

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 29, 2013

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, June 4, 2013, beginning at 1:30 p.m., before the following panel of justices: Chief Justice Stone, Justice Karen Angelini, and Justice Rebeca C. Martinez.

The following case will be presented:

Board of Adjustment for the City of San Antonio, Texas and Trinity University v. Patrick Kennedy, Jr., et al. - The Board of Adjustment for the City of San Antonio and Trinity University appeal the trial court's order granting summary judgment and overturning the Board's decision which upheld the City's issuance of certificates of occupancy to Trinity. The certificates of occupancy allowed Trinity to use four houses for administrative offices. The Board and Trinity assert that the Board did not abuse its discretion in finding the certificates of occupancy were properly issued based on Trinity's nonconforming use and development preservation rights.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, June 5, 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.

The following case will be presented:

Roger L. Graham, et al. v. George L. Prochaska, Jr., et al. - In this case, the court is asked to decide the correct construction of a royalty interest retained by the grantors in a 1950 warranty deed. The trial court rendered summary judgment for the appellees, determining the appellees' royalty was a floating 1/2 royalty interest and the appellees were therefore entitled to a 1/10 royalty under the current mineral leases. The appellants contend the trial court misconstrued the deed and ask us to reverse and render judgment that the appellees are entitled only to a fixed 1/16 royalty.

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The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, June 6, 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.

The following case will be presented:

Philadelphia Indemnity Insurance Company a/s/o Mirsan, L.P. d/b/a Sienna Ridge Apartments v. Carmen A. White – This appeal arises out of a negligence suit by an insurance company against an apartment tenant. After the jury returned a verdict in favor of the insurance company, the trial court granted a judgment notwithstanding the verdict in favor of the tenant. The appeal raises challenges to the granting of the judgment notwithstanding the verdict.

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