

# 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  
September 5, 2013

## Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, September 10, 2013, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Patricia O. Alvarez.

The following cases will be presented:

*OIS Investments, Inc. v. AAA Free Move Ministorage, LLC* – This is an appeal from a forcible detainer proceeding, which resulted in a judgment in favor of appellee. At trial, appellant claimed a right to an offset as an affirmative defense to the allegation that it had defaulted based non-payment of rent. In a single issue on appeal, appellant asserts it was entitled to use a prior judgment in its favor against appellee to offset the rent it owed to appellee and, therefore, because no rent was due to appellee, eviction based on non-payment of rent was improper.

*Jesse B. Scott and Paula Scott v. Alexander R. Babb* – This appeal stems from the trial court's grant of a motion for summary judgment and a permanent injunction. The trial court concluded that Paula and Jesse Scott built a fence that encroached upon an implied private easement which harmed Alexander Babb. The Scotts argue Babb's cause of action is barred by the applicable statute of limitations and Babb failed to demonstrate evidence of irreparable injury or imminent harm. Babb contends the proper limitations period has not expired and that he was entitled to the mandatory injunction as a matter of law

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, September 10, 2013, beginning at 1:30 p.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Patricia O. Alvarez.

The following case will be presented:

*The City of Laredo v. Martina Limon* - The City of Laredo appeals a judgment awarding Martina Limon damages for injuries she sustained in an automobile accident. The City contends the trial court erred in allowing the

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testimony of an expert on a subject for which he was not designated to testify. In the alternative, the City contends the expert’s testimony is no evidence of causation because his opinions were speculative and conclusory. The City also contends the evidence is legally insufficient to support various damage awards, and one damage award resulted in a double recovery. Finally, the City asserts the trial court erred in sustaining Limon’s objections to a counter-affidavit regarding Limon’s medical bills.

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