

- 13-0118 IN RE DISCOUNT TIRE COMPANY OF TEXAS; from Bexar County; 4th Court of Appeals District (04-12-00850-CV, \_\_\_ SW3d \_\_\_, 01-23-13)  
as reinstated  
abatement order issued January 7, 2014, lifted  
agreed motion to dismiss granted

## MISCELLANEOUS

### THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 13-0992 IN RE ROBERT CHARLES SNIP, M.D. IN HIS PERSONAL CAPACITY  
AND AS THE INDEPENDENT EXECUTOR OF THE ESTATE OF RUSSELL  
THORN SNIP, M.D., DECEASED; from Bexar County; 4th Court of Appeals  
District (04-13-00714-CV, \_\_\_ SW3d \_\_\_, 11-13-13)  
as redrafted
- 14-0058 IN RE ALMA INVESTMENTS, INC. D/B/A TEXAS ALMA INVESTMENTS,  
INC.; from Cameron County; 13th Court of Appeals District (13-14-00047-CV,  
\_\_\_ SW3d \_\_\_, 01-21-14)  
motion for emergency relief denied

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced March 7, 2014**

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0932 CHARLES SADEN v. BRIAN SMITH AND CASH REGISTER SALES AND SERVICE OF HOUSTON, INC.; from Harris County; 1st Court of Appeals District (01-11-00202-CV, 415 SW3d 450, 09-26-13)  
2 petitions
- 13-0969 G. CHRISTIAN CORCORAN AND PEGGY CORCORAN v. ATASCOCITA COMMUNITY IMPROVEMENT ASSOCIATION, INC.; from Harris County; 14th Court of Appeals District (14-12-00982-CV, \_\_\_SW3d\_\_\_, 10-31-13)
- 14-0001 MARK GOLDMAN AND CAROLINE GOLDMAN v. JEFFREY OLMSTEAD, SUMMER OLMSTEAD, SANDRA HEWETT AND NRT TEXAS, LLC; from Dallas County; 5th Court of Appeals District (05-12-00146-CV, 414 SW3d 346, 10-24-13)
- 14-0047 MICHAEL IDROGO v. MONICA GONZALEZ, ET AL.; from Bexar County; 4th Court of Appeals District (04-13-00684-CV, \_\_\_ SW3d \_\_\_, 12-31-13)
- 14-0055 VIA METROPOLITAN TRANSIT AUTHORITY v. JOSE BARRAZA AND RUBEN BARRAZA; from Bexar County; 4th Court of Appeals District (04-13-00035-CV, \_\_\_ SW3d \_\_\_, 12-04-13)
- 14-0069 IN THE INTEREST OF J.F.S. A CHILD; from Polk County; 9th Court of Appeals District (09-13-00290-CV, \_\_\_ SW3d \_\_\_, 12-12-13)
- 14-0070 IN THE INTEREST OF C.G., B.G., R.S. Jr. AND D.S.; from Polk County; 9th Court of Appeals District (09-13-00289-CV, \_\_\_ SW3d \_\_\_, 12-12-13)

14-0080 IN THE INTEREST OF A.A., E.A., T.A., A.A. AND L.A.; from Bexar County;  
4th Court of Appeals District (04-13-00152-CV, \_\_\_ SW3d \_\_\_, 09-11-13)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

13-0398 ADRIENNE GALLIEN v. GOOSE CREEK CONSOLIDATED  
INDEPENDENT SCHOOL DISTRICT; from Harris County; 14th Court of  
Appeals District (14-11-0938-CV, \_\_\_ SW3d \_\_\_, 03-19-13)

13-0792 GERALD WILSON v. THE STATE OF TEXAS; from Montgomery County; 9th  
Court of Appeals District (09-12-00408-CV, \_\_\_ SW3d \_\_\_, 08-15-13)

13-0809 THEAOLA ROBINSON v. KTRK TELEVISION, INC.; from Harris County; 1st  
Court of Appeals District (01-12-00372-CV, 409 SW3d 682, 07-11-13)

## **MISCELLANEOUS**

### **THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

14-0046 IN RE HUGO XAVIER DE LOS SANTOS; from Bexar County; 4th Court of  
Appeals District (04-14-00030-CV, \_\_\_ SW3d \_\_\_, 01-10-14)  
motion for temporary relief/emergency stay denied

14-0120 IN RE CHRISTUS HEALTH GULF COAST D/B/A CHRISTUS ST.  
CATHERINE HOSPITAL; from Harris County; 1st Court of Appeals District  
(01-13-00983-CV, \_\_\_ SW3d \_\_\_, 02-11-14)  
motion for emergency stay denied

(Justice Guzman not sitting)

# THE SUPREME COURT OF TEXAS

Orders Pronounced March 14, 2014

## ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0733 LIGHT AGE, INC. v. SMOOTH SOLUTIONS LIMITED PARTNERSHIP; from Bexar County; 4th Court of Appeals District (04-11-00677-CV, \_\_\_ SW3d \_\_\_, 06-26-13)
- 13-1010 MICHAEL MILLER D/B/A ALL ECONOMY FOREIGN & DISMANTLING, AND ABC LATE MODEL TRUCK & AUTO PARTS, INC. v. RECOVERY SYSTEMS, INC. D/B/A PRO TOW WRECKER SERVICE, H&W RISK MANAGEMENT INC., AND ROBERT E. WEST; from Denton County; 2nd Court of Appeals District (02-12-00468-CV, \_\_\_ SW3d \_\_\_, 09-19-13)
- 13-1024 CITY OF SAN ANTONIO v. GREATER SAN ANTONIO BUILDERS ASSOCIATION AND INDIAN SPRINGS, LTD.; from Bexar County; 4th Court of Appeals District (04-13-00013-CV, \_\_\_ SW3d \_\_\_, 11-20-13)
- 13-1037 CHRISTOPHER KARONE TURNER v. VERA S. FOX; from Polk County; 9th Court of Appeals District (09-12-00541-CV, \_\_\_ SW3d \_\_\_, 10-24-13)
- 14-0005 CHERYL SMITH v. FIRST THIRD MORTGAGE COMPANY; from Dallas County; 5th Court of Appeals District (05-13-00499-CV, \_\_\_ SW3d \_\_\_, 11-05-13)  
motion to dismiss for want of jurisdiction denied
- 14-0009 CHRIS RAESZ v. CYNTHIA MITCHELL; from Denton County; 2nd Court of Appeals District (02-12-00188-CV, 415 SW3d 352, 08-29-13)
- 14-0010 WILLIAM PATRICK ALEXANDER v. LISA M. BINEL, RONALD FOX, EDWARD SMITH, WILLIS W. OWENS, II, JOHN E. RITTER, GILBERT CAMPUZANO AND BRUCE ARMSTRONG; from Coryell County; 10th Court of Appeals District (10-13-00336-CV, \_\_\_ SW3d \_\_\_, 11-21-13)
- 14-0013 DANFORD MAINTENANCE SERVICE, INC. v. THE DOW CHEMICAL COMPANY; from Brazoria County; 14th Court of Appeals District (14-12-00507-CV, \_\_\_ SW3d \_\_\_, 11-21-13)

14-0018 S. MITCHELL AND P. MITCHELL v. AMERICAN HOME MORTGAGE SERVICING, INC., AND WELLS FARGO BANK, N. A., AS TRUSTEE FOR OPTION ONE MORTGAGE LOAN TRUST 2001-A ASSET-BACKED CERTIFICATES, SERIES 2001-A; from Tarrant County; 13th Court of Appeals District (13-12-00649-CV, \_\_\_ SW3d \_\_\_, 09-12-13)

(Justice Johnson not sitting)

14-0022 BOBIE KENNETH TOWNSEND v. BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, SHELLEY LUAN DOUGLASS, KELLY JIMENEZ, SUBSTITUTE TRUSTEE, ANY AND ALL KNOWN OR UNKNOWN DOE 1-10; from Montgomery County; 9th Court of Appeals District (09-12-00564-CV, \_\_\_ SW3d \_\_\_, 10-31-13)

14-0074 IN RE COMMITMENT OF JOHN ARTHUR GRAVES; from Montgomery County; 9th Court of Appeals District (09-13-00141-CV, \_\_\_ SW3d \_\_\_, 12-19-13)

14-0084 DAVID VUONG v. TAIWAI LUK; from Harris County; 1st Court of Appeals District (01-11-00178-CV, \_\_\_ SW3d \_\_\_, 12-19-13)

14-0096 BOB E. WOODY, THE RANCH, LLC AND HECTOR H. CARDENAS, JR. v. J. BLACK'S, LP AND J. BLACK'S, GP, LLC; from Travis County; 7th Court of Appeals District (07-12-00192-CV, \_\_\_ SW3d \_\_\_, 12-19-13)

**THE FOLLOWING PETITION FOR REVIEW IS ABATED:**

13-0343 VERIZON BUSINESS NETWORK SERVICES, INC. v. SUSAN COMBS, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 7th Court of Appeals District (07-11-00025-CV, \_\_\_ SW3d \_\_\_, 04-03-13)

agreed motion to abate granted  
abatement order issued

**Note:** This case is removed from the Court's active docket until May 19, 2014, by which time either the petitioner must file its brief on the merits or the parties must file either a status report or a motion to dismiss.]

# ORDERS ON MOTIONS FOR REHEARING

## THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0680 CHARLES J. WILLIAMSON v. THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-11-00786-CV, \_\_\_ SW3d \_\_\_, 06-26-13)
- 13-0681 CHARLES J. WILLIAMSON v. THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-11-00344-CV, \_\_\_ SW3d \_\_\_, 06-26-13)
- 13-0772 PAUL KRAMER AND PK INDUSTRIES D/B/A CASTLEGATE HOMES v. MELISSA AND SCOT HOLLMANN; from Tarrant County; 2nd Court of Appeals District (02-11-00136-CV, \_\_\_SW3d \_\_\_, 11-21-12) motion for emergency temporary relief denied
- 13-0811 JOHN T. JENKINS v. COUNSELOR LINDSAY L. LAMBERT AND CHERYL R. WORLEY, ET AL.; from Dallas County; 5th Court of Appeals District (05-13-00265-CV, \_\_\_ SW3d \_\_\_, 06-27-13)
- 13-0830 JAMES H. MAXWELL v. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR JP MORGAN MORTGAGE ACQUISITION TRUST 2006-HE3 ASSET BACKED PASS-THROUGH CERTIFICATES SERIES 2006-HE3; from Harris County; 14th Court of Appeals District (14-12-00209-CV, \_\_\_ SW3d \_\_\_, 07-11-13)
- 13-0835 CLIFTON E. WOLF, MELBA R. WOLF, MARY ELLEN CASTILLO AND JAMES ALLEN REINARZ, M.D. v. SHADY ACRES PROPERTY OWNERS ASSOCIATION, INC.; from Burnet County; 3rd Court of Appeals District (03-13-00069-CV, \_\_\_ SW3d \_\_\_, 08-29-13)
- 13-0843 IN THE INTEREST OF D.A.M., ET AL., A CHILD; from Bexar County; 4th Court of Appeals District (04-13-00601-CV, \_\_\_ SW3d \_\_\_, 10-07-13)



THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR  
WRIT OF MANDAMUS IS DENIED:

13-0963 IN RE MICHAEL IDROGO; from Bexar County; 4th Court of Appeals District  
(04-13-00684-CV)  
motion against attorney denied

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE  
DENIED:

14-0092 IN RE ELENA HUTCHINS; from Comal County; 3rd Court of Appeals District  
(03-13-00579-CV, \_\_\_ SW3d \_\_\_, 12-05-13)

14-0106 IN RE ANTHONY ROBERSON; from Travis County; 3rd Court of Appeals  
District (03-13-00830-CV, \_\_\_ SW3d \_\_\_, 01-14-14)

14-0142 IN RE TIFFANY FLECKENSTEIN; from Dallas County; 5th Court of Appeals  
District (05-13-01618-CV, \_\_\_ SW3d \_\_\_, 01-09-14)  
motion for emergency stay denied

# THE SUPREME COURT OF TEXAS

Orders Pronounced March 21, 2014

## ORDERS ON CAUSES

11-0050 FPL ENERGY, LLC, FPL ENERGY PECOS WIND I, L.P., FPL ENERGY PECOS WIND II, L.P., AND INDIAN MESA WIND FARM, L.P. v. TXU PORTFOLIO MANAGEMENT COMPANY, L.P. N/K/A LUMINANT ENERGY COMPANY, LLC; from Dallas County; 5th Court of Appeals District (05-08-01584-CV, 328 SW3d 580, 07-27-10)

The Court affirms in part and reverses in part the court of appeals' judgment and remands the case to that court.

Justice Green delivered the opinion of the Court.

12-0452 GOTHAM INSURANCE COMPANY v. WARREN E&P, INC. F/K/A PETROLEUM DEVELOPMENT CORPORATION D/B/A PEDECO, INC., WARREN RESOURCES, INC., AND OIL TECHNOLOGY FUND 1996 - SERIES D, L.P.; from Frio County; 8th Court of Appeals District (08-10-00198-CV, 368 SW3d 633, 04-18-12)

The Court reverses the court of appeals' judgment and remands the case to that court.

Justice Guzman delivered the opinion of the Court.

### THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

07-0010 GALVESTON CENTRAL APPRAISAL DISTRICT v. TRQ CAPTAIN'S LANDING, A TEXAS LIMITED PARTNERSHIP AND AMERICAN HOUSING FOUNDATION, A TEXAS NON PROFIT CORPORATION; from Galveston County; 1st Court of Appeals District (01-05-00496-CV, 212 SW3d 726, 10-05-06)

- 11-0265 THE EPISCOPAL DIOCESE OF FORT WORTH, ET AL. v. THE EPISCOPAL CHURCH, ET AL.; from Tarrant County
- 11-0332 ROBERT MASTERSON, MARK BROWN, GEORGE BUTLER, CHARLES WESTBROOK, RICHEY OLIVER, CRAIG PORTER, SHARON WEBER, JUNE SMITH, RITA BAKER, STEPHANIE PEDDY, BILLIE RUTH HODGES, DALLAS CHRISTIAN, AND THE EPISCOPAL CHURCH OF THE GOOD SHEPHERD v. THE DIOCESE OF NORTHWEST TEXAS, THE REV. CELIA ELLERY, DON GRIFFIS, AND MICHAEL RYAN; from Tom Green County; 3rd Court of Appeals District (03-10-00015-CV, 335 SW3d 880, 03-16-11)  
motion for leave to withdraw as counsel for petitioners granted
- 11-0541 DYNEGY INC. v. TERRY W. YATES, INDIVIDUALLY, AND TERRY W. YATES, P.C.; from Harris County; 4th Court of Appeals District (04-10-00041-CV, 345 SW3d 516, 02-23-11)  
  
(Justice Guzman and Justice Brown not sitting)
- 13-0257 IN THE INTEREST OF K.N.D., A CHILD; from Harris County; 1st Court of Appeals District (01-12-00584-CV, 403 SW3d 277, 12-21-12)  
corrected judgment issued

## **ORDERS ON CASES GRANTED**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:**

- 12-0045 ROBERT WAYNE SNEED, JAMES H. TICHENOR, FRED WOLGEL, JAMES F. O'DONNELL, TEXAS UNITED CORPORATION AND UNITED SALT CORPORATION v. LLOYD P. WEBRE, JR., INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF TEXAS UNITED CORPORATION AND UNITED SALT CORPORATION; from Harris County; 1st Court of Appeals District (01-10-00151-CV, 358 SW3d 322, 07-28-11)  
[Note: The date and time for oral argument are yet to be determined.]

12-0711 ARDEN TEXARKANA, LLC, DORNACH TEXARKANA, LLC, RP TEXARKANA, LLC, TEXARKANA RANCHO, LLC AND NARDEN TEXARKANA, LLC v. APEX GEOSCIENCE, INC.; from Bowie County; 6th Court of Appeals District (06-11-00128-CV, \_\_\_ SW3d \_\_\_, 06-19-12)  
joint motion to grant petition for review and remand granted

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court grants the petition for review, vacates the court of appeals' judgment and remands the case to the trial court to effectuate the parties' settlement agreement.

13-0042 GENIE INDUSTRIES, INC. v. RICKY MATAK, BELINDA MATAK AND MISTY SONNIER AS REPRESENTATIVE OF THE ESTATE OF WALTER PETE LOGAN MATAK, DECEASED; from Jefferson County; 13th Court of Appeals District (13-11-00050-CV, \_\_\_ SW3d \_\_\_, 12-06-12)

[**Note:** The date and time for oral argument are yet to be determined.]

13-0136 NABORS WELL SERVICES, LTD. F/K/A POOL COMPANY TEXAS, LTD. AND LAURO BERNAL GARCIA v. ASUNCION ROMERO, ET AL.; from Pecos County; 8th Court of Appeals District (08-09-00319-CV, 408 SW3d 39, 01-30-13)

[**Note:** The date and time for oral argument are yet to be determined.]

13-0338 UNIVERSITY OF TEXAS AT ARLINGTON v. SANDRA WILLIAMS; STEVE WILLIAMS; from Tarrant County; 2nd Court of Appeals District (02-12-00425-CV, \_\_\_ SW3d \_\_\_, 03-28-13)

[**Note:** The date and time for oral argument are yet to be determined.]

13-0484 AMERICAN STAR ENERGY AND MINERALS CORPORATION v. RICHARD "DICK" STOWERS, RICHARD W. STOWERS, FRANK K. STOWERS AND LINDA SUE JASURDA; from Hutchinson County; 7th Court of Appeals District (07-11-00199-CV, 405 SW3d 905, 05-14-13)

[**Note:** The date and time for oral argument are yet to be determined.]

13-0573 THE FREDERICKSBURG CARE COMPANY, L.P. v. JUANITA PEREZ, VIRGINIA GARCIA, PAUL ZAPATA, AND SYLVIA SANCHEZ, INDIVIDUALLY AND AS ALL HEIRS OF ELISA ZAPATA, DECEASED; from Bexar County; 4th Court of Appeals District (04-13-00111-CV, 406 SW3d 313, 06-26-13)

[Note: The date and time for oral argument are yet to be determined.]

## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

12-1034 MITCHELL RYDER, DECEASED v. LESLIE NORDAN HUDSON RYDER AND ANITA SPEIER, GUARDIAN OF THE PERSON AND ESTATE OF LESLIE NORDAN HUDSON RYDER; from Harris County; 1st Court of Appeals District (01-10-00294-CV, \_\_\_ SW3d \_\_\_, 10-20-11)

13-0173 CITY OF HOUSTON v. ATSER, L.P.; from Harris County; 1st Court of Appeals District (01-10-00240-CV, 403 SW3d 354, 01-31-13)

13-0373 RAFAEL A. AVILA, M.D. v. EVA NELDA JIMENEZ, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF MARIO M. JIMENEZ, M.D., DECEASED, NATALIE CELESTE JIMENEZ AND ANTONIO MANUEL JIMENEZ; from Hidalgo County; 13th Court of Appeals District (13-12-00101-CV, \_\_\_ SW3d \_\_\_, 04-11-13)

13-0488 BOB LADD v. SILVER STAR I POWER PARTNERS, LLC; from Erath County; 11th Court of Appeals District (11-11-00188-CV, \_\_\_ SW3d \_\_\_, 05-16-13)

13-0578 AMERIQUEST MORTGAGE COMPANY v. JULIO CARLOS MARRON AND MARIA ROCIO MARRON; from Fort Bend County; 14th Court of Appeals District (14-13-00340-CV, \_\_\_ SW3d \_\_\_, 06-04-13)  
motion to dismiss denied

- 13-0682 JAMES SUMMERSETT, III v. REMI JAIYEOLA, M.D.; from Hidalgo County; 13th Court of Appeals District (13-12-00442-CV, \_\_\_ SW3d \_\_\_, 07-18-13)
- 13-0721 JESSE PAUL SKINNER v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE CORRECTIONAL INSTITUTIONAL DIVISION, ANGELA BRICE, JEREMY LARUE; from Houston County; 12th Court of Appeals District (12-13-00123-CV, \_\_\_ SW3d \_\_\_, 08-30-13)
- 13-0769 ENERGY EDUCATION OF MONTANA, INC. v. TEXAS COMPTROLLER OF PUBLIC ACCOUNTS AND ATTORNEY GENERAL OF TEXAS; from Travis County; 3rd Court of Appeals District (03-10-00644-CV, \_\_\_ SW3d \_\_\_, 04-25-13)
- 13-0781 SPIN DOCTOR GOLF, INC. v. PAYMENTECH, LP; from Dallas County; 5th Court of Appeals District (05-11-01014-CV, \_\_\_ SW3d \_\_\_, 07-02-13)
- 13-0786 CAROLYN B. ALVAREZ, ET AL. v. GEORGE FLEMING AND FLEMING & ASSOCIATES, LLP; from Harris County; 14th Court of Appeals District (14-12-00300-CV, 412 SW3d 723, 08-20-13)

(Justice Brown not sitting)

- 13-0789 J.A.B. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Travis County; 3rd Court of Appeals District (03-13-00273-CV, \_\_\_ SW3d \_\_\_, 08-14-13)

- 13-0796 WELLS FARGO FINANCIAL TEXAS, INC. v. ANITA VALERO AND EVA SHIELLS, GUARDIANS OF THE PERSON AND ESTATE OF ABDENAGO VALERO; from Yoakum County; 7th Court of Appeals District (07-12-00218-CV, \_\_\_SW3d\_\_\_, 08-21-13)

(Justice Johnson not sitting)

13-0883 REUBEN MEREDITH HAGA v. JERRY REDMOND THOMAS AND LYDA ANN THOMAS; from Galveston County; 1st Court of Appeals District (01-12-00218-CV, 409 SW3d 731, 07-16-13)

13-0886 THE CRAWFORD FAMILY FARM PARTNERSHIP v. TRANSCANADA KEYSTONE PIPELINE, L.P.; from Lamar County; 6th Court of Appeals District (06-12-00113-CV, 409 SW3d 908, 08-27-13)  
as amended

(Justice Boyd not sitting)

13-0901 MID-CONTINENT CASUALTY COMPANY v. VANESSA CASTAGNA; from Dallas County; 5th Court of Appeals District (05-12-00383-CV, 410 SW3d 445, 08-20-13)

13-0913 TRINITY SETTLEMENT SERVICES, LLC v. THE TEXAS STATE SECURITIES BOARD AND JOHN MORGAN, IN HIS OFFICIAL CAPACITY AS COMMISSIONER OF THE TEXAS STATE SECURITIES BOARD; from Travis County; 3rd Court of Appeals District (03-10-00639-CV, 417 SW3d 494, 08-01-13)

13-0949 ANNETTE BURRUS v. DAVID REYES AND SONIA VALENZUELA; from El Paso County; 8th Court of Appeals District (08-12-00200-CV, 411 SW3d 921, 09-25-13)

13-0960 DFW SUPER GROUP II, L.L.C. v. COLUMBIA MEDICAL CENTER OF DENTON SUBSIDIARY, L.P., D/B/A DENTON REGIONAL MEDICAL CENTER; from Denton County; 2nd Court of Appeals District (02-12-00507-CV, \_\_\_ SW3d \_\_\_, 10-17-13)

13-0983 EVELYN N. MITCHUM v. WELLS FARGO MORTGAGE; from Dallas County; 6th Court of Appeals District (06-13-00077-CV, \_\_\_ SW3d \_\_\_, 10-23-13)

(Justice Johnson not sitting)

- 13-1013 BRANDON DAVIS AND CAROLYN DAVIS, INDIVIDUALLY AND AS NEXT FRIEND OF RYAN DAVIS, AN INCAPACITATED PERSON v. RPOINT5 VENTURES, LLC D/B/A FLOAT POOL AND PATIO BAR; from Galveston County; 1st Court of Appeals District (01-13-00351-CV, \_\_\_SW3d\_\_\_, 11-05-13)
- 14-0008 IN THE INTEREST OF J.B., ET. AL.; from Bexar County; 4th Court of Appeals District (04-13-00397-CV, \_\_\_ SW3d \_\_\_, 12-18-13)
- 14-0014 ROBERT V. BUCK AND QUEEN ISABELLA DEVELOPMENT JOINT VENTURE v. G. J. PALMER, JR.; from Hidalgo County; 13th Court of Appeals District (13-09-00192-CV, \_\_\_ SW3d \_\_\_, 09-26-13)
- 14-0020 IN THE INTEREST OF E.D., E.D., I.D. AND J.D., CHILDREN; from Kerr County; 4th Court of Appeals District (04-13-00333-CV, 419 SW3d 615, 11-22-13)
- 14-0039 WALLACE ROOFING v. LINDA BENSON; from Travis County; 3rd Court of Appeals District (03-11-00055-CV, \_\_\_SW3d\_\_\_, 11-27-13)

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED:

- 12-0999 MATTHEW G. AIKEN v. HSBC BANK USA, N.A., AS INDENTURE TRUSTEE OF THE FIELDSTONE MORTGAGE INVESTMENT TRUST, SERIES 2004-4 AND LITTON LOAN SERVICING, L.P.; from Dallas County; 5th Court of Appeals District (05-10-00676-CV, \_\_\_ SW3d \_\_\_, 06-15-12)  
2 petitions  
agreed motion to dismiss granted



13-0920 JESUS CASTRELLON AND GLORIA CASTRELLON v. NOMAR, LTD;  
from Hidalgo County; 13th Court of Appeals District (13-12-00611-CV, \_\_\_  
SW3d \_\_\_, 09-05-13)  
joint motion to dismiss petition for review granted

**THE FOLLOWING PETITION FOR REVIEW IS ABATED:**

14-0093 PLTQ LOTUS GROUP, L.P. AND CUBO GROUP, L.L.C. v. THE  
PETERSON GROUP, INC., PGI DEVELOPMENT GROUP, L.P. AND  
WELLINGTON YU; from Harris County; 1st Court of Appeals District (01-10-  
00529-CV, 417 SW3d 46, 10-17-13)  
abatement order issued

[**Note:** Effective as of March 2, 2012, the case is abated pursuant to Tex. R.  
App. P. 8.2 until further order of this Court and is removed from the Court's  
active docket, subject to reinstatement upon proper motion. Tex. R. App. P. 8.3.  
All motions and other documents pending or filed are abated subject to being  
reurged in the event the case is reinstated. Tex. R. App. P. 8.2, 8.3. It is the  
parties' responsibility to immediately notify this Court once the automatic  
bankruptcy stay is lifted.]

