

# Court Advisory

Fourth Court of Appeals  
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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 two appeals on Wednesday, December 12, 2012, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Rebecca Simmons.

The following cases will be presented:

*Sylvia Weech v. Baptist Health System a/k/a Baptist Health System, Inc.* – Sylvia Weech appeals a take-nothing summary judgment rendered against her and in favor of Baptist Health System. Baptist filed its no-evidence summary judgment motion and a hearing was set for April 10, 2012. Weech failed to file a response to Baptist’s motion and did not appear at the hearing. The trial court granted Baptist’s motion and rendered judgment against Weech. After receiving a copy of the judgment, Weech timely filed a motion for new trial along with a response to Baptist’s motion. A hearing on the motion for new trial was held on May 9, 2012, following which the trial court denied the motion. In two issues on appeal, Weech argues (1) the trial court erred in granting Baptist’s no-evidence summary judgment motion, and (2) the trial court erred in denying Weech’s motion for new trial.

*CellTex Site Services, Ltd. v. Kreager Law Firm and James S. Cheslock* - CellTex Site Services, Ltd. appeals a summary judgment ordering that it take nothing on its legal malpractice claim against Kreager Law Firm and James S. Cheslock. The summary judgment was based on limitations. Cell Tex urges this court to reconsider our holding in *Burnap v. Linnartz*, 914 S.W.2d 142 (Tex. App.—San Antonio 1995, writ denied), in which we held that the *Hughes* tolling doctrine is inapplicable to legal malpractice claims arising from transactional work. CellTex also contends that Kreager and Cheslock failed to conclusively establish when CellTex discovered its legal malpractice claim for purposes of determining when limitations began to run.

