

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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FOR IMMEDIATE RELEASE
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Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, April 17, 2014, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Rebeca C. Martinez.

The following case will be presented:

American Medical Response Ambulance Service, Inc. d/b/a American Medical Response a/k/a AMR, et al. v. John Sexton, Individually and as Independent Administrator of the Estate of Jackson Sexton, Deceased, and Tracy Sexton - This appeal arises out of a settlement agreement entered into by the parties to a personal injury lawsuit in which the defendants' negligence is alleged to have caused Jackson Sexton to sustain permanent neurological impairment during his birth. Jackson was three years old when the parties signed a Rule 11 settlement agreement; however, Jackson died before the settlement was finalized. In appealing the trial court's order granting summary judgment, the appellants contend the Rule 11 agreement is not enforceable against them because: (1) the Rule 11 agreement lacked essential terms; (2) the guardian ad litem's approval of the settlement was a condition precedent to the enforceability of the Rule 11 agreement; and (3) the defense of frustration of purpose discharged the appellants' obligations under the Rule 11 agreement. The appellants also contend the trial court erred in granting summary judgment because genuine issues of material fact were raised and the appellants were not afforded an adequate time for discovery.

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