**ORDERS ON MOTIONS FOR REHEARING**

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR  
REVIEW IS GRANTED:**

13-0047 ALLEN MARK DACUS, ELIZABETH C. PEREZ, AND REV. ROBERT  
JEFFERSON v. ANNISE D. PARKER AND CITY OF HOUSTON; from  
Harris County; 14th Court of Appeals District (14-11-00688-CV, \_\_\_ SW3d  
\_\_\_, 07-10-12)  
denial of petition for review on August 23, 2013, withdrawn  
petition reinstated

(Justice Brown not sitting)

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR  
REVIEW ARE DENIED:

- 13-0719 VIOLETA PASKAUSKIENE v. TEXAS WORKFORCE COMMISSION & MICROCONSULT INC.; from Tarrant County; 2nd Court of Appeals District (02-12-00358-CV, \_\_\_ SW3d \_\_\_, 08-08-13)
- 13-0951 SCOTT MATTISON LAWSON v. TEXAS COURT OF CRIMINAL APPEALS SPECIFICALLY: BARBARA P. HERVEY, J., SHARON KELLER, P.J., CHARLES R. HOLCOMB, J., MIKE KEASLER, J., AND CATHY COCHRAN, J.; from Travis County; 11th Court of Appeals District (11-12-00026-CV, \_\_\_ SW3d \_\_\_, 10-24-13)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR  
WRIT OF MANDAMUS IS DENIED:

- 12-1030 IN RE BRYAN C. WAGNER, JAMES D. FINLEY, TRADE EXPLORATION CORP. AND DUER WAGNER, III; from Harris County; 14th Court of Appeals District (14-12-00697-CV, 389 SW3d 577, 11-08-12)

(Justice Guzman , Justice Lehrmann, and Justice Brown not sitting)

## MISCELLANEOUS

STAY ORDERS ARE ISSUED IN THE FOLLOWING CASES:

- 13-0849 IN RE TRAVELERS LLOYDS OF TEXAS INSURANCE COMPANY; from Harris County; 1st Court of Appeals District (01-13-00225-CV, \_\_\_ SW3d \_\_\_, 10-15-13)

renewed motion for temporary relief granted  
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

13-0855 IN RE LOYA INSURANCE COMPANY; from Harris County; 1st Court of Appeals District (01-13-00242-CV, \_\_\_ SW3d \_\_\_, 10-15-13)

renewed motion for temporary relief granted  
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE  
DENIED:

13-0468 IN RE DAVID RADCLIFF AND TONI RADCLIFF; from Dallas County; 5th Court of Appeals District (05-13-00553-CV, \_\_\_ SW3d \_\_\_, 06-11-13)

motion to file surrepley dismissed as moot

13-0512 IN RE JAMES MORANVILLE , INDIVIDUALLY AND THROUGH HIS POWER OF ATTORNEY, CHRISTINE MORANVILLE, AND CHRISTINE MORANVILLE, INDIVIDUALLY; from Tarrant County; 2nd Court of Appeals District (02-13-00109-CV, \_\_\_ SW3d \_\_\_, 05-07-13)

13-0723 IN RE AMERISURE INSURANCE COMPANY; from Taylor County; 11th Court of Appeals District (11-13-00185-CV, \_\_\_ SW3d \_\_\_, 08-08-13)

13-1003 IN RE SEBASTIAN COTTON & GRAIN, LTD.; from Willacy County; 13th Court of Appeals District (13-13-00550-CV, \_\_\_ SW3d \_\_\_, 11-01-13)

14-0140 IN RE LONG ISLAND VILLAGE OWNERS' ASSOCIATION, INC. F/K/A OUTDOOR RESORTS/SOUTH PADRE OWNERS' ASSOCIATION, INC. AND PAST AND PRESENT BOARD OF DIRECTORS OF LONG ISLAND OWNERS' ASSOCIATION, INC. F/K/A OUTDOOR RESORTS/SOUTH PADRE OWNERS' ASSOCIATION, INC.; from Cameron County; 13th Court of Appeals District (13-11-00500-CV)

as supplemented  
motion for temporary relief denied

14-0141 IN RE LONG ISLAND VILLAGE OWNERS' ASSOCIATION, INC. F/K/A  
OUTDOOR RESORTS/SOUTH PADRE OWNERS' ASSOCIATION, INC.  
AND PAST AND PRESENT BOARD OF DIRECTORS OF LONG ISLAND  
OWNERS' ASSOCIATION, INC. F/K/A OUTDOOR RESORTS/SOUTH  
PADRE OWNERS' ASSOCIATION, INC.; from Cameron County; 13th Court  
of Appeals District (13-11-00708-CV)  
as supplemented  
motion for temporary relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

13-0802 IN RE REGINALD NOBLE

*See* Tex. R. App. P. 5.

THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE  
FOLLOWING APPEAL IS AFFIRMED:

13-0616 IN RE KRISTIN WILKINSON

THE FOLLOWING PETITION FOR WRIT OF INJUNCTION IS DENIED:

14-0166 IN RE JOHN AUSTIN BASHAM, DARLIA LEE HOBBS AND TEXANS  
FOR GOVERNMENT TRANSPARENCY; from Tarrant County; 2nd Court of  
Appeals District (02-14-00053-CV, \_\_\_ SW3d \_\_\_, 02-27-14)  
motion for emergency stay denied

# THE SUPREME COURT OF TEXAS

Orders Pronounced March 28, 2014

## ORDERS ON CAUSES

- 11-0161 LARRY T. LONG, L. ALLAN LONG, AND B. VIRGINIA LONG, IN THEIR CAPACITIES AS TRUSTEES OF THE LAWRENCE ALLAN LONG TRUST, THE CHARLES EDWARD LONG TRUST, THE LARRY THOMAS LONG TRUST AND THE JOHN STEPHEN LONG TRUST D/B/A THE LONG TRUSTS v. CASTLE TEXAS PRODUCTION LIMITED PARTNERSHIP; from Rusk County; 12th Court of Appeals District (12-09-00189-CV, 330 SW3d 749, 12-30-10)

The Court reverses the court of appeals' judgment and remands the case to the trial court.

Justice Guzman delivered the opinion of the Court. PDF

- 11-0709 KIA MOTORS CORPORATION AND KIA MOTORS AMERICA, INC. v. LAWRENCE RUIZ (INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF ANDREA RUIZ), SHENEQUA RUIZ, CHRISTOPHER RUIZ, AND SUZANNA RUIZ; from Dallas County; 5th Court of Appeals District (05-10-00198-CV, 348 SW3d 465, 08-05-11)

The Court reverses the court of appeals' judgment and remands the case to the trial court.

Justice Lehrmann delivered the opinion of the Court. PDF

(Justice Boyd not sitting)

- 11-0773 BIODERM SKIN CARE, LLC AND QUAN NGUYEN, M.D. v. VEASNA "SANDEE" SOK; from Dallas County; 5th Court of Appeals District (05-10-00044-CV, 345 SW3d 189, 06-28-11)

The Court reverses the court of appeals' judgment and remands the case to the trial court.

Justice Guzman delivered the opinion of the Court. PDF

12-0251 CROSSTEX ENERGY SERVICES, L.P. v. PRO PLUS, INC.; from Harris County; 1st Court of Appeals District (01-11-00025-CV, 388 SW3d 689, 02-09-12)

The Court affirms the court of appeals' judgment.

Justice Green delivered the opinion of the Court. PDF

12-0360 ARSENIO COLORADO, ET AL. v. TYCO VALVES & CONTROLS, L.P. AND TV&C GP HOLDINGS, INC.; from Harris County; 1st Court of Appeals District (01-10-00113-CV, 365 SW3d 750, 01-19-12)

The Court affirms the court of appeals' judgment.

Justice Lehrmann delivered the opinion of the Court.

12-1000 IN RE FORD MOTOR COMPANY AND KEN STOEPEL FORD, INC.; from Bexar County; 4th Court of Appeals District (04-12-00688-CV, \_\_\_ SW3d \_\_\_, 12-12-12)

stay order issued January 4, 2013, lifted

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

## **ORDERS ON CASES GRANTED**

### **THE FOLLOWING PETITION FOR REVIEW IS GRANTED:**

14-0138 JENNIFER HILLIARD v. HARRIS & GREENWELL, L.L.P.; 13th Court of Appeals District (13-12-00089-CV)

joint motion to grant review and render judgment to effectuate agreement, granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court grants the petition for review, sets aside the judgments of the court of appeals and trial court, and remands the case to the trial court for rendition of judgment in accordance to the parties' settlement agreement.

# **ORDERS ON PETITIONS FOR REVIEW**

## **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

13-0006 ZAHER EL-ALI v. THE STATE OF TEXAS; from Harris County; 14th Court of Appeals District (14-11-00613-CV, 388 SW3d 890, 12-04-12)

Justice Willett, joined by Justice Lehrmann and Justice Devine, dissenting to the denial of the petition for review.

Justice Boyd, joined by Justice Guzman, concurring in the denial of the petition for review.

(Justice Brown not sitting)

14-0011 IN THE ESTATE OF ANITA I. FORISTER, DECEASED; from Karnes County; 4th Court of Appeals District (04-13-00046-CV, \_\_\_SW3d\_\_\_, 11-20-13)

14-0051 WILLIAM PATTERSON v. WEST TEXAS ROYALTIES, INC.; from Eastland County; 11th Court of Appeals District (11-13-00281-CV, \_\_\_SW3d\_\_\_, 12-05-13)

14-0108 FIN & FEATHER CLUB AND THROUGH TRUSTEE, KENNETH PARTEN v. DALE LEANDER AND DON LEANDER; from Fannin County; 6th Court of Appeals District (06-13-00006-CV, \_\_\_SW3d\_\_\_, 10-16-13)

# **ORDERS ON MOTIONS FOR REHEARING**

## **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 13-0739 IN RE COMMITMENT OF RICHARD DARREN GOODWIN; from Montgomery County; 9th Court of Appeals District (09-12-00403-CV, \_\_\_ SW3d \_\_\_, 08-15-13)
- 13-0766 ALLEN MAKI v. BAHIIJA ASKOUR; from Tarrant County; 2nd Court of Appeals District (02-12-00513-CV, \_\_\_ SW3d \_\_\_, 08-15-13)
- 13-0800 RON VALENTINE v. JEREMY JAGODZINSKI AND CHRISTY GREEN; from Travis County; 3rd Court of Appeals District (03-13-00377-CV, \_\_\_ SW3d \_\_\_, 10-22-13)
- 13-0859 ERIC W. NORRIS v. HOME CARE PROFESSIONAL SERVICES, INC.; from Harris County; 14th Court of Appeals District (14-13-00430-CV, \_\_\_ SW3d \_\_\_, 07-18-13)  
motion for leave to supplement motion for rehearing denied
- 13-0872 CAROLE ANN WALLACE AND DENNIS ARTHUR WALLACE, JR. v. BARBARA W. HERNANDEZ; from Travis County; 3rd Court of Appeals District (03-10-00555-CV, \_\_\_ SW3d \_\_\_, 08-28-13)
- 13-0915 IN RE ESTATE OF JOHN DAVID HARRIS, DECEASED; from Tarrant County; 2nd Court of Appeals District (02-13-00294-CV, \_\_\_ SW3d \_\_\_, 10-03-13)
- 13-0933 IN THE ESTATE OF RUBY RENEE BYROM, DECEASED; from Cherokee County; 12th Court of Appeals District (12-12-00374-CV, \_\_\_ SW3d \_\_\_, 07-31-13)



THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR  
WRIT OF MANDAMUS IS DENIED:

13-1029 IN RE EDWARD R. NEWSOME; from Harris County; 14th Court of Appeals  
District (14-13-01051-CV, \_\_\_ SW3d \_\_\_, 12-12-13)

**MISCELLANEOUS**

THE ABATEMENT ORDER IN THE FOLLOWING CASE IS LIFTED:

14-0093 PLTQ LOTUS GROUP, L.P. AND CUBO GROUP, L.L.C. v. THE  
PETERSON GROUP, INC., PGI DEVELOPMENT GROUP, L.P. AND  
WELLINGTON YU; from Harris County; 1st Court of Appeals District (01-10-  
00529-CV, 417 SW3d 46, 10-17-13)  
abatement order issued March 21, 2014, lifted  
petition reinstated

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE  
DENIED:

14-0135 IN RE CHASE CARMEN HUNTER; from Travis County; 3rd Court of  
Appeals District (03-13-00557-CV, \_\_\_ SW3d \_\_\_, 01-07-14)  
as supplemented

14-0136 IN RE CHASE CARMEN HUNTER; from Travis County; 3rd Court of  
Appeals District (03-13-00468-CV, \_\_\_ SW3d \_\_\_, 01-07-14)  
as supplemented

STAY ORDERS ARE ISSUED IN THE FOLLOWING PETITIONS FOR  
WRIT OF MANDAMUS:

14-0171 IN RE MEMORIAL HERMANN HOSPITAL SYSTEM; MEMORIAL  
HERMANN PHYSICIAN NETWORK; MICHAEL MACRIS, M.D.;  
MICHAEL MACRIS, M.D., P.A.; AND KEITH ALEXANDER; from Harris  
County; 1st Court of Appeals District (01-13-00720-CV, \_\_\_ SW3d \_\_\_, 03-04-  
14)  
motion for leave to file under seal granted  
emergency motion for temporary relief granted  
stay order issued  
[**Note:** The petition for writ of mandamus remains pending before this Court.]

14-0243 IN RE TEXAS DEPARTMENT OF CRIMINAL JUSTICE; from Travis  
County; 3rd Court of Appeals District (03-14-00185-CV, \_\_\_ SW3d \_\_\_, 03-  
28-14)  
emergency motion for temporary relief granted  
stay order issued  
[**Note:** The petition for writ of mandamus remains pending before this Court.]

# THE SUPREME COURT OF TEXAS

Orders Pronounced April 4, 2014

## ORDERS ON CAUSES

### THE FOLLOWING CAUSE IS DISMISSED AS MOOT:

12-0636 IN RE MELISSA BLEVINS; from Somervell County; 10th Court of Appeals District (10-12-00136-CV, \_\_\_ SW3d \_\_\_, 08-02-12)

stay order issued August 3, 2012, lifted  
abatement order issued November 1, 2013, lifted  
cause reinstated

## ORDERS ON CASES GRANTED

### THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

14-0114 RICHARD J. BONJORNO AND JUDY C. BONJORNO REVOCABLE TRUST, DATED JUNE 9, 1983 AND RICHARD BONJORNO v. WOODLAKE MANAGEMENT SERVICES, L.L.C. AND JOHN AUGUSTIN BUTUZA; 4th Court of Appeals District (04-13-00007-CV)

unopposed amended motion to remand to the trial court to effectuate settlement agreement, being treated as a petition for review, granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court grants the petition for review, vacates the judgments of the court of appeals and trial court, and remands the case to the trial court for rendition of judgment in accordance to the parties' settlement agreement. The parties' request that the court of appeals opinion be vacated is denied.

### THE FOLLOWING CERTIFIED QUESTION FROM THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT IS ACCEPTED:

14-0216 RANDY AUSTIN v. KROGER TEXAS, L.P.

[Note: The date and time for oral argument are yet to be determined.]

## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 13-1028 VARNEL L. DIGGS v. GMAC MORTGAGE, LLC AND FEDERAL NATIONAL MORTGAGE ASSOCIATION; from Travis County; 3rd Court of Appeals District (03-13-00197-CV, \_\_\_ SW3d \_\_\_, 12-18-13)
- 13-1038 RODOLFO RIVERA MUNOZ v. THE CITY OF BALCONES HEIGHTS, THE CITY OF SAN ANTONIO, AND THE STATE OF TEXAS; from Bexar County; 4th Court of Appeals District (04-13-00439-CV, \_\_\_ SW3d \_\_\_, 11-20-13)  
as redrafted  
motion for parties and court to note similar litigation dismissed as moot
- 14-0083 ARTIS CHARLES HARRELL v. BRANCH BRINSON; from Harris County; 1st Court of Appeals District (01-13-00786-CV, \_\_\_ SW3d \_\_\_, 12-10-13)
- 14-0090 ALL PRO COURTS, LLC D/B/A COURT BUILDERS OF HOUSTON AND CHRISTOPHER WALKER v. CLAY GIVENS; from Harris County; 1st Court of Appeals District (01-12-00874-CV, \_\_\_ SW3d \_\_\_, 10-08-13)
- 14-0149 IN THE INTEREST OF G.L.O., A CHILD; from Erath County; 11th Court of Appeals District (11-13-00211-CV, \_\_\_ SW3d \_\_\_, 01-09-14)

### **THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:**

- 14-0247 JOSEPH E. MCCLAIN III v. DELL, INC. AND SEATON CORP. D/B/A STAFF MANAGEMENT; from Travis County; 13th Court of Appeals District (13-13-00398-CV, \_\_\_ SW3d \_\_\_, 11-26-13)  
*See* TEX. R. APP. P. 53.7(a)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

13-0374 DARLENE C. AMRHEIN v. LA MADELEINE, INC.; from Dallas County; 6th Court of Appeals District (06-12-00107-CV, \_\_\_ SW3d \_\_\_, 03-06-13)

13-0694 JOHN H. THOMAS, M.D. v. GRAHAM MORTGAGE CORP., ET AL.; from Burnet County; 3rd Court of Appeals District (03-11-00335-CV, 408 SW3d 581, 07-24-13)

### **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

13-0261 IN RE LINDA RAE TEDESCO AND LUCILLE W. SHIVER; from Denton County; 2nd Court of Appeals District (02-12-00255-CV, \_\_\_ SW3d \_\_\_, 03-21-13)

## **MISCELLANEOUS**

### **THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

14-0255 IN RE ALI CHOUDHRI; from Harris County; 14th Court of Appeals District (14-14-00195-CV, \_\_\_ SW3d \_\_\_, 04-01-14)

emergency motion for temporary relief denied

### **A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:**

14-0182 IN RE LEXINGTON INSURANCE COMPANY; from Dallas County; 5th Court of Appeals District (05-14-00228-CV, \_\_\_ SW3d \_\_\_, 03-05-14)

emergency motion for temporary relief granted  
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

# THE SUPREME COURT OF TEXAS

Orders Pronounced April 11, 2014

## ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0903 LISA D. HALL v. DOMINO'S PIZZA, INC., DOMINO'S PIZZA DISTRIBUTION, L.L.C., DENNIS L. MAYHALL D/B/A DLM PIZZA, INC. D/B/A MARK OF EXCELLENCE PIZZA, INC. D/B/A DOMINO'S PIZZA AND MARCO PIZZA HEADQUARTERS, INC. D/B/A MARK OF EXCELLENCE PIZZA COMPANY d/b/a DOMINO'S; from Dallas County; 8th Court of Appeals District (08-12-00208-CV, 410 SW3d 925, 10-09-13)
- 13-1001 COLLIN D. PORTERFIELD v. LISLE D. PATTON AND BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, F/K/A BARRETT BURKE WILSON CASTLE DAFFIN & FRAPPIER, LLP; from Dallas County; 5th Court of Appeals District (05-11-01619-CV, 411 SW3d 147, 08-30-13)
- 14-0017 GLENN BLAIR v. ANGELA MCCLINTON; from Fort Bend County; 1st Court of Appeals District (01-11-00701-CV, \_\_\_ SW3d \_\_\_, 07-02-13)
- 14-0019 MARK LESHER AND RHONDA LESHER v. CHARLIE DOESCHER, PAT DOESCHER, APACHE IRON METAL & AUTO SALVAGE, INC., GERALD COYEL (AKA JERRY COYEL), AND SHANNON COYEL; from Tarrant County; 2nd Court of Appeals District (02-12-00360-CV, \_\_\_SW3d\_\_\_, 10-10-13)
- 14-0021 JOHNNIE AGUILAR v. TERRI M. BRECKENBRIDGE; from Fort Bend County; 1st Court of Appeals District (01-12-00316-CV, \_\_\_ SW3d \_\_\_, 12-05-13)  
motion for damages denied

14-0144 IN RE COMMITMENT OF JOHN JAMES SMITH, JR.; from Montgomery County; 9th Court of Appeals District (09-13-00100-CV, \_\_\_ SW3d \_\_\_, 01-23-14)

14-0172 IN RE COMMITMENT OF TOMMY QUAY EUSTACE; from Montgomery County; 9th Court of Appeals District (09-13-00177-CV, \_\_\_ SW3d \_\_\_, 01-23-14)

14-0198 JOE L. REECE v. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION AS TRUSTEE, AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, ET AL.; from Tarrant County; 2nd Court of Appeals District (02-13-00447-CV, \_\_\_ SW3d \_\_\_, 02-06-14)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

14-0087 JAMES MILTON SCHUNKE v. ONCOR ELECTRIC DELIVERY COMPANY LLC; from Mills County; 4th Court of Appeals District (04-13-00067-CV, \_\_\_ SW3d \_\_\_, 12-18-13)  
unopposed motion to dismiss petition for review granted

## **ORDERS ON MOTIONS FOR REHEARING**

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

13-0758 WILLIAM J. GONYEA AND CATHERINE J. GONYEA v. MIKE KERBY; from Johnson County; 10th Court of Appeals District (10-12-00182-CV, \_\_\_ SW3d \_\_\_, 08-08-13)

13-0771 ELNORA MOSES v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; from Lee County; 7th Court of Appeals District (07-12-00207-CV, \_\_\_ SW3d \_\_\_, 08-29-13)

13-0854 JUANITA J. GAROFALO v. CHECK INTO CASH OF TEXAS, LLC; from Collin County; 5th Court of Appeals District (05-12-01193-CV, \_\_\_ SW3d \_\_\_, 07-24-13)

13-0971 MARSHA CHAMBERS v. THE STATE OF TEXAS; from Kaufman County; 5th Court of Appeals District (05-12-01178-CV, \_\_\_ SW3d \_\_\_, 08-26-13)

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

14-0012 IN RE STEPHEN A. BERGENHOLTZ; from Collin County; 5th Court of Appeals District (05-13-01228-CV, \_\_\_ SW3d \_\_\_, 10-03-13)

14-0046 IN RE HUGO XAVIER DE LOS SANTOS; from Bexar County; 4th Court of Appeals District (04-14-00030-CV, \_\_\_ SW3d \_\_\_, 01-10-14)  
motion for leave to supplement record/appendix granted  
motion for temporary relief/emergency stay denied

**MISCELLANEOUS**

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

14-0112 IN RE DIAMOND OFFSHORE DRILLING, INC. AND DIAMOND OFFSHORE DRILLING LIMITED; from Harris County; 1st Court of Appeals District (01-13-00966-CV, \_\_\_ SW3d \_\_\_, 01-28-14)  
emergency motion to stay trial court proceedings, or in the alternative, to expedite mandamus review, denied

14-0119 IN RE THERESA BARNETT; from Dallas County  
as amended  
as supplemented  
motion for emergency relief denied, as supplemented  
motion for leave to apply rule denied



14-0129 IN RE RONALD EVERETT NEWTON; from Dallas County; 5th Court of Appeals District (05-13-01404-CV, \_\_\_ SW3d \_\_\_, 10-17-13)

14-0176 IN RE LONE STAR BANK AND RICKY J. HAJDIK; from Harris County; 14th Court of Appeals District (14-13-00979-CV, \_\_\_ SW3d \_\_\_, 02-06-14)

14-0221 IN RE SHEILA LONG; from Denton County; 2nd Court of Appeals District (02-14-00042-CV, \_\_\_ SW3d \_\_\_, 03-19-14)  
motion for emergency temporary relief denied

# **THE SUPREME COURT OF TEXAS**

**Orders Pronounced April 14, 2014**

## **MISCELLANEOUS**

**THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

14-0278 IN RE DANNY VINES AND NANCY VINES; from Angelina County; 12th  
Court of Appeals District (12-14-00092-CV, \_\_\_ SW3d \_\_\_, 04-11-14)

emergency motion for temporary relief denied

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced April 17, 2014**

**ORDERS ON CAUSES**

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

11-0265 THE EPISCOPAL DIOCESE OF FORT WORTH, ET AL. v. THE  
EPISCOPAL CHURCH, ET AL.; from Tarrant County  
emergency motion to recall and stay issuance of mandate or to stay enforcement  
of mandate, denied

# THE SUPREME COURT OF TEXAS

**Orders Pronounced April 25, 2014**

## ORDERS ON CAUSES

11-0037 IN RE WHATABURGER RESTAURANTS LP; from El Paso County; 8th Court of Appeals District (08-10-00250-CV, \_\_\_ SW3d \_\_\_, 12-08-10)

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

11-1021 LARRY T. LONG, L. ALLAN LONG, AND B. VIRGINIA LONG, IN THEIR CAPACITIES AS TRUSTEES OF THE LAWRENCE ALLAN LONG TRUST, THE CHARLES EDWARD LONG TRUST, THE LARRY THOMAS LONG TRUST AND THE JOHN STEPHEN LONG TRUST D/B/A THE LONG TRUSTS v. ROBERT M. GRIFFIN, ROBERT M. GRIFFIN, JR., CHARLES W. CONRAD, MARVIN OGILVIE, AND MARIE OGILVIE; from Gregg County; 12th Court of Appeals District (12-09-00260-CV, \_\_\_ SW3d \_\_\_, 11-09-11)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

12-0410 IN RE HEALTH CARE UNLIMITED, INC.; from Brooks County; 4th Court of Appeals District (04-12-00192-CV, \_\_\_ SW3d \_\_\_, 04-04-12) stay order issued November 2, 2012, lifted

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

12-0626 GARY SAWYER, DOUG KEMPF, PETER BARNABA, SR., GEOFF RORREV, TIM GREGORY, ET AL. v. E. I. DU PONT DE NEMOURS AND COMPANY

The Court answers the questions certified by the United States Court of Appeals for the Fifth Circuit.

Chief Justice Hecht delivered the opinion of the Court.

12-0843 RIO GRANDE VALLEY VEIN CLINIC, P.A., D/B/A RGV VEIN LASER & AESTHETIC CLINIC v. YVETTE GUERRERO; from Cameron County; 13th Court of Appeals District (13-11-00780-CV, \_\_\_ SW3d \_\_\_, 08-30-12)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

## **ORDERS ON CASES GRANTED**

### **THE FOLLOWING PETITION FOR REVIEW IS GRANTED:**

13-0605 BROWN & GAY ENGINEERING, INC. v. ZULEIMA OLIVARES, INDIVIDUALLY AND AS THE REPRESENTATIVE OF THE ESTATE OF PEDRO OLIVARES, JR., & PEDRO OLIVARES; from Harris County; 14th Court of Appeals District (14-12-00198-CV, 401 SW3d 363, 04-25-13)

[**Note:** The date and time for oral argument are yet to be determined.]

## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

13-0026 SCRIPPS TEXAS NEWSPAPERS, LP D/B/A CORPUS CHRISTI CALLER-TIMES, AND THE E.W. SCRIPPS COMPANY v. TERRY CARTER; from Nueces County; 13th Court of Appeals District (13-09-00655-CV, \_\_\_ SW3d \_\_\_, 11-21-12)

(Chief Justice Hecht not sitting)

13-0038 HUGO ESPINOSA AND DOMINO'S PIZZA, LLC v. LETICIA UMANZOR AND CHRISTOPHER UMANZOR; from Harris County; 1st Court of Appeals District (01-11-00270-CV, \_\_\_ SW3d \_\_\_, 06-14-12)

13-0059 DAVID OHRT, SANDRA HESTER AND JUDY SINAST v. UNION GAS CORPORATION, ET AL.; from Victoria County; 13th Court of Appeals District (13-05-00621-CV, 398 SW3d 315, 08-30-12)

13-0295 PATRICK E. HOSFORD, MORRIS L. ETHEREDGE, DAVID T. THREINEN AND NELSON E. WOODS v. STROUD PRODUCTION, L.L.C., PLANTATION PETROLEUM CORPORATION AND ROBERT A. STROUD; from Galveston County; 1st Court of Appeals District (01-11-00593-CV, 405 SW3d 794, 03-05-13)

13-0317 SANDRA PEREZ, INDIVIDUALLY AND AS REPRESENTATIVE FOR THE LEGAL HEIRS OF THE ESTATE OF ESPIRIDION AVILA, DECEASED v. SSC ROBSTOWN OPERATING COMPANY LP D/B/A RETAMA MANOR NURSING CENTER/ROBSTOWN AND TRISUN HEALTHCARE, LLC D/B/A TRISUN CARE CENTER; from Nueces County; 13th Court of Appeals District (13-12-00318-CV, \_\_\_ SW3d \_\_\_, 02-28-13)

13-0358 CITY OF FRIENDSWOOD, TEXAS v. WIGHT REALTY INTERESTS, LTD.; from Galveston County; 1st Court of Appeals District (01-11-01075-CV, \_\_\_ SW3d \_\_\_, 04-04-13)

- 13-0476 ANTEX ROOFING, INC., NEVCO WATERPROOFING, INC., CONEX CONSTRUCTORS, INC. AND MITCHELL CHUOKE PLUMBING, INC. v. CONCIERGE CARE NURSING CENTERS, INC. AND HOUSTON CONCIERGE CARE, L.P.; from Harris County; 1st Court of Appeals District (01-11-00882-CV, \_\_\_ SW3d \_\_\_, 05-09-13)
- 13-0564 MOMIN PROPERTIES, INC. AND W & J INVESTMENTS, INC. D/B/A GAS 'N' STUFF v. THE STATE OF TEXAS; from Harris County; 1st Court of Appeals District (01-12-00854-CV, 409 SW3d 1, 06-06-13)
- 13-0590 COMUNIDAD BALBOA, LLC v. CITY OF NASSAU BAY, ET AL.; from Harris County; 14th Court of Appeals District (14-12-00619-CV, 402 SW3d 479, 06-13-13)
- 13-0678 PRESTONWOOD MARKET SQUARE, LTD., AND NEW PEPPER SQUARE S/C, LTD., AS ASSIGNEE OF PRESTONWOOD MARKET SQUARE, LTD., HENRY S. MILLER BROKERAGE, LLC, HSM PEPPER SQUARE PARTNERS, LTD. AND HENRY S. MILLER HOLDINGS CORP. v. GAUTAM C. DAFTARY AND SHWETA G. DAFTARY D/B/A PRESTONWOOD DENTAL; from Dallas County; 5th Court of Appeals District (05-11-01482-CV, \_\_\_ SW3d \_\_\_, 06-07-13)
- 13-0703 GAUTAM C. DAFTARY AND SHWETA G. DAFTARY v. PRESTONWOOD MARKET SQUARE, LTD. AND NEW PEPPER SQUARE S/C, LTD.; from Dallas County; 5th Court of Appeals District (05-11-00673-CV, \_\_\_ SW3d \_\_\_, 04-23-13)  
as amended
- 13-0779 ICON BENEFIT ADMINISTRATORS, II, LP.; AMERICAN ADMINISTRATIVE GROUP, INC.; AND HEALTHSMART PREFERRED CARE, II, L.P. v. GREG ABBOTT, ATTORNEY GENERAL OF TEXAS; THE CITY OF LUBBOCK; AND LUBBOCK AVALANCHE-JOURNAL; from Travis County; 3rd Court of Appeals District (03-11-00459-CV, 409 SW3d 897, 08-22-13)
- 13-0877 JOHN C. FLOOD, INC., JOHN C. FLOOD OF DC, INC., AND MELVILLE DAVIS v. SUPERMEDIA, L.L.C.; from Dallas County; 5th Court of Appeals District (05-12-00307-CV, 408 SW3d 645, 08-02-13)

13-0950 ANDERSON PETRO-EQUIPMENT, INC., A TEXAS DOMESTIC CORPORATION, AND CURTIS RAY ANDERSON v. STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-13-00176-CV, \_\_\_SW3d\_\_\_, 10-22-13)

13-0997 ALIEF INDEPENDENT SCHOOL DISTRICT, DAN TURNER AND HENRY BONAPARTE v. TROY PERRY; from Harris County; 14th Court of Appeals District (14-12-00532-CV, \_\_\_ SW3d \_\_\_, 10-31-13)

(Justice Guzman not sitting)

13-1005 CITY OF SAN ANTONIO v. JOSEPH SALVAGGIO; from Bexar County; 4th Court of Appeals District (04-13-00172-CV, 419 SW3d 605, 11-20-13)

13-1016 GERALD ALLEN PERRY v. DEBBIE MANTOOTH STRICKLIN, JOHN B. HOLMES, HARRIS COUNTY TEXAS; from Harris County; 1st Court of Appeals District (01-10-01072-CV, \_\_\_ SW3d \_\_\_, 04-09-13)

13-1021 HYBISCUS FOOD, INC. AND SANJIV CHANDAN v. ATUL SARASWAT; from Bexar County; 4th Court of Appeals District (04-12-00644-CV, \_\_\_ SW3d \_\_\_, 11-06-13)

13-1031 BERRYMAN'S SOUTH FORK, INC. AND RICHARD BERRYMAN v. J. BAXTER BRINKMANN INTERNATIONAL CORPORATION, THE BRINKMANN CORPORATION, AND J. BAXTER BRINKMANN; from Dallas County; 5th Court of Appeals District (05-12-00492-CV, 418 SW3d 172, 11-20-13)  
as amended

14-0023 MICHAEL PRIETO v. BELL AEROSPACE SERVICES, INC., BELL HELICOPTER TEXTRON, INC. AND TEXTRON INC.; from Tarrant County; 2nd Court of Appeals District (02-11-00479-CV, \_\_\_ SW3d \_\_\_, 10-17-13)

14-0041 CHARLES W. MCGARRY v. ELIZABETH W. CELMER; from Dallas County; 5th Court of Appeals District (05-10-01133-CV, \_\_\_ SW3d \_\_\_, 08-08-13)  
2 petitions



- 14-0042 JOHN GLAD v. JAMES PATTERSON RAMSEUR AS GUARDIAN OF THE ESTATE AND PERSON OF JULIA DIXON RAMSEUR; from Dallas County; 5th Court of Appeals District (05-12-01166-CV, \_\_\_ SW3d \_\_\_, 10-03-13)
- 14-0057 IN THE ESTATE OF DONNA FELLS; from Jefferson County; 9th Court of Appeals District (09-12-00569-CV, \_\_\_SW3d\_\_\_, 10-24-13)
- 14-0059 RJL ENTERTAINMENT, INC., D/B/A CLUB CHEETAH v. JERILYN ANN CERDA, AS NEXT FRIEND OF NOEL DOE; from Nueces County; 13th Court of Appeals District (13-12-00356-CV, \_\_\_ SW3d \_\_\_, 12-12-13)
- 14-0060 EPSTEIN, BECKER, GREEN, WICKLIFF & HALL, P.C., ET. AL. v. MARK A. D'ANDREA, M.D., ET. AL.; from Harris County; 14th Court of Appeals District (14-12-00494-CV, 418 SW3d 791, 12-12-13)
- 14-0061 MIKE HUMMELL v. THE CITY OF CORPUS CHRISTI, TEXAS; from Nueces County; 13th Court of Appeals District (13-11-00790-CV, \_\_\_ SW3d \_\_\_, 07-31-13)
- 14-0077 KAY LYNN MAYNARD, F/K/A KAY LYNN MAYNARD BOOTH v. WILLIAM T. BOOTH; from Webb County; 4th Court of Appeals District (04-12-00585-CV, 421 SW3d 182, 11-27-13)
- 14-0089 DIBON SOLUTIONS, INC. D/B/A "REVENUE TECHNOLOGY SERVICES CORPORATION" v. MARTINAIR HOLLAND, NV; from Dallas County; 5th Court of Appeals District (05-11-01586-CV, \_\_\_ SW3d \_\_\_, 12-18-13)
- 14-0113 AGERAIN GILLESPIE v. KROGER TEXAS, L.P., THE KROGER CO., AND KROGER STORE NO. 488 AKA K034 KROGER EAST/SOUTHWEST; from Collin County; 5th Court of Appeals District (05-12-00652-CV, \_\_\_ SW3d \_\_\_, 10-25-13)
- 14-0132 WILLIS FLOYD WILEY v. AMERICAN ZURICH INSURANCE COMPANY; from Harris County; 1st Court of Appeals District (01-13-00345-CV, \_\_\_ SW3d \_\_\_, 01-16-14)

- 14-0134 SVETLANA POPLIN v. AMERISURE MUTUAL INSURANCE COMPANY; from Harris County; 1st Court of Appeals District (01-13-00102-CV, \_\_\_SW3d\_\_\_, 10-31-13)
- 14-0139 STEVEN R. LEVY v. CACH, L.L.C.; from Harris County; 14th Court of Appeals District (14-12-00905-CV, \_\_\_ SW3d \_\_\_, 12-03-13)
- 14-0147 FRANCIS WILLIAMS MONTENEGRO v. OCWEN LOAN SERVICING, LLC, ET AL.; from Travis County; 7th Court of Appeals District (07-12-00297-CV, 419 SW3d 561, 11-18-13)
- 14-0173 EDWARD NWOKEDI AND 1002 GEMINI INTERESTS, LLC v. UNLIMITED RESTORATION SPECIALISTS, INC.; from Harris County; 1st Court of Appeals District (01-12-00011-CV, \_\_\_SW3d\_\_\_, 01-23-14)
- 14-0181 CHRIS BELL v. REPUBLICAN GOVERNORS ASSOCIATION; from Travis County; 3rd Court of Appeals District (03-10-00783-CV, 421 SW3d 42, 09-27-13)

(Justice Boyd and Justice Brown not sitting)

- 14-0210 ARTEMIO E. GARZA v. RANDALL LEE MINTON, AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF RALPH LEE MINTON, RANDALL LEE MINTON, GLENDA MARCELLE TODD, BEVERLY REGINA ALFORD AND WANDA LYNN SMITH; from Hidalgo County; 13th Court of Appeals District (13-12-00026-CV, \_\_\_ SW3d \_\_\_, 01-30-14)

# ORDERS ON MOTIONS FOR REHEARING

## THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

13-0397 HITESH B. YAGNIK, M.D. v. MARCUS HERNANDEZ AND DIANE HERNANDEZ; from Tarrant County; 2nd Court of Appeals District (02-11-00510-CV, \_\_\_ SW3d \_\_\_, 04-18-13)

13-0666 ALBERT ORTIZ v. NATIONAL CITY BANK OF INDIANA AND NATIONAL CITY HOME LOAN SERVICES, INC.; from Harris County; 14th Court of Appeals District (14-10-01125-CV, \_\_\_ SW3d \_\_\_, 05-16-13)

(Justice Brown not sitting)

13-0729 DESIGN TECH HOMES, LTD. AND DESIGN TECH HOMES OF TEXAS, LLC v. MARY MAYWALD AND RANDY MAYWALD; from Montgomery County; 9th Court of Appeals District (09-11-00589-CV, \_\_\_ SW3d \_\_\_, 06-13-13)

13-0732 IN RE COMMITMENT OF MARK PETERSIMES; from Montgomery County; 9th Court of Appeals District (09-12-00410-CV, \_\_\_ SW3d \_\_\_, 08-15-13)

13-0904 ROSA SERRANO DBA THE LENS FACTORY AND INDIVIDUALLY v. PELLICANO BUSINESS PARK, L.L.C.; from El Paso County; 8th Court of Appeals District (08-13-00201-CV, \_\_\_ SW3d \_\_\_, 10-30-13)

13-0924 HOLLY MILLER v. PATRICK KITTMAN; from Sabine County; 12th Court of Appeals District (12-13-00097-CV, \_\_\_ SW3d \_\_\_, 08-29-13)

13-0985 FRED SAMSON v. JOHN JAMES GARZA; from Harris County; 1st Court of Appeals District (01-12-00938-CV, \_\_\_ SW3d \_\_\_, 10-29-13)

13-1007 SHANNON L. JOHNSON AND JAVIER G. GONZALEZ v. WATERS AT ELM CREEK, LLC; from Bexar County; 4th Court of Appeals District (04-12-00779-CV, 416 SW3d 42, 10-16-13)

- 14-0044 TECORE, INC. v. AIRWALK COMMUNICATIONS, INC.; from Dallas County; 5th Court of Appeals District (05-12-00130-CV, 418 SW3d 374, 12-04-13)
- 14-0069 IN THE INTEREST OF J.F.S. A CHILD; from Polk County; 9th Court of Appeals District (09-13-00290-CV, \_\_\_ SW3d \_\_\_, 12-12-13)
- 14-0070 IN THE INTEREST OF C.G., B.G., R.S. Jr. AND D.S.; from Polk County; 9th Court of Appeals District (09-13-00289-CV, \_\_\_ SW3d \_\_\_, 12-12-13)

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

- 13-0660 IN RE LEE ANN DUMBAULD, SCOTT SNIDER, LEISA HUTCHESON, DAVID MILLER AND THE CITY OF LUBBOCK; from Dallas County; 5th Court of Appeals District (05-11-00935-CV, 405 SW3d 257, 06-05-13)
- 14-0118 IN RE TERRENCE M. GORE; from Dallas County; 5th Court of Appeals District (05-14-00103-CV, \_\_\_ SW3d \_\_\_, 02-05-14)

**MISCELLANEOUS**

**THE FOLLOWING DIRECT APPEAL IS DENIED:**

- 14-0116 JOHN "TRACY" JOSEY v. STATE OF TEXAS; from Wise County; 2nd Court of Appeals District (02-13-00210-CV, \_\_\_ SW3d \_\_\_, 07-27-13) motion to show cause order denied

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 11-0409 IN RE LOUIS WARDLAW, HOT-HED, INC. AND CINARUCO INTERNATIONAL, S.A.; from Harris County; 1st Court of Appeals District (01-10-00211-CV, \_\_\_ SW3d \_\_\_, 05-23-11)  
as reinstated  
amended motion to lift stay granted  
abatement order issued June 24, 2011, lifted  
emergency motion for stay denied
- 13-0286 IN RE CONOCOPHILLIPS COMPANY; from Zapata County; 4th Court of Appeals District (04-13-00089-CV, \_\_\_ SW3d \_\_\_, 04-10-13)  
stay order issued May 3, 2013, lifted
- 13-0613 IN RE THE GOODYEAR TIRE & RUBBER COMPANY AND GOODYEAR-DUNLOP TIRES NORTH AMERICA, LTD.; from Calhoun County; 13th Court of Appeals District (13-13-00251-CV, \_\_\_ SW3d \_\_\_, 07-26-13)
- 13-0897 IN RE JERALD WEATHERMAN AND SCOTT EDMONDSON; from McCulloch County; 3rd Court of Appeals District (03-13-00615-CV, \_\_\_ SW3d \_\_\_, 10-02-13)
- 14-0208 IN RE GUILLERMO ALVAREZ-RIVAS; from Tarrant County; 2nd Court of Appeals District (02-14-00055-CV, \_\_\_ SW3d \_\_\_, 02-26-14)  
emergency motion for stay denied
- 14-0215 IN RE LARRY RAY SWEARINGEN; from Harris County; 14th Court of Appeals District (14-13-00929-CV, \_\_\_ SW3d \_\_\_, 01-16-14)
- 14-0263 IN RE KEVIN LEE GONZALES; from Bexar County; 4th Court of Appeals District (04-14-00226-CV, \_\_\_ SW3d \_\_\_, 04-04-14)  
motion for emergency temporary relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

13-0927 IN RE INNOVATION FIRST, INC., INNOVATION FIRST  
INTERNATIONAL, INC., DAVID A. NORMAN AND ROBERT MIPLITCH,  
III; from Dallas County; 5th Court of Appeals District (05-13-01378-CV, \_\_\_  
SW3d \_\_\_\_\_, 11-13-13)  
unopposed motion to dismiss granted

# THE SUPREME COURT OF TEXAS

Orders Pronounced May 2, 2014

## ORDERS ON CAUSES

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS  
DENIED:

12-0163 IN RE MARK FISHER AND REECE BOUDREAUX; from Wise County; 2nd  
Court of Appeals District (02-11-00013-CV, \_\_\_ SW3d \_\_\_, 02-01-12)

The Court's opinion issued February 28, 2014 is corrected.

## ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

12-0920 CHARLES G. HOOKS, III, ET AL. v. SAMSON LONE STAR, LIMITED  
PARTNERSHIP, N/K/A SAMSON LONE STAR LLC; from Jefferson County; 1st  
Court of Appeals District (01-09-00328-CV, 389 SW3d 409, 05-31-12)

[**Note:** The date and time for oral argument are yet to be determined.]

# **ORDERS ON PETITIONS FOR REVIEW**

## **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

12-1040 EXXON CORPORATION AND EXXON TEXAS, INC. v. LAURIE T. MIESCH, ET AL.; from Refugio County; 13th Court of Appeals District (13-00-00104-CV, \_\_\_ SW3d \_\_\_, 10-11-12)

(Justice Guzman and Justice Lehrmann not sitting)

13-0159 VIA METROPOLITAN TRANSIT v. GERALD ANTHONY GARCIA; from Bexar County; 4th Court of Appeals District (04-11-00459-CV, 397 SW3d 702, 12-05-12)

13-0175 MAGDALENA ADRIENNA ABUTAHOUN, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE HEIRS AND ESTATE OF ROBERT WAYNE HENDERSON, DECEASED AND TANYA ELAINE HENDERSON, INDIVIDUALLY IN HER OWN RIGHT AND AS NEXT FRIEND OF ZA'QUOIA ZANICE HENDERSON, A MINOR v. THE DOW CHEMICAL COMPANY; from Dallas County; 5th Court of Appeals District (05-11-01277-CV, 395 SW3d 335, 02-08-13)

13-0408 MARCUS HILES v. ARNIE & COMPANY, P.C.; from Harris County; 14th Court of Appeals District (14-12-00088-CV, 402 SW3d 820, 04-25-13)

(Justice Brown not sitting)



- 13-0483 RUSSELL DESOTO AND JUDY DESOTO v. THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON; from Harris County; 14th Court of Appeals District (14-12-00620-CV, 401 SW3d 319, 03-21-13)
- 13-0527 SIDECARS, INC. v. THE TEXAS DEPARTMENT OF INSURANCE, MIKE GEESLIN COMMISSIONER OF THE TEXAS DEPARTMENT OF INSURANCE, COLLATERAL PROTECTION INSURANCE AGENCY, INC, AND HUB INTERNATIONAL FINANCIAL; from Travis County; 3rd Court of Appeals District (03-10-00720-CV, \_\_\_ SW3d \_\_\_, 05-30-13)
- 13-0645 TYSON GODDARD AND MYLEA GODDARD v. DANIEL WAYNE STEELE AND ROBERT DEWAYNE STEELE; from Navarro County; 10th Court of Appeals District (10-12-00111-CV, \_\_\_ SW3d \_\_\_, 06-13-13)
- 13-0871 EARL SEABRON v. AYESHA SEABRON; from Wichita County; 4th Court of Appeals District (04-12-00482-CV, \_\_\_SW3d\_\_\_, 08-30-13)
- 13-0876 DANIEL DROR II, INDIVIDUALLY AND AS TRUSTEE OF THE DANIEL DROR II TRUST OF 1998 and DANIEL DROR v. DANIEL MUSHIN; from Harris County; 14th Court of Appeals District (14-12-00322-CV, \_\_\_ SW3d \_\_\_, 09-26-13)
- 13-0944 JOEL HERRERA v. THE CITY OF SAN ANTONIO; from Bexar County; 4th Court of Appeals District (04-13-00304-CV, \_\_\_ SW3d \_\_\_, 10-16-13)

- 13-0974 GREG WEAVER AND WENDY WEAVER v. W. DAVID HOLLIDAY; from Dallas County; 5th Court of Appeals District (05-10-01614-CV, 410 SW3d 439, 08-20-13)
- 13-0975 LIBERTY BANK, F.S.B. v. ANDREW B. ETTER D/B/A ANDREW B. ETTER LAW OFFICES; from Tarrant County; 2nd Court of Appeals District (02-12-00337-CV, \_\_\_SW3d\_\_\_, 09-19-13)
- 13-0991 SELECT INVESTMENTS, LLC v. RIGOBERTO LOZANO, HUGO ADAME, AND LOZANO, ADAME & GARZA, LLC; from Travis County; 11th Court of Appeals District (11-11-00278-CV, \_\_\_SW3d\_\_\_, 11-14-13)
- 14-0043 WANDA M. PAGE v. STATE FARM LLOYDS; from Johnson County; 10th Court of Appeals District (10-12-00317-CV, \_\_\_ SW3d \_\_\_, 12-05-13)
- 14-0064 IN RE COMMITMENT OF EDUARDO GARCIA; from Montgomery County; 9th Court of Appeals District (09-12-00194-CV, \_\_\_ SW3d \_\_\_, 12-12-13)
- 14-0143 ESTATE OF KENNETH FLOURNOY, ESTATE OF MILDRED LAMB AND KATHLAN FLOURNOY v. DAVID B. RISNER AND BILLIE CASEY RISNER; from Van Zandt County; 6th Court of Appeals District (06-13-00071-CV, \_\_\_ SW3d \_\_\_, 01-09-14)

14-0155 IN THE INTEREST OF D.I.P., A CHILD; from Bexar County; 4th Court of Appeals District (04-13-00162-CV, 421 SW3d 106, 10-09-13)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:**

14-0084 DAVID VUONG v. TAIWAI LUK; from Harris County; 1st Court of Appeals District (01-11-00178-CV, \_\_\_ SW3d \_\_\_, 12-19-13)

## **MISCELLANEOUS**

### **THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

11-0702 IN RE JAZZERCISE, INC. AND KELLIE ELLINGTON; from Dallas County; 5th Court of Appeals District (05-11-01034-CV, \_\_\_ SW3d \_\_\_, 08-30-11) motion for order directing court reporter to file exhibit dismissed as moot stay order issued September 9, 2011, lifted

12-0178 IN RE BANK OF AMERICA, N.A.; from Wise County; 2nd Court of Appeals District (02-11-00014-CV, \_\_\_ SW3d \_\_\_, 02-01-12) stay order issued September 21, 2012, lifted

13-0507 IN RE THE CADLE COMPANY; from Travis County; 3rd Court of Appeals District (03-13-00205-CV, \_\_\_ SW3d \_\_\_, 06-11-13)

- 13-0625 IN RE JAMES SUMMERSETT, III; from Hidalgo County; 13th Court of Appeals District (13-12-00431-CV, \_\_\_ SW3d \_\_\_, 07-18-13)
- 14-0035 IN RE BRUCE L. HALBRIDGE, M.D.; from Fort Bend County; 1st Court of Appeals District (01-11-00946-CV, 414 SW3d 771, 08-13-13)
- 14-0156 IN RE BENJAMIN J. GUTIÉRREZ; from El Paso County; 8th Court of Appeals District (08-14-00061-CV, \_\_\_ SW3d \_\_\_, 02-19-14)  
motion for temporary relief denied
- 14-0228 IN RE CHASE CARMEN HUNTER; from Travis County; 3rd Court of Appeals District (03-14-00121-CV, \_\_\_ SW3d \_\_\_, 03-12-14)
- 14-0246 IN RE JOSEPH E. MCCLAIN, III; from Travis County; 13th Court of Appeals District (13-13-00648-CV, \_\_\_ SW3d \_\_\_, 11-26-13)
- 14-0289 IN RE RICHARD THOMAS, THOMAS FAMILY PROPERTY COMPANY, LTD., MICHAEL THOMAS, AND WILLIAM THOMAS; from Bexar County; 4th Court of Appeals District (04-14-00257-CV, \_\_\_ SW3d \_\_\_, 04-17-14)  
motion for emergency temporary stay of jury trial denied

# THE SUPREME COURT OF TEXAS

Orders Pronounced May 8, 2014

## MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

14-0311 IN RE BRANCH/MCGOWEN VENTURES LLP A/K/A BMV RETAIL;  
ESTER BRANCH AND THELDON R. BRANCH III; from Webb County; 4th  
Court of Appeals District (04-14-00216-CV, \_\_\_ SW3d \_\_\_, 04-23-14)  
as supplemented  
relators' motion to stay pending mandamus denied

14-0337 IN RE BRANCH/MCGOWEN VENTURES LLP A/K/A BMV RETAIL, ESTER  
BRANCH AND THELDON R. BRANCH, III.; from Webb County; 4th Court of  
Appeals District (04-14-00216-CV, \_\_\_ SW3d \_\_\_, 04-23-14)  
relators' motion to stay pending mandamus denied

# THE SUPREME COURT OF TEXAS

Orders Pronounced May 9, 2014

## ORDERS ON CAUSES

12-0522 WASTE MANAGEMENT OF TEXAS, INC. v. TEXAS DISPOSAL SYSTEMS LANDFILL, INC.; from Travis County; 3rd Court of Appeals District (03-10-00826-CV, \_\_\_ SW3d \_\_\_, 05-18-12)  
2 petitions

The Court affirms in part and reverses in part the court of appeals' judgment and remands the case to that court.

Justice Willett delivered the opinion of the Court.

12-0839 AMEDISYS, INC. D/B/A AMEDISYS TEXAS, LTD. v. KINGWOOD HOME HEALTH CARE, LLC D/B/A HEALTH SOLUTIONS HOME HEALTH; from Harris County; 14th Court of Appeals District (14-11-00368-CV, 375 SW3d 397, 06-26-12)

The Court reverses the court of appeals' judgment and remands the case to that court.

Justice Boyd delivered the opinion of the Court.

## ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

14-0098 IN THE INTEREST OF L.T.H., R.R.H. AND A.W.H., MINOR CHILDREN; from Collin County; 5th Court of Appeals District (05-11-01707-CV, 418 SW3d 876, 12-18-13)

14-0102 IN THE INTEREST OF H.S.B.; from Travis County; 3rd Court of Appeals District (03-13-00190-CV, \_\_\_ SW3d \_\_\_, 12-20-13)

14-0115 OLIVIA FLORES v. SONIC AUTOMOTIVE OF TEXAS, L.P., D/B/A LONE STAR FORD; from Harris County; 14th Court of Appeals District (14-12-00722-CV, \_\_\_ SW3d \_\_\_, 10-24-13)

14-0164 MICHAEL ALTON HUGHES v. DAVID HUGHES, MARK HUGHES AND CHRIS HUGHES; from Jefferson County; 13th Court of Appeals District (13-12-00288-CV; 13-12-00339-CV, \_\_\_SW3d\_\_\_, 01-16-14)

(Chief Justice Hecht not sitting)

**THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO  
TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):**

14-0188 MITZIE F. TARIN AND MARIA FLORES v. ELIZAR BENAVIDES AND BELINDA BENAVIDES; from Ector County; 11th Court of Appeals District (11-11-00258-CV, \_\_\_ SW3d \_\_\_, 01-30-14)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 5, 9.4(h), (i)(3), (j)(4) , and 53.2(k)(1)(c), and is struck. Petitioner is ordered to redraw; the petition is due to be filed by May 19, 2014."

THE MOTION IN THE FOLLOWING PETITION FOR REVIEW IS DENIED:

- 14-0183 ST. LUKE'S SUGAR LAND PARTNERSHIP, L.L.P. AND ST. LUKE'S COMMUNITY DEVELOPMENT CORPORATION-SUGAR LAND v. SHATISH PATEL, M.D., HEMALATHA VIJAYAN, M.D., SUBODH SONWALKAR, M.D. AND WALLEY OLADUT, M.D.; from Harris County; 1st Court of Appeals District (01-13-00273-CV, \_\_\_ SW3d \_\_\_, 11-07-13) emergency motion for temporary relief denied

[**Note:** The petition for review remains pending before this Court.]

**ORDERS ON MOTIONS FOR REHEARING**

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0721 JESSE PAUL SKINNER v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE CORRECTIONAL INSTITUTIONAL DIVISION, ANGELA BRICE, JEREMY LARUE; from Houston County; 12th Court of Appeals District (12-13-00123-CV, \_\_\_ SW3d \_\_\_, 08-30-13)
- 13-0819 NEW DELIVERANCE CHURCH, INC. v. ADAM MILLER AND HOUSIERE, DURANT & HOUSIERE, LLP; from Harris County; 14th Court of Appeals District (14-10-01127-CV, \_\_\_ SW3d \_\_\_, 07-25-13)
- 13-0886 THE CRAWFORD FAMILY FARM PARTNERSHIP v. TRANSCANADA KEYSTONE PIPELINE, L.P.; from Lamar County; 6th Court of Appeals District (06-12-00113-CV, 409 SW3d 908, 08-27-13)

(Justice Boyd not sitting)



14-0014 ROBERT V. BUCK AND QUEEN ISABELLA DEVELOPMENT JOINT VENTURE v. G. J. PALMER, JR.; from Hidalgo County; 13th Court of Appeals District (13-09-00192-CV, \_\_\_ SW3d \_\_\_, 09-26-13)

14-0022 BOBIE KENNETH TOWNSEND v. BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, SHELLEY LUAN DOUGLASS, KELLY JIMENEZ, SUBSTITUTE TRUSTEE, ANY AND ALL KNOWN OR UNKNOWN DOE 1-10; from Montgomery County; 9th Court of Appeals District (09-12-00564-CV, \_\_\_ SW3d \_\_\_, 10-31-13)

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

14-0135 IN RE CHASE CARMEN HUNTER; from Travis County; 3rd Court of Appeals District (03-13-00557-CV, \_\_\_ SW3d \_\_\_, 01-07-14)

14-0136 IN RE CHASE CARMEN HUNTER; from Travis County; 3rd Court of Appeals District (03-13-00468-CV, \_\_\_ SW3d \_\_\_, 01-07-14)

## MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

14-0200 IN RE MICHAEL WAYNE BARNES; from Harris County; 1st Court of Appeals District (01-13-00826-CV)

14-0234 IN RE CHRISTINE RUELE; from Travis County; 3rd Court of Appeals District (03-14-00103-CV, \_\_\_\_\_ SW3d \_\_\_\_\_, 04-11-14)  
emergency request for relief denied

# THE SUPREME COURT OF TEXAS

Orders Pronounced May 16, 2014

## ORDERS ON CAUSES

12-0983 MCALLEN HOSPITALS, L.P. D/B/A MCALLEN MEDICAL CENTER v. STATE FARM COUNTY MUTUAL INSURANCE COMPANY OF TEXAS; from Hidalgo County; 13th Court of Appeals District (13-11-00330-CV, \_\_\_ SW3d \_\_\_, 10-25-12)

The Court reverses the court of appeals' judgment and remands the case to the trial court.

