



THE SUPREME COURT OF TEXAS

Orders Pronounced September 4, 2015

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 13-0977 RAY FISCHER AND CORPORATE TAX MANAGEMENT, INC. v. CTMI, L.L.C., MARK BOOZER AND JERROD RAYMOND; from Dallas County; 5th Court of Appeals District (05-11-00970-CV, ___SW3d___, 08-20-13)
[Note: This case has been set for oral argument at 9:00 a.m., October 12, 2015.]
Time allotted to argue: 20/20 minutes
- 13-0986 SOUTHWESTERN ENERGY PRODUCTION COMPANY v. TOBY BERRY-HELFAND AND GERY MUNCEY; from Shelby County; 12th Court of Appeals District (12-11-00370-CV, ___ SW3d ___, 07-10-13)
2 petitions
[Note: This case has been set for oral argument at 9:00 a.m., October 13, 2015.]
Time allotted to argue: 20/20 minutes
- 14-0086 PHILADELPHIA INDEMNITY INSURANCE COMPANY, A/S/O MIRSAN, L.P., D/B/A SIENNA RIDGE APARTMENTS v. CARMEN A. WHITE; from Bexar County; 4th Court of Appeals District (04-12-00721-CV, 421 SW3d 252, 12-18-13)
[Note: This case has been set for oral argument at 9:00 a.m., October 13, 2015.]
Time allotted to argue: 20/20 minutes
- 14-0459 HOUSTON BELT & TERMINAL RAILWAY CO., BNSF RAILWAY CO., AND UNION PACIFIC RAILROAD CO. v. THE CITY OF HOUSTON, TEXAS AND DANIEL KRUEGER, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF PUBLIC WORKS AND ENGINEERING; from Harris County; 14th Court of Appeals District (14-13-00273-CV, ___ SW3d ___, 01-23-14)
2 petitions
[Note: This case has been set for oral argument at 9:00 a.m., October 13, 2015.]
Time allotted to argue: 20/20 minutes

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 14-0546 APACHE DEEPWATER, LLC v. MCDANIEL PARTNERS, LTD.; from Upton County; 8th Court of Appeals District (08-12-00312-CV, 441 SW3d 530, 03-28-14)
[Note: This case has been set for oral argument at 9:00 a.m., October 14, 2015.]
Time allotted to argue: 20/20 minutes
- 14-0572 COYOTE LAKE RANCH, LLC v. THE CITY OF LUBBOCK; from Bailey County; 7th Court of Appeals District (07-14-00006-CV, ___ SW3d ___, 07-10-14)
[Note: This case has been set for oral argument at 9:00 a.m., October 14, 2015.]
Time allotted to argue: 20/20 minutes
- 14-0591 THE STALEY FAMILY PARTNERSHIP, LTD. v. DAVID LEE STILES, DELZIE STILES, GINGER WESTBROOK, ROBERT STILES, AND DAVID STILES; from Collin County; 5th Court of Appeals District (05-13-00735-CV, ___ SW3d ___, 06-18-14)
[Note: This case has been set for oral argument at 9:00 a.m., October 14, 2015.]
Time allotted to argue: 20/20 minutes
- 14-0638 PRESTON A. OCHSNER v. VICTORIA V. OCHSNER; from Harris County; 14th Court of Appeals District (14-13-00301-CV, ___SW3d, 05-29-14)
[Note: This case has been set for oral argument at 9:00 a.m., November 2, 2015.]
Time allotted to argue: 20/20 minutes
- 14-0650 CENTERPOINT BUILDERS GP, LLC AND CENTERPOINT BUILDERS, LTD. v. TRUSSWAY, LTD.; from Jefferson County; 9th Court of Appeals District (09-13-00332-CV, 436 SW3d 882, 07-10-14)
[Note: This case has been set for oral argument at 9:00 a.m., November 2, 2015.]
Time allotted to argue: 20/20 minutes
- 14-0732 MICHAEL MCINTRYE AND LAURA MCINTYRE, INDIVIDUALLY AND ON BEHALF OF THEIR CHILDREN, K.M., L.M., C.M., M.M., AND L.M. v. EL PASO INDEPENDENT SCHOOL DISTRICT, DR. LORENZO GARCIA, AND MARK MENDOZA; from El Paso County; 8th Court of Appeals District (08-11-00329-CV, 457 SW3d 475, 08-06-14)
[Note: This case has been set for oral argument at 9:00 a.m., November 2, 2015.]
Time allotted to argue: 20/20 minutes
- 14-0745 JOHN SAMPSON v. UNIVERSITY OF TEXAS - AUSTIN; from Travis County; 3rd Court of Appeals District (03-12-00265-CV, ___SW3d___, 08-08-14)
[Note: This case has been set for oral argument at 9:00 a.m., November 3, 2015.]
Time allotted to argue: 20/20 minutes

14-0901 UNION PACIFIC RAILROAD COMPANY v. WILLIAM NAMI; from De Witt County; 13th Court of Appeals District (13-12-00673-CV, ___ SW3d ___, 08-14-14)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 3, 2015.]
Time allotted to argue: 20/20 minutes

