

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
May 9, 2013

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, May 14, 2013, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Karen Angelini, and Justice Rebeca C. Martinez.

The following cases will be presented:

Jesse Vega v. AutoZone West, Inc. – Jesse Vega appeals the trial court's grant of AutoZone West, Inc.'s no evidence motion for summary judgment. AutoZone's motion for summary judgment alleged Vega could not produce any evidence to establish AutoZone knew or reasonably should have known of a defect on its premises. Vega attached his deposition testimony to his response as evidence to support his claim that AutoZone knew or reasonably should have known of the oil spill upon which Vega slipped. On appeal, Vega asserts that he presented more than a scintilla of evidence as to each element of his cause of action, specifically notice. AutoZone argues the customer's alleged statements were inadmissible hearsay that could not be considered by the trial court as evidence of notice. Although not specifically raised by Vega, AutoZone also argues that Vega has not presented more than a scintilla of evidence that AutoZone had constructive notice of the spill.

The Estate of Carolina M. Muniz, et al. v. Ford Motor Company, et al. - This appeal arises from a tragic one-car automobile accident in which Carolina Muniz was fatally injured. The appellants raise numerous issues on appeal, primarily challenging evidentiary rulings, the exclusion of a question from the jury charge, jury argument, and the costs awarded to Ford.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, May 15, 2013, beginning at 9:00 a.m., before the following panel of justices: Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Luz Elena D. Chapa.

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The following case will be presented:

Bandera County v. Susan Hollingsworth, et al. – Bandera County sued the Hollingsworths for delinquent taxes. In the course of the litigation, the parties reached an agreement regarding settlement of the case. The agreement was signed by both attorneys and filed in the trial court. The Hollingsworths alleged Bandera County breached the agreement, and they filed a counterclaim seeking a declaration that the agreement was enforceable, a declaration of the amount of tax, penalties, and interest due pursuant to the agreement, and an award of attorney's fees. Bandera County asserted it had immunity from the counterclaim and that the agreement was incomplete and therefore not enforceable. The trial court subsequently rendered a summary judgment declaring the settlement agreement was binding and enforceable, declaring the amount owed by the Hollingsworths pursuant to the agreement, and awarded the Hollingsworths attorney's fees. Bandera County appealed, raising four issues: (1) Whether the trial court erred in denying Bandera County's plea to the jurisdiction because it is immune from the Hollingsworths' claims for declaratory judgment and to enforce the settlement agreement; (2) Whether the trial court erred in rendering a declaratory judgment regarding the amount of taxes due; (3) Whether the purported Rule 11 settlement agreement was unenforceable because there was no agreement as to a material term; and (4) Whether the trial court erred in awarding attorney's fees to the Hollingsworths.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, May 15, 2013, beginning at 2:00 p.m., before the following panel of justices: Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Luz Elena D. Chapa.

The following case will be presented:

San Antonio Water System v. Debra Nicholas - The San Antonio Water System ("SAWS") appeals from a jury verdict in favor of Debra Nicholas on her claim that SAWS discharged her in retaliation for her counseling and reprimanding a SAWS vice president for sexual harassment. In two issues, SAWS asserts Nicholas failed to carry her burden of showing causation. In its third issue, SAWS asserts that if Nicholas is entitled to compensatory damages, those damages are statutorily capped.

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