Justice Lehrmann delivered the opinion of the Court.

13-0321 KENNEDY HODGES, L.L.P. v. VENTURA GOBELLAN, JR. AND PAULA GOBELLAN; from Jackson County; 13th Court of Appeals District (13-12-00473-CV, \_\_\_ SW3d \_\_\_, 03-14-13)

stay order issued August 9, 2013, lifted

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

13-0638 FRANKIE SIMS, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED; AND PATSY SIMS, ON BEHALF OF HERSELF AND ALL OTHERS SIMILARLY SITUATED v. CARRINGTON MORTGAGE SERVICES, L.L.C.

The Court answers the questions certified by the United States Court of Appeals for the Fifth Circuit.

Chief Justice Hecht delivered the opinion of the Court.

13-0749 IN THE INTEREST OF A.B. AND H.B., CHILDREN; from Tarrant County; 2nd Court of Appeals District (02-11-00209-CV, 412 SW3d 588, 08-08-13)

The Court affirms the court of appeals' judgment.

Justice Guzman delivered the opinion of the Court.

## **ORDERS ON CASES GRANTED**

### **THE FOLLOWING PETITION FOR REVIEW IS GRANTED:**

13-0053 STATE OF TEXAS v. CLEAR CHANNEL OUTDOOR, INC.; from Harris County; 1st Court of Appeals District (01-11-00197-CV, \_\_\_ SW3d \_\_\_, 09-27-12)

[**Note:** The date and time for oral argument are yet to be determined.]

## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

12-0945 ROBERT GENE CUNNINGHAM, AS REPRESENTATIVE OF THE ESTATE OF PATRICIA MAUDINE CUNNINGHAM, DECEASED v. LADI O. M. HAROONA, M.D.; from Tarrant County; 2nd Court of Appeals District (02-07-00231-CV, 382 SW3d 492, 08-23-12)

13-0506 IN THE INTEREST OF K.B.H., A CHILD; from Ector County; 11th Court of Appeals District (11-11-00233-CV, \_\_\_ SW3d \_\_\_, 05-23-13)

13-0603 ROBBIE SHAW v. E-QUEST MANAGEMENT, LLC & ODYSSEY ONE SOURCE, INC.; from Galveston County; 1st Court of Appeals District (01-11-00296-CV, \_\_\_ SW3d \_\_\_, 03-28-13)

13-0937 K.T. ROCK, LLC v. SEECO, INC. AND SOUTHWESTERN ENERGY COMPANY; from Harris County; 14th Court of Appeals District (14-12-00357-CV, 416 SW3d 664, 09-26-13)

- 13-0973 RAYMOND SNODGRASS, JR., INDIVIDUALLY, AS REPRESENTATIVE OF THE ESTATE OF PATSY SNODGRASS, AND AS HEIR OF THE ESTATE OF PATSY SNODGRASS, MARY GLASS, INDIVIDUALLY, AND AS HEIR OF THE ESTATE OF PATSY SNODGRASS, ET AL. v. HILLCREST BAPTIST MEDICAL CENTER, HILL-ROM CO., INC., SUSAN MOORE, HEATHER MADDOX, LAURIE STEWART, REBECCA URBANOVSKY, C. BROCKETT, K. DENTON, L. DEGRATE, R. GONZALEZ AND MICHAEL OVERCASH; from McLennan County; 7th Court of Appeals District (07-11-00401-CV, \_\_\_ SW3d \_\_\_, 10-31-13)
- 13-1000 CARLOS ZAFFIRINI, SR., DOLORES ANGELINA DE LA GARZA, CLARISSA DE LA GARZA, CRISTINA LORENA BENAVIDES, SERVANDO ROBERTO BENAVIDES, DELIA HILDA BENAVIDES MARTINEZ, MARIA EUGENIA BENAVIDES GUTIERREZ AND LAS TINAJAS MINERALS, LTD. v. BP AMERICA PRODUCTION COMPANY; from Webb County; 4th Court of Appeals District (04-11-00550-CV, 419 SW3d 485, 08-30-13)  
2 petitions
- 14-0029 NEXTERA RETAIL OF TEXAS, LP v. INVESTORS WARRANTY OF AMERICA, INC.; from Harris County; 1st Court of Appeals District (01-12-00577-CV, 418 SW3d 222, 11-21-13)
- 14-0032 APEX PRIMARY CARE, INC. v. LEGACY HOME HEALTH AGENCY, INC.; from Hidalgo County; 13th Court of Appeals District (13-13-00087-CV, \_\_\_SW3d\_\_\_, 09-19-13)
- 14-0033 SHAUN BURGESS v. CASTLE KEEPERS, INC.; from Collin County; 5th Court of Appeals District (05-12-01175-CV, \_\_\_ SW3d \_\_\_, 10-03-13)
- 14-0088 NICHOLAS J. BONACCI v. MYRIAM BARRAGAN-BONACCI; from El Paso County; 8th Court of Appeals District (08-11-00255-CV, 420 SW3d 294, 12-27-13)
- 14-0105 CRAZY HOTEL ASSISTED LIVING, LTD., CRAZY HOTEL ASSISTED LIVING, GP, LLC, LEISURE LIFE SENIOR APARTMENT HOUSING II, LTD., AND CHARLES V. MILLER, JR. v. NEWSPAPER HOLDINGS, INC., INTEGRACARE OF TEXAS, LLC, AND CHARLOTTE PATTERSON; from Harris County; 1st Court of Appeals District (01-12-00581-CV, 416 SW3d 71, 10-24-13)

- 14-0150 MEDINA COUNTY AND GEORGE T. CHANEY v. SIMON CAMACHO AND FELIPE CAMACHO; from Medina County; 4th Court of Appeals District (04-12-00358-CV, \_\_\_ SW3d \_\_\_, 12-11-13)
- 14-0179 KOLLEN J. MOUTON v. PALLETIZED TRUCKING, INC. AND SAIA, INC.; from Harris County; 14th Court of Appeals District (14-13-00609-CV, \_\_\_ SW3d \_\_\_, 12-12-13)
- 14-0180 TROY BROWN v. PALLETIZED TRUCKING, INC. AND SAIA, INC.; from Harris County; 14th Court of Appeals District (14-13-00610-CV, \_\_\_ SW3d \_\_\_, 12-12-13)
- 14-0190 CITY OF ABILENE v. JIMMY WILSHER, JIMMY D. ASBILL, JERRY "GERARDO" GARCIA, CRAIG MAYHALL, JOHN M. WEGNER, BARBARA CAROLYN WIGGINS, FIDENCIO GARCIA, JR., RONAL PILAND AND TERRY VINES; from Taylor County; 11th Court of Appeals District (11-11-00355-CV, \_\_\_ SW3d \_\_\_, 12-31-13)
- 14-0222 KENNETH L. HILL v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTE DIVISION, MICHAEL EDISON AND SHAWN JOINER; from Fort Bend County; 14th Court of Appeals District (14-13-00594-CV, \_\_\_ SW3d \_\_\_, 02-06-14)
- 14-0261 IN RE COMMITMENT OF WALTER RAY MOSS; from Montgomery County; 9th Court of Appeals District (09-12-00599-CV, \_\_\_ SW3d \_\_\_, 12-02-13)

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:**

- 14-0154 SOUTH TEXAS VETERINARY ASSOCIATES, INC. v. JENA GONZALEZ; from Nueces County; 13th Court of Appeals District (13-12-00519-CV, \_\_\_ SW3d \_\_\_, 12-19-13)  
*See* TEX. GOV'T CODE § 22.225(b)(1).

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 12-1038 JESUS MIRANDA v. STEPHEN BYLES; from Harris County; 1st Court of Appeals District (01-10-01022-CV, 390 SW3d 543, 10-25-12)
- 13-1038 RODOLFO RIVERA MUNOZ v. THE CITY OF BALCONES HEIGHTS, THE CITY OF SAN ANTONIO, AND THE STATE OF TEXAS; from Bexar County; 4th Court of Appeals District (04-13-00439-CV, \_\_\_ SW3d \_\_\_, 11-20-13)

### **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

- 11-1007 IN RE STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY; from Bexar County; 4th Court of Appeals District (04-11-00708-CV, \_\_\_ SW3d \_\_\_, 10-12-11)

## **MISCELLANEOUS**

### **THE FOLLOWING DIRECT APPEAL IS DISMISSED:**

- 14-0280 LAURANCE KRIEGEL v. SOUTHWESTERN PUBLIC SERVICE COMPANY

motion for order determining a vexatious litigant and request for security, denied

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE  
DENIED:**

- 11-1025 IN RE DIONNE OLIVER, M.D.; from Orange County; 9th Court of Appeals District (09-11-00546-CV, \_\_\_ SW3d \_\_\_, 11-17-11)
- 13-0344 IN RE VIA METROPOLITAN TRANSIT AUTHORITY; from Bexar County; 4th Court of Appeals District (04-13-00165-CV, \_\_\_ SW3d \_\_\_, 04-24-13)
- 13-0856 IN RE JEFFREY D. WESTBROOK; from Jones County; 11th Court of Appeals District (11-13-00269-CV, \_\_\_ SW3d \_\_\_, 09-12-13)
- 14-0230 IN RE ROBERT F. CALDWELL; from Anderson County; 12th Court of Appeals District (12-13-00323-CV, \_\_\_ SW3d \_\_\_, 11-13-13)
- 14-0266 IN RE THOMAS CLARK; from Lubbock County; 7th Court of Appeals District (07-14-00104-CV, \_\_\_ SW3d \_\_\_, 04-01-14)
- 14-0360 IN RE PATRICIA GELSKY; from Collin County; 5th Court of Appeals District (05-14-00442-CV, \_\_\_ SW3d \_\_\_, 05-01-14)

relator's motion for temporary relief denied

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE  
DISMISSED AS MOOT:**

- 14-0063 IN RE CLIVE BAR AUSTIN, LLC AND DKL HOLDINGS, LLC; from Travis County; 3rd Court of Appeals District (03-13-00829-CV, \_\_\_ SW3d \_\_\_, 01-17-14)  
as amended



14-0243 IN RE TEXAS DEPARTMENT OF CRIMINAL JUSTICE; from Travis County; 3rd Court of Appeals District (03-14-00185-CV, \_\_\_ SW3d \_\_\_, 03-28-14)

stay order issued March 28, 2014, lifted

With the following notation: "The district court's temporary restraining order expired on April 10, 2014. The court did not hear or grant a temporary injunction, and the temporary restraining order was not continued either by the parties' agreement or by court order. *See* TEX. R. CIV. P. 680. We therefore dismiss as moot the Board's petition for writ of mandamus, and express no opinion on the propriety of the district court's temporary restraining order and protective order or on the merits of the plaintiffs' underlying claims."

THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE FOLLOWING APPEAL IS AFFIRMED:

13-0377 JOHN PHILLIP BENDER v. THE COMMISSION FOR LAWYER DISCIPLINE, STATE BAR OF TEXAS

motion to take judicial notice granted  
request to exceed page limits granted

THE FOLLOWING CASE IS ABATED:

13-0751 DRIVEWAY AUSTIN GP, LLC v. TURBO PARTNERS, LLC; from Travis County; 7th Court of Appeals District (07-12-00191-CV, 409 SW3d 197, 08-07-13)

agreed motion to abate for settlement granted  
abatement order issued

[**Note:** This case is removed from the Court's active docket until July 15, 2014, by which time the parties must file either a status report or a motion to dismiss.]

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced May 21, 2014**

**MISCELLANEOUS**

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

14-0402 IN RE TIM ROBERT TARKENTON, M.D.; from Palo Pinto County; 11th Court of Appeals District (11-14-00139-CV, \_\_\_ SW3d \_\_\_, 05-21-14) relator's emergency motion for temporary relief denied

# THE SUPREME COURT OF TEXAS

Orders Pronounced May 23, 2014

## ORDERS ON CAUSES

12-0789 TENASKA ENERGY, INC., TENASKA ENERGY HOLDINGS, LLC, TENASKA CLEBURNE, LLC, CONTINENTAL ENERGY SERVICES, INC., AND ILLINOVA GENERATING COMPANY v. PONDEROSA PINE ENERGY, LLC; from Dallas County; 5th Court of Appeals District (05-10-00516-CV, 376 SW3d 358, 08-20-12)

The Court reverses the court of appeals' judgment and reinstates the judgment of the trial court.

Justice Guzman delivered the opinion of the Court.

## ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

14-0037 STEVEN E. BROWN v. BANK OF AMERICA, N.A.; from Dallas County; 5th Court of Appeals District (05-12-01382-CV, \_\_\_ SW3d \_\_\_, 11-25-13)

- 14-0045 MILLER GLOBAL PROPERTIES, LLC, MILLER GLOBAL FUND V, LLC, SA REAL ESTATE, LLLP AND SA RESORT LLLP v. MARRIOTT INTERNATIONAL, INC. AND MARRIOTT HOTEL SERVICES, INC.; from Collin County; 5th Court of Appeals District (05-12-00822-CV, 418 SW3d 342, 12-03-13)
- 14-0050 A-1 AUTO BODY AND PAINT SHOP, LLC v. MARGARET MCQUIGGAN; from Harris County; 1st Court of Appeals District (01-13-00250-CV, 418 SW3d 403, 12-05-13)
- 14-0110 HARDAM S. AZAD, INDIVIDUALLY AND D/B/A 5 MILLION SQUARE FEET COMPANIES v. MRCO, INC. AND COMMERCIAL ROOF CONSULTANTS AND CLAIMS MANAGEMENT, LLC; from Harris County; 14th Court of Appeals District (14-12-00165-CV, \_\_\_SW3d\_\_\_, 11-07-13)
- 14-0203 JAY S. COOPER v. HAMILTON COUNTY, HAMILTON INDEPENDENT SCHOOL DISTRICT, CITY OF HAMILTON, HAMILTON HOSPITAL DISTRICT AND HAMILTON COUNTY APPRAISAL DISTRICT; from Hamilton County; 10th Court of Appeals District (10-12-00427-CV, \_\_\_SW3d\_\_\_, 03-17-14)
- 14-0245 IN RE A.J.A. A/K/A A.J.L.A., D.C.A., AND J.C.T.A. A/K/A J.A.; from Harris County; 1st Court of Appeals District (01-13-00542-CV, \_\_\_ SW3d \_\_\_, 12-12-13)

14-0273 JONATHON C. MCINTOSH, D.D.S. v. TEXAS STATE BOARD OF DENTAL EXAMINERS; from Travis County; 7th Court of Appeals District (07-12-00196-CV, \_\_\_SW3d\_\_\_, 03-10-14)

## **ORDERS ON MOTIONS FOR REHEARING**

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

13-0883 REUBEN MEREDITH HAGA v. JERRY REDMOND THOMAS AND LYDA ANN THOMAS; from Galveston County; 1st Court of Appeals District (01-12-00218-CV, 409 SW3d 731, 07-16-13)

14-0039 WALLACE ROOFING v. LINDA BENSON; from Travis County; 3rd Court of Appeals District (03-11-00055-CV, \_\_\_SW3d\_\_\_, 11-27-13)

## **MISCELLANEOUS**

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

14-0335 DELORIS PHILLIPS v. DALLAS POLICE DEPARTMENT, ET AL.

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

14-0287 IN RE RADIANT DARKSTAR PRODUCTIONS, LLC; from Dallas County; 5th Court of Appeals District (05-14-00161-CV, \_\_\_ SW3d \_\_\_, 03-21-14)

14-0381 IN RE LEXON INSURANCE COMPANY; from Dallas County; 5th Court of Appeals District (05-14-00473-CV, \_\_\_ SW3d \_\_\_, 04-28-14)

relator's emergency motion for temporary relief denied

# THE SUPREME COURT OF TEXAS

**Orders Pronounced May 30, 2014**

## **ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

13-1033 CHEYENNE PATE v. WARDEN DAWN GROUNDS, ET AL.; from Bowie County; 6th Court of Appeals District (06-13-00082-CV, \_\_\_ SW3d \_\_\_, 11-27-13)

14-0137 JERRY MORENO v. TEXAS DEPARTMENT OF TRANSPORTATION; from El Paso County; 8th Court of Appeals District (08-12-00078-CV, \_\_\_ SW3d \_\_\_, 12-18-13)

14-0238 TERRY BLANKENSHIP v. BRAD LIVINGSTON, ET AL.; from Potter County; 7th Court of Appeals District (07-13-00013-CV, \_\_\_ SW3d \_\_\_, 12-17-13)

14-0244 ROSALYNE M. DIXON KENNEDY TAYLOR v. ADDIE MAE DIXON; from Harris County; 14th Court of Appeals District (14-12-01052-CV, \_\_\_ SW3d \_\_\_, 01-23-14)

14-0249 IN THE INTEREST OF S.H., A CHILD; from Midland County; 11th Court of Appeals District (11-13-00251-CV, \_\_\_ SW3d \_\_\_, 02-14-14)

14-0269 IN THE INTEREST OF A.K.M., J.D.M. AND D.D.M., CHILDREN; from Jefferson County; 9th Court of Appeals District (09-12-00464-CV, \_\_\_ SW3d \_\_\_, 02-27-14)

14-0296 ANIL DAS AND SHEELA DAS v. DEUTSCHE BANK TRUST COMPANY NATIONAL ASSOCIATION, ET AL.; from Dallas County; 5th Court of Appeals District (05-12-01612-CV, \_\_\_ SW3d \_\_\_, 03-05-14)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

13-1030 CITY OF GEORGETOWN, TEXAS v. LOWER COLORADO RIVER AUTHORITY; from Travis County; 3rd Court of Appeals District (03-12-00648-CV, \_\_\_ SW3d \_\_\_, 08-23-13)

unopposed motion for dismissal pursuant to settlement granted

(Chief Justice Hecht not sitting)



**THE ABATEMENT ORDER IS EXTENDED IN THE FOLLOWING  
PETITION FOR REVIEW:**

13-0343 VERIZON BUSINESS NETWORK SERVICES, INC. v. SUSAN COMBS,  
COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS,  
AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS;  
from Travis County; 7th Court of Appeals District (07-11-00025-CV, \_\_\_ SW3d  
\_\_\_, 04-03-13)

joint request for abatement extension granted  
abatement order issued

[**Note:** The Court's abatement order of March 14, 2014 expired by its own terms  
on May 19, 2014. The abatement is extended until July 18, 2014 by which time  
the parties must file either a status report or a motion to dismiss.]

**ORDERS ON MOTIONS FOR REHEARING**

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR  
REVIEW IS DENIED:**

14-0247 JOSEPH E. MCCLAIN III v. DELL, INC. AND SEATON CORP. D/B/A  
STAFF MANAGEMENT; from Travis County; 13th Court of Appeals District  
(13-13-00398-CV, \_\_\_ SW3d \_\_\_, 11-26-13)

## MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED  
FOR WANT OF JURISDICTION:

14-0366 IN RE WESLEY PERKINS; from Travis County; 3rd Court of Appeals District  
(03-13-00813-CR, \_\_\_ SW3d \_\_\_, 01-15-14)

motion for stay denied

*See* Tex. Const. art. V, §§ 3, 5.

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

14-0328 IN RE TAILWIND SPORTS CORP. AND LANCE ARMSTRONG; from Dallas  
County; 5th Court of Appeals District (05-14-00252-CV, \_\_\_ SW3d \_\_\_, 04-24-  
14)

motion for temporary relief denied, as supplemented

14-0372 IN RE LON BURNAM; from Tarrant County; 2nd Court of Appeals District (02-  
14-00120-CV, \_\_\_ SW3d \_\_\_, 05-12-14)

(Justice Brown not sitting)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

14-0056 IN RE JON RICE; from Dallas County; 5th Court of Appeals District (05-13-01457-CV, 418 SW3d 360, 12-03-13)

motion to dismiss granted

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS  
DENIED:

14-0195 EX PARTE CLARENCE D. BROWN; from Montgomery County; 9th Court of Appeals District (09-10-00589-CV, \_\_\_ SW3d \_\_\_, 09-27-12)

THE MOTION IN THE FOLLOWING CASE IS DENIED:

14-0236 IN RE UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION, ORGANIZATION UNITED FOR RESPECT AT WALMART, NORTH TEXAS JOBS WITH JUSTICE LESTER EUGENE LANTZ, AND DOES 1-10; from Tarrant County; 2nd Court of Appeals District (02-13-00434-CV, \_\_\_ SW3d \_\_\_, 02-20-14)

emergency motion for temporary relief denied

[**Note:** The petition for writ of mandamus remains pending before this Court.]

(Justice Willett not sitting)

# THE SUPREME COURT OF TEXAS

## Orders Pronounced June 6, 2014

### ORDERS ON CAUSES

11-0606 DEPUTY COREY ALEXANDER AND SERGEANT JIMMIE COOK v. APRIL WALKER; from Harris County; 1st Court of Appeals District (01-10-00147-CV, 355 SW3d 709, 06-23-11)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and renders judgment.

Per Curiam Opinion

11-1015 TIFFANY STINSON v. STEPHEN FONTENOT; from Harris County; 14th Court of Appeals District (14-10-01232-CV, 369 SW3d 268, 12-08-11)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court affirms the court of appeals' judgment.

Per Curiam Opinion

12-0490 MAN ENGINES & COMPONENTS, INC. AND MAN NUTZFAHRZEUGE AKTIENGESELLSCHAFT v. DOUG SHOWS; from Harris County; 14th Court of Appeals District (14-09-00895-CV, 364 SW3d 348, 03-15-12)

The Court affirms the court of appeals' judgment.

Justice Willett delivered the opinion of the Court.

(Justice Brown not sitting)

12-0968 IN THE INTEREST OF S.M.R., G.J.R. AND C.N.R., CHILDREN; from Harris County; 1st Court of Appeals District (01-10-00999-CV, \_\_\_ SW3d \_\_\_, 06-14-12)

The Court affirms the court of appeals' judgment.

Justice Devine delivered the opinion of the Court.

12-1006 CITY OF HOUSTON v. SHAYN A. PROLER; from Harris County; 14th Court of Appeals District (14-10-00971-CV, \_\_\_ SW3d \_\_\_, 05-31-12)

The Court affirms in part and reverses in part the court of appeals' judgment, renders judgment in part and remands the case to the trial court.

Justice Willett delivered the opinion of the Court.

(Justice Brown not sitting)

13-0012 THE CITY OF WATAUGA v. RUSSELL GORDON; from Tarrant County; 2nd Court of Appeals District (02-12-00221-CV, 389 SW3d 604, 11-21-12)

The Court reverses the court of appeals' judgment and renders judgment.

Justice Devine delivered the opinion of the Court.

13-0169 IN RE VAISHANGI, INC. ET AL.; from Harris County; 14th Court of Appeals District (14-12-01104-CV, \_\_\_ SW3d \_\_\_, 12-14-12)

motion to supplement mandamus record dismissed as moot  
stay order issued March 12, 2013, lifted

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

(Justice Brown not sitting)

**THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS  
DENIED:**

12-0251 CROSSTEX ENERGY SERVICES, L.P. v. PRO PLUS, INC.; from Harris County; 1st Court of Appeals District (01-11-00025-CV, 388 SW3d 689, 02-09-12)

## **ORDERS ON CASES GRANTED**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:**

12-0830 TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES A/K/A BRENHAM STATE SCHOOL, ANTHONY V. WATSON, DWANE B. HUBBARD, AND ARETHA L. TURNER v. MARY CANNON, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF PATRICK TATE DYESS, DECEASED; from Washington County; 14th Court of Appeals District (14-11-00751-CV, 383 SW3d 571, 07-19-12) as reinstated

[**Note:** The date and time for oral argument are yet to be determined.]

13-0435 CITY OF HOUSTON v. JAMES & ELIZABETH CARLSON, ET. AL.; from Harris County; 14th Court of Appeals District (14-12-00099-CV, 401 SW3d 725, 05-02-13)

[**Note:** The date and time for oral argument are yet to be determined.]

## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

13-0730 FARMERS INSURANCE EXCHANGE v. LAWRENCE S. OLEKSY; from Fort Bend County; 1st Court of Appeals District (01-11-00545-CV, 410 SW3d 378, 07-30-13)

13-1002 B.D.H. AND R.E.S. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Fayette County; 3rd Court of Appeals District (03-13-00374-CV, \_\_\_SW3d\_\_\_, 11-05-13)  
2 petitions

13-1004 TRISUN HEALTHCARE, LLC D/B/A PARK PLACE HEALTH CENTER v. RITA MURDOCK; from Travis County; 3rd Court of Appeals District (03-10-00711-CV, \_\_\_ SW3d \_\_\_, 05-09-13)

- 14-0101 RICHARD OWEN TAYLOR v. DAWN GROUNDS, ET AL.; from Bowie County; 6th Court of Appeals District (06-13-00061-CV, \_\_\_ SW3d \_\_\_, 11-27-13)
- 14-0128 SYLVIA MARIE ORTIZ v. PLANO INDEPENDENT SCHOOL DISTRICT; from Denton County; 2nd Court of Appeals District (02-13-00160-CV, \_\_\_ SW3d \_\_\_, 01-02-14)
- 14-0148 DANNY DALE WEISINGER, SR. v. STATE OF TEXAS; from Houston County; 12th Court of Appeals District (12-13-00152-CV, \_\_\_ SW3d \_\_\_, 07-31-13)
- 14-0178 PROFESSIONAL ASSOCIATION OF GOLF OFFICIALS v. PHILLIPS CAMPBELL & PHILLIPS, L.L.P. AND PATRICK C. CAMPBELL, JR.; from Tarrant County; 2nd Court of Appeals District (02-12-00426-CV, \_\_\_ SW3d \_\_\_, 12-27-13)

(Chief Justice Hecht not sitting)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:**

- 13-0561 JEFFREY GRASS v. KNAPP MEDICAL CENTER, INC.; from Hidalgo County; 13th Court of Appeals District (13-12-00099-CV, \_\_\_ SW3d \_\_\_, 06-06-13)

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

- 13-0723 IN RE AMERISURE INSURANCE COMPANY; from Taylor County; 11th Court of Appeals District (11-13-00185-CV, \_\_\_ SW3d \_\_\_, 08-08-13)
- 14-0119 IN RE THERESA BARNETT; from Dallas County

as amended

## MISCELLANEOUS

### THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 13-0499 IN RE RSR CORPORATION AND QUEMETCO METALS LIMITED, INC.;  
from Dallas County; 5th Court of Appeals District (05-13-00124-CV, 405 SW3d  
265, 06-05-13)
- 14-0082 IN RE RICHARD RODRIGUEZ; from Karnes County; 4th Court of Appeals  
District (04-14-00049-CV, \_\_\_ SW3d \_\_\_, 01-29-14)
- 14-0257 IN RE KURBY DECKER; from Clay County; 2nd Court of Appeals District (02-  
06-00108-CV, \_\_\_ SW3d \_\_\_, 04-06-06)
- 14-0304 IN RE KAYLEN RANKIN; from Jefferson County; 9th Court of Appeals District  
(09-13-00554-CV, 424 SW3d 774, 02-27-14)
- 14-0321 IN RE THEAOLA ROBINSON; from Harris County; 1st Court of Appeals  
District (01-12-00372-CV, 409 SW3d 682, 07-11-13)
- 14-0363 IN RE SHAMOUN & NORMAN, LLP; from Dallas County; 5th Court of  
Appeals District (05-13-01634-CV)  
motion for temporary relief denied

### THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

- 13-0362 IN RE EMEX HOLDINGS L.L.C.; from Hidalgo County; 13th Court of Appeals  
District (13-11-00145-CV, \_\_\_ SW3d \_\_\_, 04-18-13)  
stay order issued July 12, 2013, lifted  
joint motion to abate mandamus proceedings granted  
abatment order issued  
[**Note:** This case is removed from the Court's active docket until August 5, 2014,  
by which time the parties must file either a status report or a motion to dismiss.]