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

14-0903 CLINT INDEPENDENT SCHOOL DISTRICT v. SONIA HERRERA MARQUEZ, CLAUDIA GARCIA, AND ALICIA GOMEZ, FOR AND ON THE BEHALF OF THEIR MINOR CHILDREN; from El Paso County; 8th Court of Appeals District (08-13-00092-CV, 445 SW3d 450, 09-24-14)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 4, 2015.]
Time allotted to argue: 20/20 minutes

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS SET FOR ORAL ARGUMENT:

14-0797 IN RE STEVEN C. PHILLIPS; from Bexar County

[**Note:** This case has been set for oral argument at 9:00 a.m., November 3, 2015.]
Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

13-0575 CHICAGO TITLE INSURANCE COMPANY v. CONSTRUCTION FINANCIAL SERVICES, INC.; from Bexar County; 4th Court of Appeals District (04-12-00375-CV, ___ SW3d ___, 05-01-13)

13-0865 KIMBLEY HAROLD v. MATTHEW M. CARRICK, CAROLYN M. BERG, DOAN NGUYEN, AND DAVID CHAFEY; from Harris County; 1st Court of Appeals District (01-12-00175-CV, ___ SW3d ___, 09-10-13)

13-1027 BAYLOR UNIVERSITY MEDICAL CENTER AND BAYLOR HEALTH CARE SYSTEM v. SARAH LAWTON; from Dallas County; 5th Court of Appeals District (05-13-00188-CV, 442 SW3d 483, 11-25-13)

14-0318 SHARON MORRISON v. WHISPERING PINES LODGE I, L.L.P. D/B/A WHISPERING PINES LODGE, ET AL.; from Gregg County; 6th Court of Appeals District (06-13-00067-CV, 428 SW3d 327, 02-27-14)

14-0404 IN THE ESTATE OF THOMAS TREVINO ARAGUZ, III, DECEASED; from Wharton County; 13th Court of Appeals District (13-11-00490-CV, 443 SW3d 233, 02-13-14)

14-0532 DON MADDEN v. STATE BOARD FOR EDUCATOR CERTIFICATION; from Travis County; 3rd Court of Appeals District (03-11-00584-CV, ___ SW3d ___, 05-22-14)

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 14-0647 KODIAK RESOURCES, INC. AND MATTHEW J. TELFER v. MICHAEL P. KRAINZ, INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF KODIAK RESOURCES, INC.; from Travis County; 3rd Court of Appeals District (03-11-00454-CV, ___ SW3d ___, 08-30-13)
- 14-0697 SHIRLEY LENOIR, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SHANA LENOIR AND CHRISTOPHER MCKNIGHT, INDIVIDUALLY AND AS NEXT FRIEND OF N.M. v. ANGELA MATTHEWS; from Harris County; 1st Court of Appeals District (01-13-01082-CV, 439 SW3d 489, 07-22-14)
- 14-0735 WEST FORK ADVISORS, LLC v. SUNGARD CONSULTING SERVICES, LLC & SUNGARD INVESTMENT SYSTEMS, LLC; from Dallas County; 5th Court of Appeals District (05-13-01289-CV, 437 SW3d 917, 08-05-14)
- 14-0758 DAVID S. BAGWELL, INDIVIDUALLY AND AS TRUSTEE OF THE DAVID S. BAGWELL TRUST; MARILYN D. GARNER, CHAPTER 7 TRUSTEE FOR THE DAVID BAGWELL COMPANY; AND EVERMORE COMMUNITIES, LTD. v. RIDGE AT ALTA VISTA INVESTMENTS I, LLC; from Dallas County; 5th Court of Appeals District (05-12-01115-CV, 440 SW3d 287, 08-14-14)
- 14-0791 SEARCY FERGUSON AND THE ESTATE OF MARGARET MILLER v. THE PLAZA HEALTH SERVICES AT EDGEMERE; from Dallas County; 5th Court of Appeals District (05-12-01399-CV, ___ SW3d ___, 07-10-14)
- 14-0794 UNION PACIFIC RAILROAD COMPANY v. ESTATE OF GERONIMO GUTIERREZ, DECEASED AND AMELIA GUTIERREZ AND ADRIAN GUTIERREZ, INDIVIDUALLY IN THEIR CAPACITIES AS DEPENDENTS OF GERONIMO GUTIERREZ, DECEASED, AND AMELIA GUTIERREZ, IN HER CAPACITY AS ADMINISTRATRIX OF THE ESTATE OF GERONIMO GUTIERREZ; from Harris County; 1st Court of Appeals District (01-12-01029-CV, 446 SW3d 478, 08-21-14)
- 14-0802 HARRIS COUNTY APPRAISAL DISTRICT v. ASHLAND INC. D/B/A VALVOLINE CO.; from Harris County; 14th Court of Appeals District (14-13-00064-CV, ___ SW3d ___, 06-12-14)
- 14-1025 LINDA HERNANDEZ, JOSE HERNANDEZ, JAVIER VASQUEZ, CLAUDIA GIL, RAUL VASQUEZ, AND VIRGINA VASQUEZ v. ABRAHAM, WATKINS, NICHOLS, SORRELS & FRIEND, A TEXAS GENERAL PARTNERSHIP, RANDALL SORRELS, AND BERNARDINO AGOSTO, JR.; from Galveston County; 14th Court of Appeals District (14-13-00567-CV, 451 SW3d 58, 10-21-14)

