

Court Advisory

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



Contact: Keith Hottle, Clerk of the Court
Phone: (210) 335-2510

FOR IMMEDIATE RELEASE
March 2, 2012

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, March 7, 2012, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Phylis J. Speedlin and Justice Rebecca Simmons.

The following case will be presented:

Business Staffing, Inc. v. Christina Viesca, Belo Wiley d/b/a Wen-Be, and Wiley Lease Co., Ltd. - This appeal and cross-appeal concern a bifurcated trial. Hector Viesca died after inhaling toxic fumes while working at a Wiley Lease Co. jobsite. Wiley acquired Hector's employment from Business Staffing, Inc. (BSI), a staff leasing agency. Hector's wife brought wrongful death, negligence, fraud, breach of contract, and DTPA causes of action against Wiley and BSI. She settled with Wiley prior to trial. Wiley counter-claimed against BSI for fraud, breach of contract, and DTPA violations. The trial was bifurcated. Phase one consisted of the wrongful death and negligence claims. Phase two consisted of the fraud, breach of contract, and DTPA claims. The jury found both Wiley and BSI negligent and apportioned fault at 50% each. The trial court granted a judgment notwithstanding the verdict in favor of BSI. In phase two, the jury found BSI liable for fraud, breach of contract, and violating the DTPA. BSI appeals the judgment of phase two. Wiley and Viesca cross-appeal the grant of JNOV in phase one.

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