### THE FOLLOWING PETITION FOR WRIT OF INJUNCTION IS DENIED:

- 14-0386 IN RE JIMMY CHARLES JOHNSON; from Dallas County; 5th Court of  
Appeals District (05-12-01046-CV, \_\_\_ SW3d \_\_\_, 03-05-14)  
motion for emergency stay denied





**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced June 11, 2014**

**MISCELLANEOUS**

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS  
DENIED:

14-0449 IN RE CLIFFORD RAY HALL, JR.; from Harris County; 14th Court of Appeals  
District (14-14-00062-CV, \_\_\_ SW3d \_\_\_, 05-28-14)

# THE SUPREME COURT OF TEXAS

## Orders Pronounced June 13, 2014

### ORDERS ON CAUSES

12-0289 HMC HOTEL PROPERTIES II LIMITED PARTNERSHIP AND HOST HOTELS & RESORTS, L.P., F/K/A HOST MARRIOTT, L.P. v. KEYSTONE-TEXAS PROPERTY HOLDING CORPORATION; from Bexar County; 4th Court of Appeals District (04-10-00620-CV, \_\_\_ SW3d \_\_\_, 11-23-11)  
The Court reverses the court of appeals' judgment and renders judgment.

Justice Brown delivered the opinion of the Court.

12-0937 MEHRDAD MOAYEDI v. INTERSTATE 35/CHISAM ROAD, L.P. AND MALACHI DEVELOPMENT CORPORATION; from Dallas County; 5th Court of Appeals District (05-11-00209-CV, \_\_\_ SW3d \_\_\_, 08-02-12)  
The Court affirms the court of appeals' judgment.

Justice Willett delivered the opinion of the Court.

13-0122 VENTURE COTTON COOPERATIVE AND NOBLE AMERICAS CORP. v. SHELBY ALAN FREEMAN, ET AL.; from Gaines County; 11th Court of Appeals District (11-11-00093-CV, 395 SW3d 272, 01-11-13)  
The Court reverses the court of appeals' judgment and remands the case to that court.

Justice Devine delivered the opinion of the Court.

### THE FOLLOWING CAUSES ARE SET FOR SUBMISSION:

12-0045 ROBERT WAYNE SNEED, JAMES H. TICHENOR, FRED WOLGEL, JAMES F. O'DONNELL, TEXAS UNITED CORPORATION AND UNITED SALT CORPORATION v. LLOYD P. WEBRE, JR., INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF TEXAS UNITED CORPORATION AND UNITED SALT CORPORATION; from Harris County; 1st Court of Appeals District (01-10-00151-CV, 358 SW3d 322, 07-28-11)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 16, 2014.]

Time allotted to argue: 20/20 minutes

- 12-0830 TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES A/K/A BRENHAM STATE SCHOOL, ANTHONY V. WATSON, DWANE B. HUBBARD, AND ARETHA L. TURNER v. MARY CANNON, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF PATRICK TATE DYESS, DECEASED; from Washington County; 14th Court of Appeals District (14-11-00751-CV, 383 SW3d 571, 07-19-12)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 16, 2014.]  
Time allotted to argue: 20/20 minutes
- 12-0920 CHARLES G. HOOKS, III, ET AL. v. SAMSON LONE STAR, LIMITED PARTNERSHIP, N/K/A SAMSON LONE STAR LLC; from Jefferson County; 1st Court of Appeals District (01-09-00328-CV, 389 SW3d 409, 05-31-12)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 17, 2014.]  
Time allotted to argue: 20/20 minutes
- 13-0042 GENIE INDUSTRIES, INC. v. RICKY MATAK, BELINDA MATAK AND MISTY SONNIER AS REPRESENTATIVE OF THE ESTATE OF WALTER PETE LOGAN MATAK, DECEASED; from Jefferson County; 13th Court of Appeals District (13-11-00050-CV, \_\_\_ SW3d \_\_\_, 12-06-12)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 17, 2014.]  
Time allotted to argue: 20/20 minutes
- 13-0053 STATE OF TEXAS v. CLEAR CHANNEL OUTDOOR, INC.; from Harris County; 1st Court of Appeals District (01-11-00197-CV, \_\_\_ SW3d \_\_\_, 09-27-12)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 17, 2014.]  
Time allotted to argue: 20/20 minutes
- 13-0080 RSUI INDEMNITY COMPANY v. THE LYND COMPANY; from Bexar County; 4th Court of Appeals District (04-11-00193-CV, 399 SW3d 197, 03-28-12)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 18, 2014.]  
Time allotted to argue: 20/20 minutes

- 13-0136 NABORS WELL SERVICES, LTD. F/K/A POOL COMPANY TEXAS, LTD. AND LAURO BERNAL GARCIA v. ASUNCION ROMERO, ET AL.; from Pecos County; 8th Court of Appeals District (08-09-00319-CV, 408 SW3d 39, 01-30-13)  
[Note: Oral argument of this case will be conducted on Thursday, October 9, 2014 at 9:00 a.m. at Texas Tech University, Lubbock, Texas. See Tex. Const. art. V, § 3(a).]  
Time allotted to argue: 20/20 minutes
- 13-0338 UNIVERSITY OF TEXAS AT ARLINGTON v. SANDRA WILLIAMS AND STEVE WILLIAMS; from Tarrant County; 2nd Court of Appeals District (02-12-00425-CV, \_\_\_ SW3d \_\_\_, 03-28-13)  
[Note: Oral argument of this case will be conducted on Thursday, October 9, 2014 at 9:00 a.m. at Texas Tech University, Lubbock, Texas. See Tex. Const. art. V, § 3(a).]  
Time allotted to argue: 20/20 minutes
- 13-0435 CITY OF HOUSTON v. JAMES & ELIZABETH CARLSON, ET. AL.; from Harris County; 14th Court of Appeals District (14-12-00099-CV, 401 SW3d 725, 05-02-13)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 18, 2014.]  
Time allotted to argue: 20/20 minutes
- 13-0484 AMERICAN STAR ENERGY AND MINERALS CORPORATION v. RICHARD "DICK" STOWERS, RICHARD W. STOWERS, FRANK K. STOWERS AND LINDA SUE JASURDA; from Hutchinson County; 7th Court of Appeals District (07-11-00199-CV, 405 SW3d 905, 05-14-13)  
[Note: This cause has been set for oral argument at 9:00 a.m., October 14, 2014.]  
Time allotted to argue: 20/20 minutes
- 13-0537 IN RE STATE BOARD FOR EDUCATOR CERTIFICATION; from Travis County; 3rd Court of Appeals District (03-13-00376-CV, 411 SW3d 576, 07-03-13)  
[Note: This cause has been set for oral argument at 9:00 a.m., October 14, 2014.]  
Time allotted to argue: 20/20 minutes
- 13-0573 THE FREDERICKSBURG CARE COMPANY, L.P. v. JUANITA PEREZ, VIRGINIA GARCIA, PAUL ZAPATA, AND SYLVIA SANCHEZ, INDIVIDUALLY AND AS ALL HEIRS OF ELISA ZAPATA, DECEASED; from Bexar County; 4th Court of Appeals District (04-13-00111-CV, 406 SW3d 313, 06-26-13)  
[Note: This cause has been set for oral argument at 9:00 a.m., October 14, 2014.]  
Time allotted to argue: 20/20 minutes

13-0605 BROWN & GAY ENGINEERING, INC. v. ZULEIMA OLIVARES, INDIVIDUALLY AND AS THE REPRESENTATIVE OF THE ESTATE OF PEDRO OLIVARES, JR., & PEDRO OLIVARES; from Harris County; 14th Court of Appeals District (14-12-00198-CV, 401 SW3d 363, 04-25-13)  
[Note: This cause has been set for oral argument at 9:00 a.m., October 15, 2014.]  
Time allotted to argue: 20/20 minutes

(Justice Brown not sitting)

13-0670 IN RE DEEPWATER HORIZON

[Note: This cause has been set for oral argument at 9:00 a.m., September 16, 2014.]  
Time allotted to argue: 20/20 minutes

## **ORDERS ON CASES GRANTED**

### **THE FOLLOWING PETITION FOR REVIEW IS GRANTED:**

13-0337 PLAINSCAPITAL BANK v. WILLIAM MARTIN; from Collin County; 5th Court of Appeals District (05-10-00235-CV, 402 SW3d 805, 03-28-13)  
[Note: This case has been set for oral argument at 9:00 a.m., September 18, 2014.]  
Time allotted to argue: 20/20 minutes

## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

13-0518 TURNER, COLLIE & BRADEN, INC. AND CARTER & BURGESS, INC. v. SHARYLAND WATER SUPPLY CORPORATION; from Hidalgo County; 13th Court of Appeals District (13-06-00038-CV, 402 SW3d 867, 05-30-13)  
2 petitions

(Justice Green not sitting)

- 13-0836 LEONARD HORNSBY v. TARRANT COUNTY COLLEGE DISTRICT; from Tarrant County; 2nd Court of Appeals District (02-11-00445-CV, \_\_\_ SW3d \_\_\_, 05-16-13)  
2 petitions
- 13-0844 CONNOR DRUMMOND RICE AND SCOTT D. RICE AS CO-TRUSTEES FOR THE 2001 SCOTT D. RICE TRUST v. MATTHEW E. MALOUF; from Potter County; 7th Court of Appeals District (07-11-00441-CV, \_\_\_ SW3d \_\_\_, 07-08-13)
- 13-0979 JOSEPH HEVEY, IN HIS CAPACITY AS CO-TRUSTEE OF THE WILL SLIP 2011 TRUST v. MARGARET HUNDLEY; from Dallas County; 5th Court of Appeals District (05-12-00588-CV, \_\_\_ SW3d \_\_\_, 10-25-13)
- 14-0016 GRACE INTERESTS, LLC, CYPRESSWOOD LAND PARTNERS, I, STEPHEN A. MORROW AND SANDRA J. MORROW v. WALLIS STATE BANK; from Harris County; 14th Court of Appeals District (14-12-00557-CV, \_\_\_ SW3d \_\_\_, 08-29-13)
- 14-0199 JUAN ENRIQUEZ v. OLIVER BELL, ET AL.; from Travis County; 4th Court of Appeals District (04-13-00077-CV, \_\_\_ SW3d \_\_\_, 12-11-13)
- 14-0264 IN THE INTEREST OF S.N.Z., A CHILD; from Collin County; 5th Court of Appeals District (05-11-01728-CV, 421 SW3d 899, 01-28-14)
- 14-0277 RACHEL JOAQUIN v. DR. GARY P. LAWTON, M.D.; from Bexar County; 4th Court of Appeals District (04-13-00613-CV, \_\_\_ SW3d \_\_\_, 02-26-14)
- 14-0313 CRISP ANALYTICAL LABS, L.L.C. v. JAKALAM PROPERTIES, LTD.; from Dallas County; 5th Court of Appeals District (05-12-01311-CV, 422 SW3d 85, 01-13-14)
- 14-0315 JOHN L. WRIGHT v. TEXAS MUTUAL INSURANCE; from Dallas County; 5th Court of Appeals District (05-14-00039-CV, \_\_\_ SW3d \_\_\_, 02-27-14)

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:**

- 13-0557 LEE LEFFINGWELL, MAYOR; MIKE MARTINEZ; RANDI SHADE; SHERYL COLE; LAURA MORRISON; BILL SPELMAN; AND CHRIS RILEY, COUNCIL MEMBERS; MARC OTT, CITY MANAGER, IN THEIR OFFICIAL CAPACITIES FOR THE CITY OF AUSTIN; AND THE CITY OF AUSTIN v. SPICEWOOD SPRINGS ROAD TUNNEL COALITION, A TEXAS UNINCORPORATED ASSOCIATION, JOE WHEELER; AND SAVE OUR SPRINGS ALLIANCE, INC.; from Travis County; 3rd Court of Appeals District (03-11-00260-CV, \_\_\_ SW3d \_\_\_, 06-06-13)  
agreed motion to dismiss granted

**ORDERS ON MOTIONS FOR REHEARING**

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 13-0059 DAVID OHRT, SANDRA HESTER AND JUDY SINAST v. UNION GAS CORPORATION, ET AL.; from Victoria County; 13th Court of Appeals District (13-05-00621-CV, 398 SW3d 315, 08-30-12)
- 13-0950 ANDERSON PETRO-EQUIPMENT, INC., A TEXAS DOMESTIC CORPORATION, AND CURTIS RAY ANDERSON v. STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-13-00176-CV, \_\_\_SW3d\_\_\_, 10-22-13)

**MISCELLANEOUS**

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

- 14-0066 IN RE INMOBILARIA AXIAL, S.A. DE C.V., NAFTA CORP. AND JUAN ALVAREZ; from El Paso County; 8th Court of Appeals District (08-13-00118-CV, \_\_\_ SW3d \_\_\_, 10-18-13)  
relators' motion to stay dismissed as moot



- 14-0196 IN RE D.B. AND S.R.; from Hood County; 2nd Court of Appeals District (02-13-00366-CV, \_\_\_ SW3d \_\_\_, 01-17-14)
- 14-0290 IN RE V.O. CARDEN, JR.; from La Salle County; 4th Court of Appeals District (04-14-00154-CV, \_\_\_ SW3d \_\_\_, 04-09-14)  
relator's motion for emergency temporary relief denied
- 14-0323 IN RE ANTONIO HERRERA; from Dallas County; 5th Court of Appeals District (05-14-00394-CV, \_\_\_ SW3d \_\_\_, 04-14-14)
- 14-0330 IN RE TCPSP CORPORATION; from Hidalgo County; 13th Court of Appeals District (13-14-00159-CV, \_\_\_ SW3d \_\_\_, 03-18-14)

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF  
MANDAMUS:

- 14-0375 IN RE O.E. INVESTMENTS, LTD. AND OTHAL E. BRAND, JR.; from Hidalgo County; 13th Court of Appeals District (13-14-00243-CV, \_\_\_ SW3d \_\_\_, 04-30-14)  
motion to stay trial court proceedings granted  
emergency motion to stay trial court proceeding dismissed as moot  
stay order issued  
[**Note:** The petition for writ of mandamus remains pending before this Court.]

# THE SUPREME COURT OF TEXAS

## Orders Pronounced June 20, 2014

### ORDERS ON CAUSES

11-0447 LEE C. RITCHIE, ET AL. v. ANN CALDWELL RUPE, AS TRUSTEE FOR THE DALLAS GORDON RUPE, III 1995 FAMILY TRUST; from Dallas County; 5th Court of Appeals District (05-08-00615-CV, 339 SW3d 275, 03-28-11)

The Court reverses the court of appeals' judgment and remands the case to that court.

Justice Boyd delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Johnson, Justice Lehrmann, and Justice Devine joined.

Justice Guzman delivered a dissenting opinion, in which Justice Willett and Justice Brown joined.

11-0810 LAN/STV, A JOINT VENTURE OF LOCKWOOD, ANDREWS & NEWMAN, INC. AND STV INCORPORATED v. MARTIN K. EBY CONSTRUCTION COMPANY, INC.; from Dallas County; 5th Court of Appeals District (05-09-00946-CV, 350 SW3d 675, 08-29-11)  
2 petitions

The Court reverses the court of appeals' judgment and renders judgment.

Chief Justice Hecht delivered the opinion of the Court.

12-0739 AMERICO LIFE, INC., AMERICO FINANCIAL LIFE AND ANNUITY INSURANCE COMPANY, GREAT SOUTHERN LIFE INSURANCE COMPANY, THE OHIO STATE LIFE INSURANCE COMPANY, AND NATIONAL FARMERS UNION LIFE INSURANCE COMPANY v. ROBERT L. MYER AND STRIDER MARKETING GROUP, INC.; from Dallas County; 5th Court of Appeals District (05-08-01053-CV, 371 SW3d 537, 06-06-12)  
The Court reverses the court of appeals' judgment and reinstates the judgment of the trial court.

Justice Brown delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Guzman, and Justice Devine joined.

Justice Johnson delivered a dissenting opinion, in which Justice Willett, Justice Lehrmann, and Justice Boyd joined.

12-1013 SCHLUMBERGER TECHNOLOGY CORPORATION v. CHRISTOPHER ARTHEY AND DENISE ARTHEY; from Refugio County; 13th Court of Appeals District (13-11-00392-CV, 398 SW3d 831, 11-08-12)  
The Court reverses the court of appeals' judgment and renders judgment.

Chief Justice Hecht delivered the opinion of the Court.

(Justice Green not sitting)

13-0156 KEY OPERATING & EQUIPMENT, INC. v. WILL HEGAR AND LOREE HEGAR; from Washington County; 1st Court of Appeals District (01-10-00350-CV, 403 SW3d 318, 01-07-13)  
The Court reverses the court of appeals' judgment and renders judgment.

Justice Johnson delivered the opinion of the Court.

13-0158 FORD MOTOR COMPANY V. EZEQUIEL CASTILLO, INDIVIDUALLY, MARIA DE LOS ANGELES CASTILLO, INDIVIDUALLY AND AS NEXT FRIEND FOR A.C. AND E.C., JR., AND ROSA SILVIA MARTINEZ, INDIVIDUALLY; from Cameron County; 13th Court of Appeals District (13-10-00232-CV, \_\_\_ SW3d \_\_\_, 01-24-13)  
Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and reinstates the trial court's judgment.

Per Curiam Opinion

13-0450 GRAHAM CENTRAL STATION, INC. v. JESUS PEÑA; from Hidalgo County; 13th Court of Appeals District (13-12-00169-CV, \_\_\_ SW3d \_\_\_, 05-09-13)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and renders judgment.

Per Curiam Opinion

13-0639 STATE OFFICE OF RISK MANAGEMENT v. CHRISTY CARTY, INDIVIDUALLY AND AS NEXT FRIEND FOR B.C., J.C. AND M.C., MINORS AND AS REPRESENTATIVE OF THE ESTATE OF JIMMY CARTY JR., DECEASED

The Court answers the questions certified by the United States Court of Appeals for the Fifth Circuit.

Justice Lehrmann delivered the opinion of the Court.

**THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:**

12-0452 GOTHAM INSURANCE COMPANY v. WARREN E&P, INC. F/K/A PETROLEUM DEVELOPMENT CORPORATION D/B/A PEDECO, INC., WARREN RESOURCES, INC., AND OIL TECHNOLOGY FUND 1996 - SERIES D, L.P.; from Frio County; 8th Court of Appeals District (08-10-00198-CV, 368 SW3d 633, 04-18-12)

**ORDERS ON CASES GRANTED**

**THE FOLLOWING PETITION FOR REVIEW IS GRANTED:**

13-0236 WELLS FARGO BANK, N.A. v. PATRICK O'BRIEN MURPHY AKA O'BRIEN MURPHY AND BEVERLY MURPHY; from Harris County; 14th Court of Appeals District (14-11-00560-CV, \_\_\_ SW3d \_\_\_, 02-12-13)  
[Note: This case has been set for oral argument at 9:00 a.m., October 15, 2014.]  
Time allotted to argue: 20/20 minutes

(Justice Johnson not sitting)

## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

13-0222 THE UNIVERSITY OF TEXAS M.D. ANDERSON CANCER CENTER AND THE UNIVERSITY OF TEXAS SYSTEM v. PRESTON BAKER AND JENNIFER BAKER, INDIVIDUALLY AND NEXT FRIENDS OF PRESTON BAKER, JR., JESSICA BAKER, CAYLA BAKER, AND CALEB BAKER; from Harris County; 14th Court of Appeals District (14-11-01037-CV, 401 SW3d 246, 12-04-12)

(Justice Brown not sitting)

13-0948 LBM INVESTMENTS, INC. v. CARIBE PROPERTIES, INC.; from Montgomery County; 9th Court of Appeals District (09-13-00060-CV, \_\_\_ SW3d \_\_\_, 10-17-13)

13-0956 OIS INVESTMENTS, INC. v. AAA FREE MOVE MINI STORAGE, L.L.C.; from Bexar County; 4th Court of Appeals District (04-11-00849-CV, 419 SW3d 522, 10-30-13)

13-0957 OIS INVESTMENTS, INC. v. AAA FREE MOVE MINISTORAGE, LLC; from Bexar County; 4th Court of Appeals District (04-12-00775-CV, \_\_\_ SW3d \_\_\_, 10-02-13)

13-1039 JOHN ESPINOZA v. WELLS FARGO BANK, N.A.; from Tarrant County; 2nd Court of Appeals District (02-13-00111-CV, \_\_\_ SW3d \_\_\_, 11-14-13)

(Justice Johnson not sitting)

14-0094 BUSINESS PRODUCT SUPPLY v. MARLIN LEASING CORPORATION; from Nueces County; 13th Court of Appeals District (13-11-00371-CV, \_\_\_ SW3d \_\_\_, 08-29-13)

14-0159 IN THE INTEREST OF M.T., A CHILD; from Dallas County; 5th Court of Appeals District (05-13-00693-CV, 420 SW3d 469, 01-15-14)  
motion to seal granted

14-0160 IN THE INTEREST OF N.L.T., A CHILD; from Dallas County; 5th Court of Appeals District (05-13-00692-CV, 420 SW3d 469, 01-15-14)

2 petitions  
motion to seal granted

14-0207 BOBBY OXFORD v. CITY OF BALLINGER, TOMMY NEW, STEVE NIXON, MIKE KING AND J.C. GORE; from Runnels County; 3rd Court of Appeals District (03-13-00108-CV, \_\_\_ SW3d \_\_\_, 02-25-14)

14-0283 HOA V. DANG v. TEXACO #129; from Harris County; 1st Court of Appeals District (01-13-00938-CV, \_\_\_ SW3d \_\_\_, 01-30-14)

motion to dismiss denied

14-0284 LARRY M. CANTU v. MARGARET CURRAN; from Brazoria County; 14th Court of Appeals District (14-13-00704-CV, \_\_\_ SW3d \_\_\_, 03-04-14)

14-0285 ROBERT TROY MCCLURE v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE, AKA TDCJ, PKA TEXAS DEPARTMENT OF CORRECTIONS, MICHAEL UPSHAW, VERNON PITMAN, KEVIN MAYFIELD, AND ROBERT H. QUADA; from Walker County; 10th Court of Appeals District (10-12-00481-CV, \_\_\_ SW3d \_\_\_, 02-27-14)

14-0354 JESUS CASTILLO v. DAVID PEEPLES; from Webb County; 4th Court of Appeals District (04-13-00311-CV, \_\_\_ SW3d \_\_\_, 03-19-14)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

14-0448 LAVERNA SELLS v. EARL DROTT; from Smith County; 12th Court of Appeals District (12-13-00223-CV, \_\_\_ SW3d \_\_\_, 01-31-14)

respondent's motion to dismiss granted

**ORDERS ON MOTIONS FOR REHEARING**

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:

13-1024 CITY OF SAN ANTONIO v. GREATER SAN ANTONIO BUILDERS ASSOCIATION AND INDIAN SPRINGS, LTD.; from Bexar County; 4th Court of Appeals District (04-13-00013-CV, 419 SW3d 597, 11-20-13)

## MISCELLANEOUS

### THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

13-0870 IN RE RINGO DRILLING I, L.P. AND RINGO MANAGEMENT COMPANY, L.L.C.; from Shackelford County; 11th Court of Appeals District (11-13-00201-CV, \_\_\_ SW3d \_\_\_, 08-22-13)

14-0374 IN RE PHYLLIS A. SLICKER; from Dallas County; 5th Court of Appeals District (05-14-00294-CV, \_\_\_ SW3d \_\_\_, 04-14-14)  
relator's motion for emergency stay denied

14-0387 IN RE WILLIAM L. REECE; from Walker County; 10th Court of Appeals District (10-14-00049-CV, \_\_\_ SW3d \_\_\_, 04-17-14)

### THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

14-0282 IN RE ALBERT LEE MAY; from Upshur County

### THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE FOLLOWING APPEAL IS AFFIRMED:

13-0753 IN THE MATTER OF CAROLYN BARNES 01761550

motion to allow non-conforming brief dismissed as moot

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced June 23, 2014**

**ORDERS ON CASES GRANTED**

THE FOLLOWING CERTIFIED QUESTION FROM THE UNITED STATES  
COURT OF APPEALS FOR THE FIFTH CIRCUIT IS ACCEPTED:

14-0465 MCGINNES INDUSTRIAL MAINTENANCE CORPORATION v. THE  
PHOENIX INSURANCE COMPANY; THE TRAVELERS INDEMNITY  
COMPANY

[**Note:** The date and time for oral argument are yet to be determined.]



# THE SUPREME COURT OF TEXAS

## Orders Pronounced June 27, 2014

### ORDERS ON CAUSES

12-0838 PHILIP BOERJAN, MESTENA OPERATING, LLC, FORMERLY KNOWN AS MESTENA OPERATING, LTD., MESTENA INC., AND MESTENA URANIUM, LLC v. J. JESUS RODRIGUEZ AND M. CARMEN NEGRETE, INDIVIDUALLY, AND AS CO-REPRESENTATIVES OF THE ESTATES OF NICOLAS LANDEROS-ANGUIANO, ANGELINA RODRIGUEZ-NEGRETE, AND CLAUDIA LAURA LANDEROS RODRIGUEZ, AND AS NEXT FRIENDS OF A.L.R., A MINOR; from Brooks County; 4th Court of Appeals District (04-10-00336-CV, \_\_\_ SW3d \_\_\_, 08-31-12)  
Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court affirms in part and reverses in part the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

12-1002 MARCIA FULLER FRENCH, ET AL. v. OCCIDENTAL PERMIAN LTD.; from Scurry County; 11th Court of Appeals District (11-10-00282-CV, 391 SW3d 215, 10-31-12)

The Court affirms the court of appeals' judgment.

Chief Justice Hecht delivered the opinion of the Court.

13-0014 CARDIAC PERFUSION SERVICES, INC. AND MICHAEL JOUBRAN v. RANDALL HUGHES; from Dallas County; 5th Court of Appeals District (05-10-00286-CV, \_\_\_ SW3d \_\_\_, 07-26-12)  
Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court affirms in part and reverses in part the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

13-0116 BRYAN JAMES DANET AND WILLIAM TODD KRANZ v. JESSICA BHAN;  
from Harris County; 1st Court of Appeals District (01-10-00963-CV, 402 SW3d  
668, 11-29-12)  
motion to strike granted

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition  
for review and without hearing oral argument, the Court reverses the court of  
appeals' judgment and remands the case to that court.

