

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
300 Dolorosa, Suite 3200
San Antonio, Texas 78205-3037



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FOR IMMEDIATE RELEASE
February 21, 2014

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, February 25, 2014, beginning at 9:00 a.m., before the following panel of justices: Justice Marialyn Barnard, Justice Rebeca C. Martinez, and Justice Patricia O. Alvarez.

The following cases will be presented:

Bank of America, N.A., et al. v. Prize Energy Resources, L.P., et al. – This appeal stems from the termination of an oil, gas, and mineral lease and a joint operating agreement. Questions arose as to whether the oil and gas lease terminated based on cessation of production. Appellants contend appellees fraudulently induced appellants to sign a ratification of the lease. This court previously held that genuine issues of material fact exist regarding whether appellants were fraudulently induced to sign the ratification, thereby precluding summary judgment against appellants. On remand, appellees argued that appellants accepted the benefits of the ratification after learning of all the material facts. The trial court granted appellees' motions for summary judgment on the grounds that appellants' claims were barred by ratification, waiver, quasi-estoppel, and adverse possession. The trial court also granted a traditional and no-evidence summary judgment on the remainder of appellants' claims and entered judgment that appellants take nothing. Appellants contend appellees are not entitled to judgment as a matter of law.

Texas Dept. of Insurance, Division of Workers' Compensation v. Roel De Los Santos – The Texas Department of Insurance, Division of Workers' Compensation, challenges the trial court's judgment and order awarding lifetime income benefits to appellee Roel De los Santos, arguing that the trial court: (1) lacked jurisdiction to order the Subsequent Injury Fund to pay lifetime income benefits; (2) erred in awarding lifetime income benefits when the evidence was insufficient to establish causation between the appellee's compensable injuries and his alleged subsequent conditions; and (3) erred in finding a total loss of use of both of the appellee's hands

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The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, February 27, 2014, beginning at 9:00 a.m., before the following panel of justices: Justice Sandee Bryan Marion, Justice Patricia O. Alvarez, and Justice Luz Elena D. Chapa.

The following case will be presented:

SSP Holdings Limited Partnership d/b/a Circle K and Stripes LLP successor by merger to SSP Partners, a Texas general partnership v. Yolanda Lopez and Jesus Lopez - This is an accelerated appeal from the trial court's order vacating an arbitration panel's final award in favor of appellants. In its order, the trial court found that the final award was procured by undue means, the arbitrators engaged in misbehavior, and the arbitrators exceeded their powers. On appeal, appellants challenge all three grounds for the trial court's order.

The oral arguments will be held in the Fourth Court's Courtroom, Caden-Reeves Justice Center, Third Floor, 300 Dolorosa, San Antonio, Texas.