

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
June 18, 2015

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, June 23, 2015, beginning at 9:00 a.m., before the following panel of justices: Justice Marialyn Barnard, Justice Patricia O. Alvarez, and Justice Jason Pulliam.

The following case will be presented:

Josefina Alexander Gonzalez, by and through her Co-Attorneys-in-Fact, Judith Zaffirini, David H. Arredondo, and Clarissa N. Chapa; Judith Zaffirini, David H. Arredondo, and Clarissa N. Chapa, as Independent Co-Executors of the Estate of Delfina E. Alexander, Deceased, and as Co-Trustees of the Rocio Gonzalez Guerra Exempt Trust; Alexander Residential Development, L.P.; Alexander Commercial Development, L.P.; Alexander Retail Development, L.P.; D&J Alexander Construction, L.P.; D&J Alexander Management, L.P.; Delfina E. and Josefina Alexander LLC-1; and Delfina and Josefina Alexander Family Limited Partnership v. Raymond S. De Leon II, Trustee of the Delfina and Josefina Alexander Family Trust, and Rocio Gonzalez Guerra, Individually and as Next Friend of V.G.G. III and M.A.G. – This appeal arises from an order dismissing a bill of review action for want of jurisdiction. The appeal challenges the trial court’s determination that appellants lacked standing to bring the bill of review.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, June 24, 2015, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Rebeca C. Martinez, and Justice Luz Elena D. Chapa.

The following case will be presented:

American Casualty Co. of Reading, Penn. v. Denise Bushman as Beneficiary of Clayton F. Bushman, Jr., Deceased – This is a worker’s compensation case. American Casualty Company of Reading Pennsylvania argues the trial court erred by denying its plea to the jurisdiction based on Denise Bushman’s alleged failure

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to timely exhaust her administrative remedies. In its second issue, American argues the trial court erred by denying its motion for summary judgment against Denise Bushman, as beneficiary of Clayton F. Bushman, Jr., deceased, and by granting Denise Bushman's cross-motion for summary judgment. The competing motions for summary judgment were based on whether Clayton Bushman was acting in the course and scope of employment when he was fatally injured in a car crash on his way to work.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, June 24, 2015, beginning at 2:00 p.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Rebeca C. Martinez, and Justice Patricia O. Alvarez.

The following case will be presented:

City of Shavano Park v. Ard More, Inc., Texas Ardmore Properties, L.P., and Texas Ardmore Management, LLC - In the underlying litigation, appellees asked the trial court to construe the City's ordinances and other materials and declare: (1) an agreement between the City and Lockhill Ventures, LLC void and unenforceable because it is unlawful contract zoning, (2) the agreement violates existing ordinances, (3) a City ordinance to annex the property on which Lockhill Ventures proposes to build a gasoline station resulted from an illegal contract, (4) the City's interpretation of its ordinances to allow Lockhill Ventures to develop its property in a manner that violates the City's Code of Ordinances violates equal protection rights, and (5) the actions of the City and its officials in contracting with Lockhill Ventures and passing the annexation ordinance were ultra vires acts. The City filed a plea to the jurisdiction, which the trial court denied. The City now appeals.

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