Per Curiam Opinion

**THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE  
DENIED:**

11-0709 KIA MOTORS CORPORATION AND KIA MOTORS AMERICA, INC. v.  
LAWRENCE RUIZ (INDIVIDUALLY AND AS REPRESENTATIVE OF THE  
ESTATE OF ANDREA RUIZ), SHENEQUA RUIZ, CHRISTOPHER RUIZ,  
AND SUZANNA RUIZ; from Dallas County; 5th Court of Appeals District (05-  
10-00198-CV, 348 SW3d 465, 08-05-11)

(Justice Boyd not sitting)

12-0360 ARSENIO COLORADO, ET AL. v. TYCO VALVES & CONTROLS, L.P.  
AND TV&C GP HOLDINGS, INC.; from Harris County; 1st Court of Appeals  
District (01-10-00113-CV, 365 SW3d 750, 01-19-12)

12-0522 WASTE MANAGEMENT OF TEXAS, INC. v. TEXAS DISPOSAL SYSTEMS  
LANDFILL, INC.; from Travis County; 3rd Court of Appeals District (03-10-  
00826-CV, \_\_\_ SW3d \_\_\_, 05-18-12)

## ORDERS ON CASES GRANTED

### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 13-0199 STEADFAST FINANCIAL, L.L.C., R.J. SIKES, ROGER SIKES, KATHY SIKES, GREG LOUVIER, PAM LOUVIER, CHRISTY ROME, R. CRIST VIAL, DACOTA INVESTMENT HOLDINGS, L.L.P. A/K/A DACOTA INVESTMENT HOLDINGS, L.P., RANGE RESOURCES CORPORATION, AND RANGE PRODUCTION I, L.P. v. BETTY LOU BRADSHAW; from Hood County; 2nd Court of Appeals District (02-10-00369-CV, 395 SW3d 348, 02-14-13)  
3 petitions  
motions to quash dismissed as moot  
[**Note:** This case has been set for oral argument at 9:00 a.m., October 15, 2014.]  
Time allotted to argue: 20/20 minutes
- 13-0303 HARRIS COUNTY FLOOD CONTROL DISTRICT AND HARRIS COUNTY, TEXAS v. EDWARD A. AND NORMA KERR, ET AL.; from Harris County; 1st Court of Appeals District (01-11-00014-CV, \_\_\_ SW3d \_\_\_, 03-07-13)  
[**Note:** This case has been set for oral argument at 9:00 a.m., November 5, 2014.]  
Time allotted to argue: 20/20 minutes
- 13-0439 LEZLEA ROSS v. ST. LUKE'S EPISCOPAL HOSPITAL, ET AL.; from Harris County; 14th Court of Appeals District (14-12-00885-CV, \_\_\_ SW3d \_\_\_, 03-19-13)  
[**Note:** This case has been set for oral argument at 9:00 a.m., November 5, 2014.]  
Time allotted to argue: 20/20 minutes

(Justice Brown not sitting)

## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 12-0489 JOHN C. WIMBERLY, II, ET AL. v. DOUGLAS W. STREBEL; from Galveston County; 1st Court of Appeals District (01-10-00227-CV, 371 SW3d 267, 01-12-12)
- 12-1012 BALKRISHNA SHAGRITHAYA, INDIVIDUALLY AND DERIVATIVELY IN THE NAME OF ARGO DATA RESOURCE CORPORATION v. ARGO DATA RESOURCE CORPORATION AND MAX MARTIN; from Dallas County; 5th Court of Appeals District (05-10-00690-CV, \_\_\_ SW3d \_\_\_, 08-29-12)
- 13-0088 IN THE MATTER OF C.L.S.; from Brazoria County; 1st Court of Appeals District (01-11-00439-CV, 403 SW3d 15, 10-31-12)  
motion to supplement reporter's record dismissed as moot
- 13-0228 ASSIGNEES OF OFFICEMAX, BEST BUY AND COMPUSA v. SUSAN COMBS, STATE OF TEXAS COMPTROLLER OF PUBLIC ACCOUNTS AND GREG ABBOTT, ATTORNEY GENERAL OF TEXAS; from Travis County; 3rd Court of Appeals District (03-10-00648-CV, 395 SW3d 847, 02-22-13)
- 13-0265 JOHN A. VANN v. CHARLA BRADSHAW CONNER; from Denton County; 1st Court of Appeals District (01-12-00621-CV, \_\_\_ SW3d \_\_\_, 01-17-13)
- (Justice Lehrmann not sitting)
- 13-0394 NALLE PLASTICS FAMILY LIMITED PARTNERSHIP v. PORTER, ROGERS, DAHLMAN & GORDON, P.C. AND PATRICK P. ROGERS; from Nueces County; 13th Court of Appeals District (13-11-00525-CV, 406 SW3d 186, 04-18-13)
- 13-0912 NEW CAR CONCEPTS AND GREGORY EDGINGTON v. UPSILON L.P., INDIVIDUALLY AND D/B/A NORTH TEXAS NISSAN; from Denton County; 4th Court of Appeals District (04-12-00479-CV, \_\_\_SW3d\_\_\_, 08-30-13)

- 13-0998 IN RE COMMITMENT OF TIMOTHY RAY BRADSHAW; from Montgomery County; 9th Court of Appeals District (09-12-00570-CV, \_\_\_ SW3d \_\_\_, 10-31-13)
- 13-1012 DUSTY BEARD, LORENZO ESPINOZA, ALEJANDRO HERNANDEZ, CLEMENT LANCLOS, FRANCISCO PEREZ, JR., ANTHONY REDDICK, ALVIN WALKER, SR. v. JBT AEROTECH SERVICES; from Harris County; 1st Court of Appeals District (01-12-00155-CV, \_\_\_ SW3d \_\_\_, 11-05-13)
- 14-0121 TOMAS PEREZ v. SMART CORPORATION, INC.; from Travis County; 4th Court of Appeals District (04-12-00712-CV, \_\_\_ SW3d \_\_\_, 11-27-13)
- 14-0194 JANOS FARKAS v. AURORA LOAN SERVICES LLC, ET AL.; from Dallas County; 5th Court of Appeals District (05-12-01095-CV, \_\_\_ SW3d \_\_\_, 11-26-13)  
2 petitions
- 14-0233 CEDAR CONTRACTING, INC. AND LANDS & LEASES, INC. v. RONALD HERNANDEZ AND CONNIE HERNANDEZ; from Travis County; 3rd Court of Appeals District (03-11-00327-CV, \_\_\_ SW3d \_\_\_, 02-21-14)
- 14-0331 KENNETH CUSICK v. RONDA KIRKPATRICK; from Nueces County; 13th Court of Appeals District (13-13-00149-CV, \_\_\_ SW3d \_\_\_, 12-19-13)
- 14-0378 LOUIS DOSS AND MARY DOSS v. CHILD PROTECTIVE SERVICES; from Bandera County; 4th Court of Appeals District (04-13-00293-CV, \_\_\_ SW3d \_\_\_, 02-12-14)
- 14-0380 IN RE COMMITMENT OF JOHNNY LEE LEMMONS; from Montgomery County; 9th Court of Appeals District (09-13-00346-CV, \_\_\_ SW3d \_\_\_, 04-09-14)

**THE FOLLOWING PETITION FOR REVIEW IS ABATED:**

13-0814 DALLAS NATIONAL INSURANCE COMPANY v. GLORIA DE LA CRUZ;  
from El Paso County; 8th Court of Appeals District (08-12-00189-CV, 412 SW3d  
36, 08-28-13)

petitioner's motion to abate granted  
abatement order issued

[**Note:** This case is removed from the Court's active docket until October 27,  
2014, by which time the parties must file either a status report or a motion to  
dismiss.]

**ORDERS ON MOTIONS FOR REHEARING**

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR  
REVIEW ARE DENIED:**

13-0472 ANDRA S. LITMAN v. CRAIG LITMAN; from Dallas County; 5th Court of  
Appeals District (05-11-00903-CV, 402 SW3d 280, 05-15-13)

14-0057 IN THE ESTATE OF DONNA FELLS; from Jefferson County; 9th Court of  
Appeals District (09-12-00569-CV, \_\_\_ SW3d \_\_\_, 10-24-13)

**MISCELLANEOUS**

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

14-0205 IN RE SHELBY LONGORIA; from Harris County; 14th Court of Appeals  
District (14-13-00996-CV, \_\_\_ SW3d \_\_\_, 03-04-14)

motion to stay denied

14-0209 IN RE MARTIN APPARATUS, INC.; from Harris County; 1st Court of Appeals  
District (01-14-00212-CV, \_\_\_ SW3d \_\_\_, 03-20-14)

opposed motion to stay trial court proceedings and discovery denied

14-0219 IN RE MARGARET KNOX; from Travis County; 3rd Court of Appeals District  
(03-13-00614-CV, \_\_\_ SW3d \_\_\_, 02-07-14)  
motion for temporary relief denied

**THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS  
DENIED:**

14-0146 IN RE JASON ROSS JUENGERMAN; from Montgomery County

# THE SUPREME COURT OF TEXAS

## Orders Pronounced July 3, 2014

### ORDERS ON CAUSES

10-0846 BROOKSHIRE BROTHERS, LTD. v. JERRY ALDRIDGE; from Angelina County; 12th Court of Appeals District (12-08-00368-CV, \_\_\_ SW3d \_\_\_, 07-30-10)  
The Court reverses the court of appeals' judgment and remands the case to the trial court.

Justice Lehrmann delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Johnson, Justice Willett, and Justice Boyd joined.

Justice Guzman delivered a dissenting opinion, in which Justice Devine and Justice Brown joined.

12-0483 ROSEMARIE PORRETTO AND RANDY W. WILLIAMS, AS CHAPTER 7 TRUSTEE OF THE BANKRUPTCY ESTATE OF SONYA PORRETTO v. TEXAS GENERAL LAND OFFICE AND JERRY PATTERSON, IN HIS OFFICIAL CAPACITY AS TEXAS LAND COMMISSIONER; from Galveston County; 1st Court of Appeals District (01-09-00520-CV, 369 SW3d 276, 12-015-11)  
The Court affirms in part and reverses in part the court of appeals' judgment and remands the case to the trial court.

Chief Justice Hecht delivered the opinion of the Court.

(Justice Boyd not sitting)



12-0617 UNION CARBIDE CORPORATION v. DAISY E. SYNATZSKE AND GRACE ANNETTE WEBB, INDIVIDUALLY AND AS REPRESENTATIVES AND CO-EXECUTRIXES OF THE ESTATE OF JOSEPH EMMITE, SR., JOSEPH EMMITE, JR., DOROTHY A. DAY, VERA J. GIALMALVA AND JAMES R. EMMITE; from Harris County; 1st Court of Appeals District (01-09-01141-CV, 386 SW3d 278, 06-28-12)

The Court reverses the court of appeals' judgment and renders judgment.

Justice Johnson delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Willett, and Justice Brown joined.

Justice Lehrmann delivered a dissenting opinion.

Justice Boyd delivered a dissenting opinion, in which Justice Guzman, Justice Lehrmann, and Justice Devine joined.

12-0804 GARY WAYNE JASTER v. COMET II CONSTRUCTION, INC., JOE H. SCHNEIDER, LAURA H. SCHNEIDER, AND AUSTIN DESIGN GROUP; from Hays County; 3rd Court of Appeals District (03-10-00191-CV, 382 SW3d 554, 08-31-12)

The Court affirms the court of appeals' judgment.

Justice Boyd announced the Court's disposition and delivered a plurality opinion, in which Justice Johnson, Justice Willett, and Justice Devine joined.

Justice Willett delivered a concurring opinion, in which Justice Lehrmann joined in part, and in which Justice Devine joined.

Chief Justice Hecht delivered a dissenting opinion, in which Justice Green and Justice Guzman joined, and in all but Part II of which Justice Brown joined.

12-0957 IN RE FORD MOTOR COMPANY; from Hidalgo County; 13th Court of Appeals District (13-12-00624-CV, \_\_\_ SW3d \_\_\_, 11-20-12)  
stay order issued January 25, 2014, lifted

The Court denies the petition for writ of mandamus.

Justice Willett delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Guzman, and Justice Lehrmann joined.

Justice Johnson delivered a dissenting opinion, in which Justice Devine and Justice Brown joined, and in Part III of which Justice Boyd joined.

Justice Boyd delivered a dissenting opinion.

12-1039 LUBBOCK COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT AND TOMMY FISHER, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE BOARD OF DIRECTORS OF THE LUBBOCK COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT v. CHURCH & AKIN, L.L.C.; from Lubbock County; 7th Court of Appeals District (07-11-00495-CV, \_\_\_ SW3d \_\_\_, 10-16-12)  
The Court reverses in part the court of appeals' judgment and dismisses the case for lack of jurisdiction.

Justice Boyd delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Guzman, Justice Lehrmann, Justice Devine, and Justice Brown joined.

Justice Willett delivered a dissenting opinion.

(Justice Johnson not sitting)

## **ORDERS ON CASES GRANTED**

### THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

13-0696    CENTERPLACE PROPERTIES, LTD. v. COLUMBIA MEDICAL CENTER OF LEWISVILLE SUBSIDIARY, L.P. D/B/A MEDICAL CENTER OF LEWISVILLE AND RAYMOND DUNNING; from Denton County; 2nd Court of Appeals District (02-11-00049-CV, 406 SW3d 674, 05-30-13)  
agreed motion to effectuate settlement agreement granted

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court grants the petition for review, vacates the judgments of the court of appeals and trial court, and remands the case to the trial court to dismiss the case with prejudice and effectuate the settlement agreement.

# THE SUPREME COURT OF TEXAS

## Orders Pronounced July 11, 2014

### ORDERS ON CAUSES

10-0775 SUSAN ELAINE BOSTIC, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE HEIRS AND ESTATE OF TIMOTHY SHAWN BOSTIC, DECEASED; HELEN DONNAHOE; AND KYLE ANTHONY BOSTIC v. GEORGIA-PACIFIC CORPORATION; from Dallas County; 5th Court of Appeals District (05-08-01390-CV, 320 SW3d 588, 08-26-10)

The Court affirms the court of appeals' judgment.

Justice Willett delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Johnson, and Justice Brown joined, and in all but Parts II.A.3 and II.B of which Justice Guzman joined.

Justice Guzman delivered a concurring opinion.

Justice Lehrmann delivered a dissenting opinion, in which Justice Boyd and Justice Devine joined.

11-0425 PETROLEUM SOLUTIONS, INC. v. BILL HEAD D/B/A BILL HEAD ENTERPRISES AND TITFLEX, INC.; from Hidalgo County; 13th Court of Appeals District (13-09-00204-CV, \_\_\_ SW3d \_\_\_, 04-29-11)  
The Court affirms in part and reverses in part the court of appeals' judgment and remands the case to the trial court.

Justice Lehrmann delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Johnson, Justice Willett, Justice Guzman, Justice Devine, and Justice Brown joined, and in Parts I and II of which Justice Boyd joined.

Justice Boyd delivered an opinion dissenting in part.

**THE FOLLOWING CAUSE IS RESET FOR ORAL ARGUMENT:**

- 13-0303 HARRIS COUNTY FLOOD CONTROL DISTRICT AND HARRIS COUNTY, TEXAS v. EDWARD A. AND NORMA KERR, ET AL.; from Harris County; 1st Court of Appeals District (01-11-00014-CV, \_\_\_ SW3d \_\_\_, 03-07-13)  
respondents' unopposed motion to reschedule oral argument granted

[**Note:** This cause has been reset for oral argument at 9:00 a.m., December 4, 2014.]

Time allotted to argue: 20/20 minutes

**THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:**

- 12-0163 IN RE MARK FISHER AND REECE BOUDREAUX; from Wise County; 2nd Court of Appeals District (02-11-00013-CV, \_\_\_ SW3d \_\_\_, 02-01-12)

**ORDERS ON CASES GRANTED**

**THE FOLLOWING PETITION FOR REVIEW IS GRANTED:**

- 13-0751 DRIVEWAY AUSTIN GP, LLC v. TURBO PARTNERS, LLC; from Travis County; 7th Court of Appeals District (07-12-00191-CV, 409 SW3d 197, 08-07-13)  
agreed motion to dismiss pursuant to settlement granted  
abatement order issued May 16, 2014, lifted  
motion for rehearing dismissed as moot  
denial of petition for review on January 31, 2014, withdrawn  
petition reinstated

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court grants the petition for review, vacates the judgments of the court of appeals and trial court, and dismisses the case with prejudice.

## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 14-0239 LIUDMILA A. YURYEVA v. DELOS N. MCMANUS; from Fort Bend County; 1st Court of Appeals District (01-12-00988-CV, \_\_\_ SW3d \_\_\_, 11-26-13)
- 14-0240 LUIS SALAZAR v. WILLIAM SANDERS AND PATRICIA SANDERS; from El Paso County; 8th Court of Appeals District (08-11-00335-CV, \_\_\_SW3d\_\_\_, 12-18-13)
- 14-0274 PATRICK CRAWFORD v. CITIMORTGAGE, INC.; from Dallas County; 5th Court of Appeals District (05-12-01473-CV, \_\_\_SW3d\_\_\_, 02-20-14)
- 14-0308 CLEOTHIS SPEARMAN v. JOHNNY LEE MORRIS; from Dallas County; 5th Court of Appeals District (05-13-00690-CV, \_\_\_ SW3d \_\_\_, 02-27-14)
- 14-0317 TELERESOURCE CORPORATION v. ACCOR NORTH AMERICA, INC.; from Denton County; 2nd Court of Appeals District (02-12-00475-CV, 427 SW3d 511, 03-13-14)
- 14-0320 JASON E. HADDOCK v. TEXAS WORKFORCE COMMISSION AND ADECCO USA, INC.; from Tarrant County; 2nd Court of Appeals District (02-13-00096-CV, \_\_\_ SW3d \_\_\_, 02-06-14)
- 14-0329 CHARLENE FULLERTON TIGERT v. TOMMY RAY TIGERT, SANDRA GALE CRAFT & KAREN ELIZABETH NORMAN, INDEPENDENT EXECUTORS OF THE ESTATE OF TOMMY F. TIGERT, DECEASED; from Dallas County; 5th Court of Appeals District (05-12-01282-CV, \_\_\_SW3d\_\_\_, 01-31-14)
- 14-0343 HELEN JANEY CHANDLER v. JEREMY WARDEN STRONG; from Bell County; 3rd Court of Appeals District (03-12-00575-CV, \_\_\_ SW3d \_\_\_, 03-20-14)

- 14-0349 ANTHONY C. AGUILAR AND MICHAEL A. AGUILAR v. MARGARET MORALES; from Bexar County; 4th Court of Appeals District (04-13-00368-CV, \_\_\_ SW3d \_\_\_, 02-19-14)
- 14-0352 FELICIA NICOLE JONES v. MACY'S AND ERIC LIMBOCKER; from Brazoria County; 1st Court of Appeals District (01-13-01018-CV, \_\_\_ SW3d \_\_\_, 02-20-14)
- 14-0395 BRADLEY BLOMMAERT, TERESE BLOMMAERT, AND MIKE BLOMMAERT v. BORGER COUNTRY CLUB, JEFF GRIFFIN, MARK MITCHELL, ROBERTA SEWELL, ROBERT ARCHER, JAMES BAKER, WILLIAM BENDA, SHAD GOLDSTON, KENT GRAY, RANDY GRAY, DANNY HAYNES, MATT HOOD AND DWIGHT RICE; from Hutchinson County; 7th Court of Appeals District (07-12-00337-CV, \_\_\_ SW3d \_\_\_, 04-03-14)  
motion for leave to amend dismissed as moot
- 14-0401 MIDDLE BOSQUE PARTNERS, LP AND HIGHLAND CORYELL RANCH, LLC v. MARK DAVIS; from Navarro County; 4th Court of Appeals District (04-13-00464-CV, \_\_\_SW3d\_\_\_, 04-09-14)
- 14-0411 IN RE COMMITMENT OF LUIS ALVARADO; from Montgomery County; 9th Court of Appeals District (09-13-00217-CV, \_\_\_ SW3d \_\_\_, 03-27-14)
- 14-0412 ELIZABETH SANGREY GRAY AND TOMMY DEAN GRAY, JR. v. VERNA PAULINE SANGREY; from Marion County; 6th Court of Appeals District (06-13-00043-CV, 428 SW3d 311, 02-20-14)
- 14-0422 HAROLYN M. BENSON, D'METRIA BENSON AND RAYMOND BENSON v. SHEREKE DEVONDA GASTON AND TARSIMON V. EVERAGE; from Henderson County; 12th Court of Appeals District (12-13-00287-CV, \_\_\_ SW3d \_\_\_, 03-12-14)
- 14-0424 IN THE INTEREST OF J.D.H., E.K.H. AND Z.H.H.; from Donley County; 7th Court of Appeals District (07-13-00293-CV, \_\_\_ SW3d \_\_\_, 02-20-14)

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR REVIEW:

- 14-0519 PAK FOODS HOUSTON, LLC v. MARISSA GARCIA, INDIVIDUALLY AND AS NEXT FRIEND OF S.L., A MINOR; from Harris County; 14th Court of Appeals District (14-13-00409-CV, \_\_\_ SW3d \_\_\_, 05-22-14)  
petitioner's motion to stay granted  
stay order issued  
[Note: The petition for review remains pending before this Court.]

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:**

- 14-0400 WATERWAY RANCH, LLC AND MICHAEL P. OLSON v. TEXAS BANK FINANCIAL F/K/A THE BANK OF WEATHERFORD; from Parker County; 2nd Court of Appeals District (02-13-00350-CV, \_\_\_SW3d\_\_\_, 04-10-14)  
joint motion to dismiss with prejudice granted

**ORDERS ON MOTIONS FOR REHEARING**

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 13-0937 K.T. ROCK, LLC v. SEECO, INC. AND SOUTHWESTERN ENERGY COMPANY; from Harris County; 14th Court of Appeals District (14-12-00357-CV, 416 SW3d 664, 09-26-13)
- 13-1001 COLLIN D. PORTERFIELD v. LISLE D. PATTON AND BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, F/K/A BARRETT BURKE WILSON CASTLE DAFFIN & FRAPPIER, LLP; from Dallas County; 5th Court of Appeals District (05-11-01619-CV, 411 SW3d 147, 08-30-13)
- 13-1028 VARNEL L. DIGGS v. GMAC MORTGAGE, LLC AND FEDERAL NATIONAL MORTGAGE ASSOCIATION; from Travis County; 3rd Court of Appeals District (03-13-00197-CV, \_\_\_ SW3d \_\_\_, 12-18-13)
- 14-0017 GLENN BLAIR v. ANGELA MCCLINTON; from Fort Bend County; 1st Court of Appeals District (01-11-00701-CV, \_\_\_ SW3d \_\_\_, 07-02-13)  
as amended



- 14-0088 NICHOLAS J. BONACCI v. MYRIAM BARRAGAN-BONACCI; from El Paso County; 8th Court of Appeals District (08-11-00255-CV, 420 SW3d 294, 12-27-13)
- 14-0132 WILLIS FLOYD WILEY v. AMERICAN ZURICH INSURANCE COMPANY; from Harris County; 1st Court of Appeals District (01-13-00345-CV, \_\_\_ SW3d \_\_\_, 01-16-14)
- 14-0154 SOUTH TEXAS VETERINARY ASSOCIATES, INC. v. JENA GONZALEZ; from Nueces County; 13th Court of Appeals District (13-12-00519-CV, \_\_\_ SW3d \_\_\_, 12-19-13)
- 14-0273 JONATHON C. MCINTOSH, D.D.S. v. TEXAS STATE BOARD OF DENTAL EXAMINERS; from Travis County; 7th Court of Appeals District (07-12-00196-CV, \_\_\_ SW3d \_\_\_, 03-10-14)
- 14-0448 LAVERNA SELLS v. EARL DROTT; from Smith County; 12th Court of Appeals District (12-13-00223-CV, \_\_\_ SW3d \_\_\_, 01-31-14)

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

- 14-0230 IN RE ROBERT F. CALDWELL; from Anderson County; 12th Court of Appeals District (12-13-00323-CV, \_\_\_ SW3d \_\_\_, 11-13-13)

**MISCELLANEOUS**

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

- 14-0327 IN RE CARLA ARISANO AND BROCK BRINKMAN; from Ellis County; 10th Court of Appeals District (10-14-00109-CV, \_\_\_ SW3d \_\_\_, 05-01-14)  
emergency motion to stay denied
- 14-0397 IN RE PHILLIP BRYAN THOMPSON TDCJ #01590445

- 14-0398 IN RE ALBERTO ROMAN GONZALEZ; from Bexar County; 4th Court of Appeals District (04-13-00232-CV, \_\_\_ SW3d \_\_\_, 04-24-13)
- 14-0420 IN RE TRENT ALVON SMITH; from Travis County; 3rd Court of Appeals District (03-13-00719-CV)
- 14-0440 IN RE CHRISTINE RUELE; from Travis County; 3rd Court of Appeals District (03-14-00103-CV, \_\_\_ SW3d \_\_\_, 04-11-14)
- 14-0461 IN RE GONZALEZ TRUCKING S.A. DE C.V.; from Hidalgo County; 13th Court of Appeals District (13-14-00222-CV, \_\_\_ SW3d \_\_\_, 05-30-14)  
motion for temporary relief denied
- 14-0520 IN RE MARK THOMPSON, SR.; from Harris County; 1st Court of Appeals District (01-13-00789-CV, \_\_\_ SW3d \_\_\_, 04-24-14)  
motion for temporary relief denied

# THE SUPREME COURT OF TEXAS

## Orders Pronounced July 18, 2014

### ORDERS ON CAUSES

#### THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

- 10-0846 BROOKSHIRE BROTHERS, LTD. v. JERRY ALDRIDGE; from Angelina County; 12th Court of Appeals District (12-08-00368-CV, \_\_\_ SW3d \_\_\_, 07-30-10) joint motion for expedited issuance of mandate granted

### ORDERS ON PETITIONS FOR REVIEW

#### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0829 IN THE INTEREST OF A.B.P., A MINOR CHILD; from Collin County; 5th Court of Appeals District (05-11-00066-CV, \_\_\_ SW3d \_\_\_, 08-26-13)
- 14-0334 CURTIS DAVIS v. JESUS GRACIA; from Dallas County; 5th Court of Appeals District (05-12-01147-CV, \_\_\_SW3d\_\_\_, 02-13-14)
- 14-0365 BUDGET RENT-A-CAR OF EL PASO, INC. v. SERGIO FRAIRE; from El Paso County; 8th Court of Appeals District (08-12-00280-CV, \_\_\_ SW3d \_\_\_, 03-28-14)
- 14-0369 BRENT BATES BUILDERS, INC. AND BRENT BATES, INDIVIDUALLY v. RAHUL MALHORTA, INDIVIDUALLY AND D/B/A THE MALHORTA LAW FIRM; VENIT MALHORTA, INDIVIDUALLY AND D/B/A THE MALHORTA LAW FIRM; AND SALAVADOR VILLALLOBOS; from Midland County; 11th Court of Appeals District (11-13-00119-CV, \_\_\_SW3d\_\_\_, 03-14-14)
- 14-0373 IN THE MATTER OF C.M.W.; from Bexar County; 4th Court of Appeals District (04-13-00449-CV, \_\_\_ SW3d \_\_\_, 03-19-14)

14-0452 IN THE INTEREST OF R.T.M., JR., A CHILD; from Howard County; 11th Court of Appeals District (11-13-00311-CV, \_\_\_ SW3d \_\_\_, 04-03-14)

14-0472 THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES v. C.L.J. AND T.P.; from Bell County; 3rd Court of Appeals District (03-13-00646-CV, \_\_\_ SW3d \_\_\_, 03-20-14)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

14-0269 IN THE INTEREST OF A.K.M., J.D.M. AND D.D.M., CHILDREN; from Jefferson County; 9th Court of Appeals District (09-12-00464-CV, \_\_\_ SW3d \_\_\_, 02-27-14)

## **MISCELLANEOUS**

### **THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

14-0053 IN RE COURTENAY BRANDT; from Williamson County; 3rd Court of Appeals District (03-13-00556-CV, \_\_\_ SW3d \_\_\_, 09-27-13)

14-0340 IN RE CHARLES KENNEBREW, SR. AND ELITE PROTECTIVE SERVICES, LLC; from Harris County; 14th Court of Appeals District (14-12-01015-CV, 425 SW3d 588, 03-04-14)

14-0463 IN RE JOHNNY PAUL RIVERS; from Dallas County

14-0480 IN RE CHENG H. MAH

THE FOLLOWING CASES ARE ABATED:

13-0956 OIS INVESTMENTS, INC. v. AAA FREE MOVE MINI STORAGE, L.L.C.; from Bexar County; 4th Court of Appeals District (04-11-00849-CV, 419 SW3d 522, 10-30-13)  
abatement order issued

[**Note:** Effective July 8, 2014, the case is abated pursuant to Tex. R. App. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. Tex. R. App. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. Tex. R. App. P. 8.2, 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

13-0957 OIS INVESTMENTS, INC. v. AAA FREE MOVE MINISTORAGE, LLC; from Bexar County; 4th Court of Appeals District (04-12-00775-CV, \_\_\_ SW3d \_\_\_, 10-02-13)  
abatement order issued

[**Note:** Effective July 8, 2014, the case is abated pursuant to Tex. R. App. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. Tex. R. App. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. Tex. R. App. P. 8.2, 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

# THE SUPREME COURT OF TEXAS

## Orders Pronounced July 25, 2014

### ORDERS ON CAUSES

#### THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

- 13-0337 PLAINSCAPITAL BANK v. WILLIAM MARTIN; from Collin County; 5th Court of Appeals District (05-10-00235-CV, 402 SW3d 805, 03-28-13) respondent's motion to reschedule oral argument denied

### ORDERS ON PETITIONS FOR REVIEW

#### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 14-0258 CHARLES CHRISTOPHER LANCASTER v. NATRENIA L. HICKS, ET AL.; from Houston County; 12th Court of Appeals District (12-13-00283-CV, \_\_\_ SW3d \_\_\_, 11-13-14)
- 14-0291 ARMANDO BENAVIDES v. ANSELMO BENAVIDES, ANTONIO BENAVIDES AND A.T. TRUCKING, L.L.P.; from Jim Wells County; 4th Court of Appeals District (04-12-00864-CV, \_\_\_ SW3d \_\_\_, 01-22-14)
- 14-0309 LEONARD JAMES HAWKINS v. CITY OF DEER PARK; from Harris County; 14th Court of Appeals District (14-13-00695-CV, \_\_\_ SW3d \_\_\_, 03-11-14)
- 14-0382 JANOS FARKAS v. MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ET AL.; from Williamson County; 11th Court of Appeals District (11-12-00024-CV, \_\_\_ SW3d \_\_\_, 01-09-14)

(Justice Johnson not sitting)

- 14-0392 LOUIS DAITCH v. BARBARA BENSON; from Dallas County; 5th Court of Appeals District (05-14-00034-CV, \_\_\_ SW3d \_\_\_, 03-11-14)

14-0394 TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES v. SANDRA DELONG; from El Paso County; 8th Court of Appeals District (08-13-00202-CV, \_\_\_ SW3d \_\_\_, 04-02-14)

14-0467 TRAVIS COUNTY, TEXAS, TJFA, L.P. AND NORTHEAST NEIGHBORS COALITION v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT OF TEXAS, INC.; from Travis County; 7th Court of Appeals District (07-12-00457-CV, \_\_\_ SW3d \_\_\_, 04-29-14)  
2 petitions

14-0485 STEPHEN C. DRILLING v. VASILE MARINCASIU AND STACY MARINCASIU; from Tarrant County; 8th Court of Appeals District (08-12-00288-CV, \_\_\_ SW3d \_\_\_, 04-09-14)

**THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED:**

14-0167 LG AUTO LAUNDRY, L.P. v. KIMZEY WASH, LLC; from Collin County; 5th Court of Appeals District (05-12-00439-CV, 418 SW3d 291, 11-26-13)  
unopposed motion to dismiss petition for review granted  
petition dismissed with prejudice

14-0248 HILL COUNTRY-SAN ANTONIO MANAGEMENT INC. D/B/A HILL COUNTRY ACHIEVEMENT CENTER v. RACHEL TREJO AS NEXT FRIEND OF RENE TREJO AN ADULT; from Bexar County; 4th Court of Appeals District (04-13-00559-CV, 424 SW3d 203, 02-12-14)  
petitioner's motion to dismiss granted

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:**

14-0455 ROSA SERRANO v. PELLICANO BUSINESS PARK L.L.C.; from El Paso County; 8th Court of Appeals District (08-12-00101-CV, \_\_\_ SW3d \_\_\_, 03-28-14)

*See* TEX. R. APP. P. 53.7(f)

# **ORDERS ON MOTIONS FOR REHEARING**

## **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:**

14-0148 DANNY DALE WEISINGER, SR. v. STATE OF TEXAS; from Houston County; 12th Court of Appeals District (12-13-00152-CV, \_\_\_ SW3d \_\_\_, 07-31-13)

## **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

14-0246 IN RE JOSEPH E. MCCLAIN, III; from Travis County; 13th Court of Appeals District (13-13-00648-CV, \_\_\_ SW3d \_\_\_, 11-26-13)

## **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF INJUNCTION IS DENIED:**

14-0386 IN RE JIMMY CHARLES JOHNSON; from Dallas County; 5th Court of Appeals District (05-12-01046-CV, \_\_\_ SW3d \_\_\_, 03-05-14)



# THE SUPREME COURT OF TEXAS

## Orders Pronounced August 1, 2014

### ORDERS ON CASES GRANTED

#### THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

14-0436 HATCH ASSOCIATES CONSULTANTS, INC. v. LUIS MEDINA AND STEPHANIE MEDINA; from Calhoun County; 13th Court of Appeals District (13-12-00490-CV, \_\_\_ SW3d \_\_\_, 03-20-14)

unopposed motion to dismiss granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court vacates the judgment of the court of appeals and dismisses the case.

### ORDERS ON PETITIONS FOR REVIEW

#### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

14-0211 GERALD L. MARSHALL, JUNIOR v. GREEN TREE SERVICES, LLC, SUCCESSOR BY MERGER TO WALTER MORTGAGE COMPANY, LLC; from Henderson County; 6th Court of Appeals District (06-13-00127-CV, \_\_\_ SW3d \_\_\_, 06-05-14)

14-0232 WILLIAM CODY WHEELER v. HOWARD L. PHILLIPS, ET AL.; from Bastrop County; 3rd Court of Appeals District (03-10-00221-CV, \_\_\_ SW3d \_\_\_, 09-07-11)

14-0235 WILLIAM W. FREY v. DONNIE FOSTER, SHERRIFF OF FANNIN COUNTY, FANNIN COUNTY, DR. JAGDISH SHAH, COMMUNITY EDUCATION CENTERS, INC.; from Fannin County; 6th Court of Appeals District (06-13-00086-CV, \_\_\_ SW3d \_\_\_, 03-14-14)

14-0260 STUART W. THOMAS v. CARNAHAN THOMAS LLP, WILLIAM F. PETERS, JR., FREDERICK HOELKE AND ROY ROMO; from Dallas County; 5th Court of Appeals District (05-11-01615-CV, \_\_\_ SW3d \_\_\_, 02-04-14)

- 14-0301 IN RE COMMITMENT OF JOSEPH TRUEMAN COUNCIL; from Montgomery County; 9th Court of Appeals District (09-12-00485-CV, \_\_\_ SW3d \_\_\_, 03-27-14)
- 14-0390 STEVE SCHWERIN v. NUECES COUNTY JUVENILE BOARD AND NUECES COUNTY, TEXAS; from Nueces County; 13th Court of Appeals District (13-13-00346-CV, \_\_\_SW3d\_\_\_, 04-03-14)
- 14-0419 ARCHIE TERRELL SCAIFE v. THE STATE OF TEXAS, BELL COUNTY DISTRICT ATTORNEY'S OFFICE, BELL COUNTY POLICE DEPARTMENT AND INDIVIDUALS; from Bell County; 3rd Court of Appeals District (03-12-00324-CV, \_\_\_ SW3d \_\_\_, 04-08-14)
- 14-0428 EDGAR ORTEGA v. NATIONAL OILWELL VARCO, L.P.; from Hemphill County; 7th Court of Appeals District (07-13-00140-CV, \_\_\_ SW3d \_\_\_, 04-24-14)
- 14-0429 MAX PROTETCH, INC. v. JOHN HERRIN; from Harris County; 14th Court of Appeals District (14-13-00125-CV, \_\_\_ SW3d \_\_\_, 04-17-14)
- 14-0433 ASHLEY BRIGHAM PATTEN; ROBERT C. KARLSENG; JACQUES YVES LEBLANC; KARLSENG LAW FIRM, P.C.; PATTEN LAW FIRM, P.C., F/K/A PATTEN & KARLSENG, P.C.; AND LEBLANC & KARLSENG, P.C., F/K/A LEBLANC, PATTEN & KARLSENG, P.C. v. M. BRETT JOHNSON; GEOFFREY HARPER; FISH & RICHARDSON, P.C.; H. JONATHAN COOKE; ROBERT W. FAULKNER; AND JAMS INC. A/K/A JAMS ADR SERVICES, INC.; from Dallas County; 5th Court of Appeals District (05-12-01695-CV, 429 SW3d 767, 04-15-14)
- 14-0450 SHENITRA WILLIAMS, INDIVIDUALLY, AND AS NEXT FRIEND OF R.W., III, A MINOR v. ADVENTURE HOLDINGS, L.L.C., D/B/A AMAZING JAKES; from Collin County; 5th Court of Appeals District (05-12-01610-CV, \_\_\_ SW3d \_\_\_, 04-22-14)
- 14-0466 IN RE COMMITMENT OF JAMES EDWARD MUZZY; from Montgomery County; 9th Court of Appeals District (09-13-00496-CV, \_\_\_ SW3d \_\_\_, 05-01-14)

14-0474 JAMES P. MURPHY v. REED WILLIAMS; from Collin County; 5th Court of Appeals District (05-12-01730-CV, 430 SW3d 613, 05-05-14)

14-0501 SAMUEL TODD RUSSELL v. CITY OF DALLAS; from Dallas County; 5th Court of Appeals District (05-13-00061-CV, \_\_\_ SW3d \_\_\_, 05-16-14)

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:**

14-0133 CATHERINE STOUFFER, ET AL. v. UNION PACIFIC RAILROAD COMPANY; from Dallas County; 5th Court of Appeals District (05-13-01224-CV, 420 SW3d 233, 12-19-13)

unopposed motion to dismiss petition for review granted

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:**

14-0553 RONNIE RAY BROOKS v. STATE OF TEXAS; from Montgomery County; 9th Court of Appeals District (09-13-00357-CV, \_\_\_ SW3d \_\_\_, 03-13-14)

*See* TEX. R. APP. P. 53.7(f)

**THE ABATEMENT ORDER IS EXTENDED IN THE FOLLOWING PETITION FOR REVIEW:**

13-0343 VERIZON BUSINESS NETWORK SERVICES, INC. v. SUSAN COMBS, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 7th Court of Appeals District (07-11-00025-CV, \_\_\_ SW3d \_\_\_, 04-03-13)

joint request for abatement extension granted  
abatement order issued

[**Note:** The Court's extended abatement order of May 30, 2014 expired by its own terms on July 18, 2014. The abatement is extended until August 18, 2014 by which time the parties must file either a status report or a motion to dismiss.]

# ORDERS ON MOTIONS FOR REHEARING

## THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-1039 JOHN ESPINOZA v. WELLS FARGO BANK, N.A.; from Tarrant County; 2nd Court of Appeals District (02-13-00111-CV, \_\_\_ SW3d \_\_\_, 11-14-13)  
request for leave to file motion dismissed as moot

(Justice Johnson not sitting)

- 14-0050 A-1 AUTO BODY AND PAINT SHOP, LLC v. MARGARET MCQUIGGAN; from Harris County; 1st Court of Appeals District (01-13-00250-CV, 418 SW3d 403, 12-05-13)

## THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 14-0323 IN RE ANTONIO HERRERA; from Dallas County; 5th Court of Appeals District (05-14-00394-CV, \_\_\_ SW3d \_\_\_, 04-14-14)
- 14-0330 IN RE TCPSP CORPORATION; from Hidalgo County; 13th Court of Appeals District (13-14-00159-CV, \_\_\_ SW3d \_\_\_, 03-18-14)

# MISCELLANEOUS

## THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 14-0475 IN RE E.C.; from Harris County; 14th Court of Appeals District (14-14-00228-CV, 431 SW3d 812, 05-15-14)
- 14-0503 IN RE GLENN BLAIR; from Fort Bend County; 1st Court of Appeals District (01-11-00701-CV, \_\_\_ SW3d \_\_\_, 07-02-13)  
as amended

14-0508 IN RE DAVID LEE SMITH; from Johnson County; 10th Court of Appeals District (10-13-00290-CV, \_\_\_ SW3d \_\_\_, 03-27-14)

14-0541 IN RE THERESA BARNETT; from Dallas County

as amended

amended emergency motion to suspend enforcement of judgment denied

# THE SUPREME COURT OF TEXAS

## Orders Pronounced August 8, 2014

### ORDERS ON CAUSES

#### THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

11-0709 KIA MOTORS CORPORATION AND KIA MOTORS AMERICA, INC. v. LAWRENCE RUIZ (INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF ANDREA RUIZ), SHENEQUA RUIZ, CHRISTOPHER RUIZ, AND SUZANNA RUIZ; from Dallas County; 5th Court of Appeals District (05-10-00198-CV, 348 SW3d 465, 08-05-11)

respondents' motion to return exhibits to the trial court granted

#### THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

11-0709 KIA MOTORS CORPORATION AND KIA MOTORS AMERICA, INC. v. LAWRENCE RUIZ (INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF ANDREA RUIZ), SHENEQUA RUIZ, CHRISTOPHER RUIZ, AND SUZANNA RUIZ; from Dallas County; 5th Court of Appeals District (05-10-00198-CV, 348 SW3d 465, 08-05-11)

petitioners' motion to return exhibits denied

### ORDERS ON PETITIONS FOR REVIEW

#### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

14-0163 IN THE INTEREST OF J.C.H. A/K/A J.C.E. AND E.C.H., CHILDREN; from Palo Pinto County; 11th Court of Appeals District (11-13-00223-CV, \_\_\_ SW3d \_\_\_, 01-16-14)

14-0300 KEVIN BIERWIRTH v. BAC HOME LOANS SERVICING, L.P.; from Travis County; 3rd Court of Appeals District (03-11-00644-CV, \_\_\_ SW3d \_\_\_, 08-30-12)

opposed motion to amend denied

- 14-0338 SANDRA RODRIGUEZ v. THE CITY OF SOUTH HOUSTON; from Harris County; 14th Court of Appeals District (14-12-01119-CV, 425 SW3d 629, 03-20-14)
- 14-0339 ONASSET INTELLIGENCE, INC. AND SAVR COMMUNICATION, INC. v. RAYMOND BLOCH; from Travis County; 3rd Court of Appeals District (03-12-00183-CV, \_\_\_SW3d\_\_\_, 03-19-14)
- 2 petitions
- 14-0342 CHARLIE O. BURNETT III v. BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2006-18; from Nueces County; 13th Court of Appeals District (13-12-00474-CV; 13-12-00753-CV, \_\_\_SW3d\_\_\_, 03-20-14)
- 14-0405 DONALD JOSEPH BENTON v. STATE OF TEXAS; from Lamar County; 6th Court of Appeals District (06-13-00138-CV, \_\_\_ SW3d \_\_\_, 04-04-14)
- 14-0430 MARK DAVIS v. NORMA CHAPARRO; from El Paso County; 8th Court of Appeals District (08-12-00067-CV, 431 SW3d 717, 04-11-14)
- 14-0434 J.G. COOPER DEVELOPMENT, INC. v. LAWYERS TITLE COMPANY; from Dallas County; 5th Court of Appeals District (05-11-01537-CV, \_\_\_ SW3d \_\_\_, 02-10-14)
- 14-0444 BRUCE BRAZELL v. MARTINA BRAZELL; from Bexar County; 4th Court of Appeals District (04-13-00491-CV, \_\_\_ SW3d \_\_\_, 05-07-14)
- 14-0446 JOSHUA KNIGHT v. KRISTIN BEDNORZ; from Johnson County; 10th Court of Appeals District (10-14-00037-CV, \_\_\_ SW3d \_\_\_, 04-17-14)
- 14-0447 RUFINO IBANEZ AND ANTONIO ARAIZA v. GRACIELA ALONZO; from Hidalgo County; 13th Court of Appeals District (13-13-00001-CV, \_\_\_ SW3d \_\_\_, 04-24-14)

14-0479 PAMELA LOMBANA, AS TRUSTEE OF THE FRENANDO LOMBANA, INVESTMENT TRUST 10-6-98; PAMELA LOMBANA, AS TRUSTEE OF THE CHRISTIN ELISA LOMBANA TRUST AGENCY; PAMELA LOMBANA, AS TRUSTEE OF THE NATALIA ELIZABETH LOMBANA TRUST AGENCY; AND PAMELA LOMBANA, AS TRUSTEE O v. AIG AMERICAN GENERAL LIFE INSURANCE COMPANY F/K/A THE OLD LIFE INSURANCE COMPANY OF AMERICA; from Harris County; 1st Court of Appeals District (01-12-00168-CV, \_\_\_ SW3d \_\_\_, 02-27-14)

14-0505 CYNTHIA L. CLACK v. LARRY WOLLSCHLAGER; from Midland County; 11th Court of Appeals District (11-12-00269-CV, \_\_\_ SW3d \_\_\_, 05-15-14)

## **ORDERS ON MOTIONS FOR REHEARING**

### **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

12-0945 ROBERT GENE CUNNINGHAM, AS REPRESENTATIVE OF THE ESTATE OF PATRICIA MAUDINE CUNNINGHAM, DECEASED v. LADI O. M. HAROONA, M.D.; from Tarrant County; 2nd Court of Appeals District (02-07-00231-CV, 382 SW3d 492, 08-23-12)

14-0094 BUSINESS PRODUCT SUPPLY v. MARLIN LEASING CORPORATION; from Nueces County; 13th Court of Appeals District (13-11-00371-CV, \_\_\_ SW3d \_\_\_, 08-29-13)

14-0283 HOA V. DANG v. TEXACO #129; from Harris County; 1st Court of Appeals District (01-13-00938-CV, \_\_\_ SW3d \_\_\_, 01-30-14)

### **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED AS MOOT:**

14-0209 IN RE MARTIN APPARATUS, INC.; from Harris County; 1st Court of Appeals District (01-14-00212-CV, \_\_\_ SW3d \_\_\_, 03-20-14)

relator's motion to dismiss granted in part



# MISCELLANEOUS

## A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

12-0485 IN RE TERESA CORRAL-LERMA; from El Paso County; 8th Court of Appeals District  
(08-11-00134-CV)

relator's motion for temporary emergency relief granted, as supplemented  
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

## THE ABATEMENT ORDER IS EXTENDED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

13-0362 IN RE EMEX HOLDINGS L.L.C.; from Hidalgo County; 13th Court of Appeals District  
(13-11-00145-CV, \_\_\_ SW3d \_\_\_, 04-18-13)

joint motion to extend abatement granted  
abatement order issued

[**Note:** The Court's abatement order of June 6, 2014 expired by its own terms on August 5,  
2014. The abatement is extended until September 4, 2014 by which time the parties must  
file either a status report or a motion to dismiss.]

**THE SUPREME COURT OF TEXAS**  
**Orders Pronounced August 11, 2014**

**MISCELLANEOUS**

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF  
MANDAMUS:

14-0571 IN RE H.E. TRANS, INC.; from Dallas County; 5th Court of Appeals District (05-14-00340-CV, \_\_\_ SW3d \_\_\_, 06-26-2014)

relator's emergency motion for temporary relief granted  
stay order issued  
response requested due by August 21, 2014

[**Note:** The petition for writ of mandamus remains pending before this Court.]

# THE SUPREME COURT OF TEXAS

## Orders Pronounced August 15, 2014

### ORDERS ON PETITIONS FOR REVIEW

#### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 14-0364 H.K. GLOBAL TRADING, LTD. v. SUSAN COMBS, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS; AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-13-00260-CV, 429 SW3d 132, 03-28-14)
- 14-0391 JULIO M. AGUILERA v. DELMIS S. AGUILERA; from Bexar County; 4th Court of Appeals District (04-13-00034-CV, \_\_\_ SW3d \_\_\_, 04-23-14)
- 14-0438 THOMAS J. ELLIS v. THE RENAISSANCE ON TURTLE CREEK CONDOMINIUM ASSOCIATION AND PREMIER COMMUNITIES MANAGEMENT COMPANY INC.; from Dallas County; 5th Court of Appeals District (05-12-01435-CV, \_\_\_ SW3d \_\_\_, 03-18-14)
- 14-0477 YOLANDA LOPEZ AND JESUS LOPEZ v. SSP HOLDINGS LIMITED PARTNERSHIP d/b/a CIRCLE K AND STRIPES, L.L.C., SUCCESSOR BY MERGER TO SSP PARTNERS, A TEXAS GENERAL PARTNERSHIP; from Webb County; 4th Court of Appeals District (04-13-000712-CV, \_\_\_ SW3d \_\_\_, 04-30-14)
- 14-0521 ANTHONY C. AGUILAR AND MICHAEL A. AGUILAR v. MARGARET MORALES; from Bexar County; 4th Court of Appeals District (04-13-00367-CV, \_\_\_ SW3d \_\_\_, 05-28-14)
- 14-0528 A.P. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Kaufman County; 5th Court of Appeals District (05-13-01674-CV, \_\_\_ SW3d \_\_\_, 04-10-14)

# **ORDERS ON MOTIONS FOR REHEARING**

## **THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

13-0394 NALLE PLASTICS FAMILY LIMITED PARTNERSHIP v. PORTER, ROGERS, DAHLMAN & GORDON, P.C. AND PATRICK P. ROGERS; from Nueces County; 13th Court of Appeals District (13-11-00525-CV, 406 SW3d 186, 04-18-13)

14-0110 HARDAM S. AZAD, INDIVIDUALLY AND D/B/A 5 MILLION SQUARE FEET COMPANIES v. MRCO, INC. AND COMMERCIAL ROOF CONSULTANTS AND CLAIMS MANAGEMENT, LLC; from Harris County; 14th Court of Appeals District (14-12-00165-CV, \_\_\_SW3d\_\_\_, 11-07-13)

14-0233 CEDAR CONTRACTING, INC. AND LANDS & LEASES, INC. v. RONALD HERNANDEZ AND CONNIE HERNANDEZ; from Travis County; 3rd Court of Appeals District (03-11-00327-CV, \_\_\_ SW3d \_\_\_, 02-21-14)

14-0378 LOUIS DOSS AND MARY DOSS v. CHILD PROTECTIVE SERVICES; from Bandera County; 4th Court of Appeals District (04-13-00293-CV, \_\_\_ SW3d \_\_\_, 02-12-14)

## **THE MOTION FOR REHEARING OF THE FOLLOWING DISCIPLINARY APPEAL IS DENIED:**

13-0753 IN THE MATTER OF CAROLYN BARNES 01761550

## **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

14-0541 IN RE THERESA BARNETT; from Dallas County

emergency motion to suspend enforcement of judgment denied

# MISCELLANEOUS

## THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

14-0579 IN RE MRS. FELICIA NICOLE JONES; from Brazoria County; 1st Court of Appeals  
District (01-14-00403-CV, \_\_\_ SW3d \_\_\_, 06-10-14)  
emergency motion for emergency relief denied

# THE SUPREME COURT OF TEXAS

## Orders Pronounced August 22, 2014

### ORDERS ON CAUSES

10-0567 TEXAS DEPARTMENT OF HUMAN SERVICES v. OLIVER OKOLI; from Harris County; 1st Court of Appeals District (01-07-00103-CV, 317 SW3d 800, 06-17-10)

The Court reverses the court of appeals' judgment and dismisses the case for lack of jurisdiction.

Justice Brown delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Johnson, and Justice Guzman joined.

Justice Devine delivered a dissenting opinion, in which Justice Willett and Justice Lehrmann joined.

(Justice Boyd not sitting)

13-0084 HOUSTON UNLIMITED, INC. METAL PROCESSING v. MEL ACRES RANCH; from Washington County; 14th Court of Appeals District (14-10-01006-CV, 389 SW3d 583, 11-15-12)

The Court reverses the court of appeals' judgment and renders judgment.

Justice Boyd delivered the opinion of the Court.

(Justice Brown not sitting)

13-0096 TENET HOSPITALS LIMITED, A TEXAS LIMITED PARTNERSHIP D/B/A PROVIDENCE MEMORIAL HOSPITAL, AND MICHAEL D. COMPTON, M.D. v. ELIZABETH RIVERA, AS NEXT FRIEND FOR M.R.; from El Paso County; 8th Court of Appeals District (08-11-00279-CV, 392 SW3d 326, 12-28-12)

2 petitions

The Court reverses the court of appeals' judgment and renders judgment.

Justice Guzman delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Johnson, Justice Willett, Justice Boyd, Justice Devine, and Justice Brown joined.

Justice Lehrmann delivered a dissenting opinion.

13-0161 IN RE STATE BAR OF TEXAS; from Galveston County

The Court conditionally grants the writ of mandamus.

Justice Devine delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Johnson, Justice Guzman, Justice Lehrmann, and Justice Brown joined.

Justice Boyd delivered a concurring opinion, in which Justice Willett joined.

13-0409 IN THE INTEREST OF M.G.N. AND A.C.N., MINOR CHILDREN; from Bexar County; 4th Court of Appeals District (04-12-00108-CV, 401 SW3d 677, 04-24-13)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

13-0712 CHRISTOPHER HENKEL AND LISA HENKEL v. CHRISTOPHER NORMAN; from Harris County; 14th Court of Appeals District (14-12-00995-CV, 407 SW3d 502, 07-30-13)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

(Justice Brown not sitting)

13-0776 CHAPMAN CUSTOM HOMES, INC., AND MICHAEL B. DUNCAN, TRUSTEE OF THE M.B. DUNCAN SEPARATE PROPERTY TRUST v. DALLAS PLUMBING COMPANY; from Collin County; 5th Court of Appeals District (05-12-00132-CV, \_\_\_ SW3d \_\_\_, 08-20-13)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

**THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:**

12-0617 UNION CARBIDE CORPORATION v. DAISY E. SYNATZSKE AND GRACE ANNETTE WEBB, INDIVIDUALLY AND AS REPRESENTATIVES AND CO-EXECUTRIXES OF THE ESTATE OF JOSEPH EMMITE, SR., JOSEPH EMMITE, JR., DOROTHY A. DAY, VERA J. GIALMALVA AND JAMES R. EMMITE; from Harris County; 1st Court of Appeals District (01-09-01141-CV, 386 SW3d 278, 06-28-12)

12-0789 TENASKA ENERGY, INC., TENASKA ENERGY HOLDINGS, LLC, TENASKA CLEBURNE, LLC, CONTINENTAL ENERGY SERVICES, INC., AND ILLINOVA GENERATING COMPANY v. PONDEROSA PINE ENERGY, LLC; from Dallas County; 5th Court of Appeals District (05-10-00516-CV, 376 SW3d 358, 08-20-12)



12-0839 AMEDISYS, INC. D/B/A AMEDISYS TEXAS, LTD. v. KINGWOOD HOME HEALTH CARE, LLC D/B/A HEALTH SOLUTIONS HOME HEALTH; from Harris County; 14th Court of Appeals District (14-11-00368-CV, 375 SW3d 397, 06-26-12)

12-0937 MEHRDAD MOAYEDI v. INTERSTATE 35/CHISAM ROAD, L.P. AND MALACHI DEVELOPMENT CORPORATION; from Dallas County; 5th Court of Appeals District (05-11-00209-CV, \_\_\_ SW3d \_\_\_, 08-02-12)

12-1006 CITY OF HOUSTON v. SHAYN A. PROLER; from Harris County; 14th Court of Appeals District (14-10-00971-CV, \_\_\_ SW3d \_\_\_, 05-31-12)

(Justice Brown not sitting)

12-1039 LUBBOCK COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT AND TOMMY FISHER, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE BOARD OF DIRECTORS OF THE LUBBOCK COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT v. CHURCH & AKIN, L.L.C.; from Lubbock County; 7th Court of Appeals District (07-11-00495-CV, \_\_\_ SW3d \_\_\_, 10-16-12)

(Justice Johnson not sitting)

13-0749 IN THE INTEREST OF A.B. AND H.B., CHILDREN; from Tarrant County; 2nd Court of Appeals District (02-11-00209-CV, 412 SW3d 588, 08-08-13)

# ORDERS ON CASES GRANTED

## THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

13-0497 G.T. LEACH BUILDERS, L.L.C., ET AL. v. SAPPHIRE VP, LP; from Cameron County; 13th Court of Appeals District (13-11-00793-CV, \_\_\_ SW3d \_\_\_, 05-23-13)

4 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., November 5, 2014.]

Time allotted to argue: 20/20 minutes

13-0515 JOHN KLUMB, VERONICA MCCLELLAND, VIVIAN MONTEJANO, JOHN GONZALEZ, ANITA ROBLES, AND CHARMAINE PILGRIM ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED AND THE CITY OF HOUSTON v. HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM, BARBARA CHELETTE, DAVID L. LONG, LENARD POLK, ROY SANCHEZ, AND LONNIE VARA; from Harris County; 1st Court of Appeals District (01-12-00511-CV, 405 SW3d 204, 05-23-13)

2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., November 6, 2014.]

Time allotted to argue: 20/20 minutes

13-0552 SHELL OIL COMPANY AND SHELL INTERNATIONAL, E&P, INC. v. ROBERT WRITT; from Harris County; 1st Court of Appeals District (01-11-00201-CV, 409 SW3d 59, 06-25-13)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 6, 2014.]

Time allotted to argue: 20/20 minutes

13-0861 CANTEY HANGER, LLP v. PHILIP GREGORY BYRD, LUCY LEASING CO., L.L.C. AND PGB AIR INC.; from Tarrant County; 2nd Court of Appeals District (02-11-00468-CV, 409 SW3d 772, 08-01-13)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 4, 2014.]

Time allotted to argue: 20/20 minutes

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE SET FOR  
ORAL ARGUMENT:**

12-0946 IN RE BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC; from Montgomery County; 9th Court of Appeals District (09-12-00332-CV, 387 SW3d 840, 11-01-12)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 5, 2014.]  
Time allotted to argue: 20/20 minutes

13-0794 IN RE GENERAL MOTORS, LLC; from Zapata County; 4th Court of Appeals District (04-13-00515-CV, \_\_\_ SW3d \_\_\_, 09-25-13)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 6, 2014.]  
Time allotted to argue: 20/20 minutes

13-0928 IN RE STEVEN LIPSKY; from Parker County; 2nd Court of Appeals District (02-12-00348-CV, 411 SW3d 530, 04-22-13)

2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., December 4, 2014.]  
Time allotted to argue: 20/20 minutes

13-0953 IN RE MAGNUM HUNTER RESOURCES CORPORATION; from Dallas County; 5th Court of Appeals District (05-13-01649-CV, \_\_\_ SW3d \_\_\_, 12-03-13)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 9, 2014.]  
Time allotted to argue: 20/20 minutes

# ORDERS ON PETITIONS FOR REVIEW

## THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

12-0431 FOUNDATION DESIGN, LTD. AND LARRY SMITH, P.E. v. NICOLAS BARZOUKAS; from Harris County; 14th Court of Appeals District (14-10-00505-CV, 363 SW3d 829, 03-01-12)

(Justice Brown not sitting)

12-0695 ED GUTIERREZ, INDIVIDUALLY AND D/B/A J.E. & ASSOCIATES v. KEN MURPHY AND SCOTT TOORNBURG, IN HIS OFFICIAL CAPACITY AS REPRESENTATIVE OF THE ESTATE OF DEANNA KAY MURPHY; from Denton County; 2nd Court of Appeals District (02-11-00108-CV, 374 SW3d 627, 07-12-12)

(Justice Brown not sitting)

12-0696 ED GUTIERREZ, INDIVIDUALLY AND DBA J.E. & ASSOCIATES v. CLASSIC REFLECTIONS POOLS, INC.; from Denton County; 2nd Court of Appeals District (02-11-00118-CV, \_\_\_ SW3d \_\_\_, 07-12-12)

(Justice Brown not sitting)

13-0267 WILLIAMS-PYRO, INC. v. RHONDA BARBOUR; from Tarrant County; 8th Court of Appeals District (08-11-00355-CV, 408 SW3d 467, 03-20-13)

13-0324 ETC MARKETING, LTD. v. HARRIS COUNTY APPRAISAL DISTRICT; from Harris County; 14th Court of Appeals District (14-12-00171-CV, 399 SW3d 364, 04-02-13)

(Justice Guzman not sitting)

13-0623 WASHINGTON DC PARTY SHUTTLE, LLC, ET AL. v. IGUIDE TOURS, LLC, ET AL.; from Harris County; 14th Court of Appeals District (14-12-00303-CV, 406 SW3d 723, 06-27-13)

(Justice Brown not sitting)

13-0632 MAN INDUSTRIES (INDIA), LTD. v. MIDCONTINENT EXPRESS PIPELINE, LLC; from Harris County; 14th Court of Appeals District (14-11-00791-CV; 14-11-00892-CV, 407 SW3d 342, 05-09-13)

13-0710 THOMAS BOLLINGER v. TEXAS JUVENILE JUSTICE DEPARTMENT; from Travis County; 7th Court of Appeals District (07-11-00152-CV, \_\_\_ SW3d \_\_\_, 05-28-13)

13-0715 WOMEN'S CLINIC OF SOUTH TEXAS v. SENAIDA ALONZO AND SIDNEY MEADOWS; from Hidalgo County; 13th Court of Appeals District (13-12-00537-CV, \_\_\_ SW3d \_\_\_, 06-13-13)

13-0783 CLUTCH CITY SPORTS & ENTERTAINMENT, L.P. v. ILIGHT TECHNOLOGIES, INC.; from Harris County; 1st Court of Appeals District (01-12-00574-CV, 414 SW3d 842, 08-29-13)

13-0857 SUSAN COMBS, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS v. RICHMONT AVIATION, INC.; from Travis County; 3rd Court of Appeals District (03-11-00486-CV, \_\_\_ SW3d \_\_\_, 09-12-13)

13-0869 DONALD W. SOWELL v. INTERNATIONAL INTERESTS, LP; from Harris County; 14th Court of Appeals District (14-12-00105-CV, 416 SW3d 593, 08-29-13)

- 13-0914 WATERS AT NORTHERN HILLS, LLC AND LYNN COMMUNITIES, INC. v. BEXAR APPRAISAL DISTRICT, BEXAR COUNTY, TEXAS, THE CITY OF SAN ANTONIO, TEXAS AND NORTHEAST INDEPENDENT SCHOOL DISTRICT; from Bexar County; 4th Court of Appeals District (04-12-00820-CV; 04-12-00871-CV, 414 SW3d 897, 10-02-13)
- 13-0916 THREE LEGGED MONKEY, L.P., JAMES MICHAEL ARMSTRONG AND 2700 N. MESA, LLC v. JOHN COOK; from El Paso County; 8th Court of Appeals District (08-13-00189-CV, 417 SW3d 541, 08-21-13)
- as redrafted
- 13-0958 CHRISTOPHER HENNSLEY v. CITY OF LUBBOCK; from Lubbock County; 7th Court of Appeals District (07-12-00325-CV, \_\_\_ SW3d \_\_\_, 09-12-13)
- 13-0993 LLOYD KELLNER v. NINA KELLNER, AS TRUSTEE FOR THE OSCAR KELLNER AND NINA KELLNER REVOCABLE LIVING TRUST, AND KIRK KELLNER; from Atascosa County; 4th Court of Appeals District (04-12-00344-CV, 419 SW3d 541, 11-13-13)
- 13-1019 CBS OUTDOOR, INC. v. CITY OF GRAPEVINE AND GRAPEVINE BOARD OF ADJUSTMENT; from Tarrant County; 2nd Court of Appeals District (02-12-00040-CV, \_\_\_ SW3d \_\_\_, 09-19-13)
- 14-0028 CONCHO RIVER BASIN WATER CONSERVANCY ASSOCIATION v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND CITY OF SAN ANGELO; from Travis County; 7th Court of Appeals District (07-12-00302-CV, \_\_\_ SW3d \_\_\_, 12-03-13)
- 14-0073 SKIP SPENST, SANDRA SPENST, AND VIRGINIA ZAIGER, IND. AND ETC. v. TUKUA INVESTMENTS, LLC AND ROMELIA MONDRAGON; from Tarrant County; 8th Court of Appeals District (08-11-00014-CV, \_\_\_ SW3d \_\_\_, 08-14-13)

- 14-0085 LANTY WYLIE AND PATRICIA WYLIE v. HIDE-A-WAY LAKE CLUB, INC. AND HIDE-A-WAY LAKE COMMUNITY CHURCH; from Smith County; 12th Court of Appeals District (12-12-00290-CV, \_\_\_ SW3d \_\_\_, 12-20-13)
- 14-0188 MITZIE F. TARIN AND MARIA FLORES v. ELIZAR BENAVIDES AND BELINDA BENAVIDES; from Ector County; 11th Court of Appeals District (11-11-00258-CV, \_\_\_ SW3d \_\_\_, 01-30-14)
- as redrafted
- 14-0220 JANET FRIEDMAN v. GAIL ROZZLLE AND SUN HARBOUR COTTAGES UNIT 1 OWNER'S ASSOCIATION; from Aransas County; 13th Court of Appeals District (13-12-00779-CV, \_\_\_ SW3d \_\_\_, 11-21-13)
- 14-0241 IN THE MATTER OF X.J.T.; from Tarrant County; 2nd Court of Appeals District (02-13-00176-CV, \_\_\_ SW3d \_\_\_, 02-27-14)
- 14-0294 ANTHONY C. AGUILAR INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF RAMIRO AGUILAR, JR. DECEASED v. MARGARET MORALES; from Bexar County; 4th Court of Appeals District (04-13-00038-CV, \_\_\_ SW3d \_\_\_, 02-19-14)
- 14-0316 AARON S. HOLMES, DALLAS SPINE CARE, P.A., DR. ERNEST A. AQUI, M.D., AND PINE CREEK MEDICAL CENTER v. ZURICH AMERICAN INSURANCE CO.; from Dallas County; 5th Court of Appeals District (05-11-01579-CV, 421 SW3d 766, 01-22-14)
- 14-0319 DAVID SCOT LYND v. BASS PRO OUTDOOR WORLD INC.; from Dallas County; 5th Court of Appeals District (05-12-00968-CV, \_\_\_ SW3d \_\_\_, 03-12-14)
- as redrafted
- 14-0344 IN RE COMMITMENT OF KEVIN ALLEN SPEED; from Montgomery County; 9th Court of Appeals District (09-13-00488-CV, \_\_\_ SW3d \_\_\_, 04-24-14)

- 14-0361 TRACEY SELZER, ADMINISTRATOR OF THE ESTATE OF MICHAEL D. VARNER, DECEASED v. ROBBY DUNN; from Van Zandt County; 12th Court of Appeals District (12-12-00150-CV, \_\_\_ SW3d \_\_\_, 01-31-14)
- 14-0416 KIRK COKER v. CITY OF FRITCH; from Hutchinson County; 7th Court of Appeals District (07-13-00287-CV, \_\_\_ SW3d \_\_\_, 02-27-14)
- 14-0423 FOX LAKE ANIMAL HOSPITAL PSP v. WOUND MANAGEMENT TECHNOLOGIES, INC.; from Tarrant County; 2nd Court of Appeals District (02-13-00289-CV, \_\_\_ SW3d \_\_\_, 04-10-14)
- 14-0437 HONEYWELL INTERNATIONAL, INC. v. DENTON CENTRAL APPRAISAL DISTRICT AND DENTON COUNTY APPRAISAL REVIEW BOARD; from Denton County; 8th Court of Appeals District (08-12-00139-CV, \_\_\_ SW3d \_\_\_, 03-19-14)
- 14-0468 CHAMPEE SPRINGS RANCHES PROPERTY OWNERS ASSOCIATION v. TEAL TRADING AND DEVELOPMENT, LP; from Kendall County; 4th Court of Appeals District (04-12-00623-CV, 432 SW3d 381, 03-19-14)
- 14-0478 WILLIAM R. SCHLECHT v. KIMBERLEY B. SCHLECHT; from Bexar County; 4th Court of Appeals District (04-13-00183-CV, \_\_\_ SW3d \_\_\_, 04-02-14)
- 14-0493 MIRA MAR DEVELOPMENT CORPORATION AND JOHN HAWKINS v. AARON M. SISK; from Tarrant County; 4th Court of Appeals District (04-13-00777-CV, \_\_\_ SW3d \_\_\_, 04-23-14)
- 14-0512 TUSCAN BUILDERS, LP v. 1436 SH6 L.L.C. D/B/A SWEETWATER AESTHETIC SPA & WELLNESS CENTER, ET AL.; from Harris County; 1st Court of Appeals District (01-13-00685-CV, \_\_\_ SW3d \_\_\_, 05-15-14)



- 14-0549 CHARLES KENNEBREW, SR. AND ELITE PROTECTIVE SERVICES, LLC v. MICHAEL HARRIS; from Harris County; 14th Court of Appeals District (14-12-01015-CV, 425 SW3d 588, 03-04-14)

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:**

- 14-0162 CITY OF AUSTIN D/B/A AUSTIN ENERGY AND LARRY WEIS, GENERAL MANAGER, AUSTIN ENERGY v. MET CENTER NYCTEX PHASE II, LTD.; from Travis County; 3rd Court of Appeals District (03-11-00662-CV, \_\_\_ SW3d \_\_\_, 02-06-14)

agreed motion to dismiss granted

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:**

- 14-0396 PHILLIP SAENZ AND/OR ALL OTHER OCCUPANTS v. U. S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR J. P. MORGAN ACQUISITION TRUST 2006-WMC4, ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2006-WMC4; from Tarrant County; 2nd Court of Appeals District (02-13-00221-CV, \_\_\_ SW3d \_\_\_, 03-20-14)

*See* TEX. GOV'T CODE § 22.225(b)(1).

**ORDERS ON MOTIONS FOR REHEARING**

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 14-0037 STEVEN E. BROWN v. BANK OF AMERICA, N.A.; from Dallas County; 5th Court of Appeals District (05-12-01382-CV, \_\_\_ SW3d \_\_\_, 11-25-13)
- 14-0147 FRANCIS WILLIAMS MONTENEGRO v. OCWEN LOAN SERVICING, LLC, ET AL.; from Travis County; 7th Court of Appeals District (07-12-00297-CV, 419 SW3d 561, 11-18-13)
- 14-0313 CRISP ANALYTICAL LABS, L.L.C. v. JAKALAM PROPERTIES, LTD.; from Dallas County; 5th Court of Appeals District (05-12-01311-CV, 422 SW3d 85, 01-13-14)

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR  
WRIT OF MANDAMUS IS DENIED:**

- 14-0508 IN RE DAVID LEE SMITH; from Johnson County; 10th Court of Appeals District (10-13-00290-CV, \_\_\_ SW3d \_\_\_, 03-27-14)  
emergency motion for stay denied

**MISCELLANEOUS**

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

- 13-0565 IN RE AMBER DENISE KIEDROWSKI; from Denton County; 2nd Court of Appeals District (02-13-00245-CV, \_\_\_ SW3d \_\_\_, 07-22-13)
- 13-0931 IN RE SETON HEALTHCARE, INC.; from Travis County; 3rd Court of Appeals District (03-13-00669-CV, \_\_\_ SW3d \_\_\_, 11-14-13)
- 13-0996 IN RE INNOVATIVE PLASTICS CORP.; from Tarrant County; 2nd Court of Appeals District (02-13-00363-CV, \_\_\_ SW3d \_\_\_, 11-01-13)
- 14-0049 IN RE HOLCIM (US), INC.; from Ellis County; 10th Court of Appeals District (10-13-00344-CV, \_\_\_ SW3d \_\_\_, 12-12-13)
- 14-0182 IN RE LEXINGTON INSURANCE COMPANY; from Dallas County; 5th Court of Appeals District (05-14-00228-CV, \_\_\_ SW3d \_\_\_, 03-05-14)  
stay order issued April 4, 2014, lifted
- 14-0276 IN RE CHRIS SHAWN JOHNSON; from Denton County; 2nd Court of Appeals District (02-14-00072-CV, \_\_\_ SW3d \_\_\_, 03-13-14)
- 14-0376 IN RE DANIEL CALDWELL; from Williamson County; 3rd Court of Appeals District (03-12-00696-CV, \_\_\_ SW3d \_\_\_, 03-12-14)

14-0537 IN RE APPROXIMATELY \$61,083.00; from Harris County; 14th Court of Appeals  
District (14-14-00293-CV, \_\_\_ SW3d \_\_\_, 05-29-14)

14-0554 IN RE CATHERINE L. MARSTON, PH.D; from Travis County; 3rd Court of Appeals  
District (03-13-00287-CV, \_\_\_ SW3d \_\_\_, 05-09-13)

**THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:**

13-0436 IN RE BOY SCOUTS OF AMERICA; from Bexar County; 4th Court of Appeals  
District (04-12-00801-CV, \_\_\_ SW3d \_\_\_, 05-08-13)

relator's unopposed motion to abate granted  
abatement order issued

[**Note:** This case is removed from the Court's active docket until October 6, 2014, by  
which time the parties must file either a status report or a motion to dismiss.]

**THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE  
FOLLOWING APPEAL IS AFFIRMED:**

14-0123 STEPHEN CARRIGAN v. COMMISSION FOR LAWYER DISCIPLINE

# THE SUPREME COURT OF TEXAS

## Orders Pronounced August 29, 2014

### ORDERS ON CAUSES

12-0348 DAVID HAMRICK, MAGGIE HAMRICK, SUE BERTRAM AND STEVE BERTRAM  
v. TOM WARD AND BETSEY WARD; from Harris County; 14th Court of Appeals  
District (14-10-00560-CV, \_\_\_ SW3d \_\_\_, 12-29-11)

2 petitions

The Court reverses the court of appeals' judgment and remands the case to the trial court.

Justice Guzman delivered the opinion of the Court.

(Justice Brown not sitting)

12-0563 ALLEN CHADWICK BURBAGE v. W. KIRK BURBAGE AND BURBAGE FUNERAL  
HOME; from Bastrop County; 3rd Court of Appeals District (03-09-00704-CV, \_\_\_ SW3d  
\_\_\_, 12-21-11)

2 petitions

The Court affirms in part and reverses in part the court of appeals' judgment and renders  
judgment.

Justice Green delivered the opinion of the Court.

12-0604 HIGHLAND HOMES LTD. v. THE STATE OF TEXAS; from Bexar County; 8th Court  
of Appeals District (08-10-00215-CV, 417 SW3d 478, 06-13-12)

The Court reverses the judgment of the court of appeals and affirms the judgment of the  
trial court.

Chief Justice Hecht delivered the opinion of the Court, in which Justice Green, Justice  
Guzman, Justice Lehrmann, and Justice Brown joined.

Justice Devine delivered a dissenting opinion, in which Justice Johnson, Justice Willett,  
and Justice Boyd joined.

12-0620 RAHUL K. NATH, M.D. v. TEXAS CHILDREN'S HOSPITAL AND BAYLOR COLLEGE OF MEDICINE; from Harris County; 14th Court of Appeals District (14-11-00034-CV, 375 SW3d 403, 06-26-12)

The Court reverses the court of appeals' judgment and remands the case to the trial court.

Justice Guzman delivered the opinion of the Court, in which Chief Justice Hecht, Justice Johnson, Justice Willett, and Justice Devine joined.

Justice Green delivered a dissenting opinion, in which Justice Lehrmann, Justice Boyd, and Justice Brown joined.

12-0621 EXXON MOBIL CORPORATION v. WILLIAM T. DRENNEN, III; from Harris County; 14th Court of Appeals District (14-10-01099-CV, 367 SW3d 288, 02-14-12)

The Court reverses the court of appeals' judgment and renders judgment.

Justice Green delivered the opinion of the Court.

(Justice Guzman and Justice Lehrmann not sitting)

12-0728 IN THE INTEREST OF K.M.L., A CHILD; from San Jacinto County; 9th Court of Appeals District (09-11-00083-CV, \_\_\_ SW3d \_\_\_, 05-31-12)

3 petitions

The Court reverses the court of appeals' judgment and remands the case, in part, to the trial court and, in part, to the court of appeals.

Justice Green delivered the opinion of the Court, in which Chief Justice Hecht, Justice Willett, Justice Guzman, and Justice Brown joined, and in which Justice Johnson and Justice Boyd joined except as to Parts II.B, II.D, and IV, and in which Justice Lehrmann and Justice Devine joined except as to Parts III and IV.

Justice Lehrmann delivered a concurring opinion, in which Justice Devine joined.

Justice Johnson delivered an opinion dissenting in part, in which Justice Boyd joined.

12-0772 ZACHRY CONSTRUCTION CORPORATION v. PORT OF HOUSTON  
AUTHORITY OF HARRIS COUNTY, TEXAS; from Harris County; 14th Court of  
Appeals District (14-10-00708-CV, 377 SW3d 841, 08-09-12)

motions to take judicial notice dismissed as moot

The Court reverses the court of appeals' judgment and remands the case to that court.

Chief Justice Hecht delivered the opinion of the Court, in which Justice Green, Justice  
Guzman, Justice Devine, and Justice Brown joined.

Justice Boyd delivered a dissenting opinion, in which Justice Johnson, Justice Willett,  
and Justice Lehrmann joined.

12-0867 BOB GREENE, AS NEXT FRIEND OF LEWAYNE GREENE v. FARMERS  
INSURANCE EXCHANGE; from Dallas County; 5th Court of Appeals District (05-11-  
00487-CV, 376 SW3d 278, 08-02-12)

The Court affirms the court of appeals' judgment.

Justice Johnson delivered the opinion of the Court, in which Chief Justice Hecht, Justice  
Green, Justice Guzman, Justice Lehrmann, Justice Devine, and Justice Brown joined.

Justice Boyd delivered a concurring opinion, in which Justice Willett joined.

13-0043 ROBERT KINNEY v. ANDREW HARRISON BARNES (A/K/A A. HARRISON  
BARNES, A.H. BARNES, ANDREW H. BARNES, HARRISON BARNES), BCG  
ATTORNEY SEARCH, INC., EMPLOYMENT CROSSING, INC. AND JD  
JOURNAL, INC.; from Travis County; 3rd Court of Appeals District (03-10-00657-CV,  
\_\_\_ SW3d \_\_\_, 11-21-12)

The Court reverses the court of appeals' judgment and remands the case to the trial  
court.

Justice Lehrmann delivered the opinion of the Court.

13-0073 IN RE JOHN DOE A/K/A "TROOPER"; from Harris County; 1st Court of Appeals District (01-11-00683-CV, \_\_\_ SW3 \_\_\_, 05-18-12)

The Court conditionally grants the writ of mandamus and directs the trial court to vacate its order.

Chief Justice Hecht delivered the opinion of the Court, in which Justice Green, Justice Willett, Justice Guzman, and Justice Brown joined.

Justice Lehrmann delivered a dissenting opinion, in which Justice Johnson, Justice Boyd, and Justice Devine joined.

13-0103 KING FISHER MARINE SERVICE, L.P. v. JOSE H. TAMEZ; from Cameron County; 13th Court of Appeals District (13-10-00425-CV, \_\_\_ SW3d \_\_\_, 05-31-12)

The Court affirms the court of appeals' judgment.

Justice Brown delivered the opinion of the Court, in which Justice Johnson, Justice Willett, Justice Lehrmann, and Justice Boyd joined.

Justice Guzman delivered a dissenting opinion, in which Chief Justice Hecht, Justice Green, and Justice Devine joined.

13-0234 GILBERT WHEELER, INC. v. ENBRIDGE PIPELINES (EAST TEXAS), L.P.; from Shelby County; 12th Court of Appeals District (12-11-00303-CV, 393 SW3d 921, 02-13-13)

The Court reverses the court of appeals' judgment and remands the case to that court.

Justice Lehrmann delivered the opinion of the Court.

**THE FOLLOWING CAUSE IS RESET FOR ORAL ARGUMENT:**

12-0045 ROBERT WAYNE SNEED, JAMES H. TICHENOR, FRED WOLGEL, JAMES F. O'DONNELL, TEXAS UNITED CORPORATION AND UNITED SALT CORPORATION v. LLOYD P. WEBRE, JR., INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF TEXAS UNITED CORPORATION AND UNITED SALT CORPORATION; from Harris County; 1st Court of Appeals District (01-10-00151-CV, 358 SW3d 322, 07-28-11)

unopposed motion to reset oral argument granted

[**Note:** This cause has been reset for oral argument at 9:00 a.m., December 9, 2014.]  
Time allotted to argue: 20/20 minutes

## **ORDERS ON PETITIONS FOR REVIEW**

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:**

- 14-0206 MITCHELL M. CARTER A/K/A MITCHELL MESHALL CARTER AND YOLANDA CARTER A/K/A YOLANDA RENEE CARTER v. HOUSTON BUSINESS DEVELOPMENT, INC.; from Harris County; 1st Court of Appeals District (01-13-00309-CV, \_\_\_ SW3d \_\_\_, 02-25-14)

motion to expedite dismissed as moot

- 14-0567 ALMA RICHARDSON v. TEXAS WORKFORCE COMMISSION AND FORT BEND COUNTY, TEXAS; from Fort Bend County; 1st Court of Appeals District (01-13-00403-CV, \_\_\_ SW3d \_\_\_, 06-05-2014)

### **THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:**

- 14-0535 OVERSEAS CARRIERS, INC., AND MRS. MARIA PEARCY, AS INDEPENDENT EXECUTRIX OF THE ESTATE OF JAMES O. PEARCY v. TEAM OCEAN SERVICES, INC.; from Wood County; 12th Court of Appeals District (12-13-00228-CV, \_\_\_ SW3d \_\_\_, 05-30-14)

petitioners' unopposed motion to dismiss granted

### **THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED FOR WANT OF JURISDICTION:**

- 14-0229 PATRICIA ANN POWERS v. VICTOR MORQUECHO AND ANDREA SANDOVAL; from Montgomery County; 9th Court of Appeals District (09-13-00092-CV, \_\_\_ SW3d \_\_\_, 03-06-14)

*See* TEX. R. APP. P. 53.7(f)

- 14-0558 DAMIAN ESCALANTE TDCJ-ID #1661541 v. UTMB; from Bee County; 13th Court of Appeals District (13-12-00742-CV, \_\_\_ SW3d \_\_\_, 06-13-13)

*See* TEX. R. APP. P. 53.7(f)



14-0627 MRS. ANGIE RIFE-MARSHALL v. DALWORTH RESTORATION, INC.; from Tarrant County; 2nd Court of Appeals District (02-12-00381-CV, \_\_\_ SW3d \_\_\_, 05-15-14)

*See* TEX. R. APP. P. 53.7(f)

14-0654 SERGIO GARDEA, ELIZABETH GARDEA AND/OR ALL OCCUPANTS OF 113 PHILLIPS ST., HUTTO, TEXAS 78634 v. GMAC MORTGAGE, LLC SUCCEOROR BY MERGER TO GMAC MORTGAGE COPORTATION, ITS; from Williamson County; 3rd Court of Appeals District (03-13-00294-CV, \_\_\_ SW3d \_\_\_, 05-07-14)

*See* TEX. R. APP. P. 53.7(f)

**THE ABATEMENT ORDERS ARE EXTENDED IN THE FOLLOWING  
PETITIONS FOR REVIEW:**

13-0343 VERIZON BUSINESS NETWORK SERVICES, INC. v. SUSAN COMBS, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 7th Court of Appeals District (07-11-00025-CV, \_\_\_ SW3d \_\_\_, 04-03-13)

joint request for abatement extension granted  
abatement order issued

[**Note:** The Court's extended abatement order of August 1, 2014 expired by its own terms on August 18, 2014. The abatement is extended until September 16, 2014 by which time the parties must file either a status report or a motion to dismiss.]

13-0814 DALLAS NATIONAL INSURANCE COMPANY v. GLORIA DE LA CRUZ; from El Paso County; 8th Court of Appeals District (08-12-00189-CV, 412 SW3d 36, 08-28-13)

petitioner's motion to abate granted  
abatement order issued

[**Note:** The abatement order issued June 27, 2014 is extended to January 20, 2015, by which time the parties must file either a status report or a motion to dismiss.]

# **ORDERS ON MOTIONS FOR REHEARING**

## **THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS GRANTED:**

13-0673 ROY SEGER, ET AL. v. YORKSHIRE INSURANCE CO., LTD. AND OCEAN MARINE INSURANCE CO., LTD.; from Hutchinson County; 7th Court of Appeals District (07-12-00090-CV, 407 SW3d 435, 07-19-13)

denial of petition for review on February 14, 2014, withdrawn  
petition reinstated

## **THE MOTION FOR REHEARING OF THE FOLLOWING DISCIPLINARY APPEAL IS DENIED:**

13-0377 JOHN PHILLIP BENDER v. THE COMMISSION FOR LAWYER DISCIPLINE, STATE BAR OF TEXAS

## **MISCELLANEOUS**

### **THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:**

14-0566 IN RE CHADWICK BENJAMIN; from Tarrant County; 4th Court of Appeals District

### **THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:**

14-0616 IN RE JOHN CALEB LEVERETT; from Ector County; 11th Court of Appeals District (11-14-00175-CV, \_\_\_ SW3d \_\_\_, 07-31-14)