(Justice Guzman not sitting)

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 14-1029 JEFFERSON COUNTY, TEXAS v. DONNA DAVIS; from Jefferson County; 14th Court of Appeals District (14-13-00663-CV, ___ SW3d ___, 08-28-14)
- 15-0019 ALEXANDER R. DAVIS AND REBECCA R. DAVIS v. TEXAS MUTUAL INSURANCE COMPANY; from Dallas County; 5th Court of Appeals District (05-12-01715-CV, ___ SW3d ___, 07-28-14)
- 15-0039 ROBERT H. HOLMES, SR. v. GRAHAM MORTGAGE CORPORATION; from Dallas County; 5th Court of Appeals District (05-13-01047-CV, 449 SW3d 257, 10-21-14)
- 15-0048 INTERNATIONAL PLANT SERVICES, LLC., ET AL. v. RENATO ACAIN, ET AL.; from Harris County; 1st Court of Appeals District (01-13-00310-CV, 449 SW3d 655, 10-28-14)
- 15-0051 AMERITON PROPERTIES, INCORPORATED v. UNION PACIFIC RAILROAD COMPANY; from Harris County; 1st Court of Appeals District (01-13-00811-CV, 448 SW3d 671, 10-02-14)
- 15-0087 INTERNACIONAL REALTY, INC. v. 2005 RP WEST, LTD.; from Fort Bend County; 1st Court of Appeals District (01-12-00258-CV, 449 SW3d 512, 10-07-14)
- 15-0090 CYNTHIA A. GARCIA v. EMPLOYEES RETIREMENT SYSTEM OF TEXAS; from Travis County; 3rd Court of Appeals District (03-12-00659-CV, 454 SW3d 121, 12-18-14)
- 15-0102 DALLAS AREA RAPID TRANSIT AND THE FORT WORTH TRANSPORTATION AUTHORITY v. AGENT SYSTEMS, INC.; from Tarrant County; 2nd Court of Appeals District (02-12-00517-CV, ___ SW3d ___, 11-26-14)
- 15-0111 PERFORMANCE PRODUCTS, INC. v. JAMES PEARCY; from Comal County; 3rd Court of Appeals District (03-10-00319-CV, ___ SW3d ___, 12-08-14)
- 15-0116 VELOCITY DATABANK, INC. AND TOM PELATARI D/B/A VELOCITY DATABANK, INC. v. SHELL OFFSHORE, INC., SHELL OIL COMPANY, SHELL EXPLORATION & PRODUCTION COMPANY, AND FAYE SHUBERT; from Harris County; 1st Court of Appeals District (01-13-00454-CV, 456 SW3d 605, 12-30-14)
- 15-0118 KENNETH BANKHEAD v. HARRIS COUNTY, TEXAS; from Harris County; 1st Court of Appeals District (01-13-01005-CV, ___ SW3d ___, 12-30-14)

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 15-0124 MORLOCK, L.L.C. v. THE BANK OF NEW YORK, TRUSTEE; from Harris County; 1st Court of Appeals District (01-13-00949-CV, ___ SW3d ___, 08-19-14)
- 15-0151 EASTMAN GAS COMPANY, L.L.C., F/K/A FAIRPLAY GAS v. GOODRICH PETROLEUM COMPANY, L.L.C.; from Rusk County; 6th Court of Appeals District (06-13-00128-CV, 456 SW3d 319, 01-14-15)
- 15-0160 LIGHTNING OIL COMPANY v. ANADARKO E&P ONSHORE, LLC F/K/A ANADARKO E&P COMPANY, LP; from Dimmit County; 4th Court of Appeals District (04-14-00152-CV, ___ SW3d ___, 10-29-14)
- 15-0177 LEGACY HILLCREST INVESTMENTS, LP v. THE BOARD OF ADJUSTMENT OF THE CITY OF UNIVERSITY PARK, TEXAS; from Dallas County; 5th Court of Appeals District (05-13-01128-CV, ___ SW3d ___, 12-08-14)
- 15-0178 LIBERTY INSURANCE CORPORATION v. W. BRICE COTTONGAME AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ABEL GARCIA, AND AS NEXT FRIEND OF ANNALISA GARCIA, ET AL.; from Tarrant County; 2nd Court of Appeals District (02-14-00331-CV, ___ SW3d ___, 12-23-14)
- 15-0203 LUISA ALONSO v. ALLIANCEAFT; from Dallas County; 5th Court of Appeals District (05-13-01240-CV, ___ SW3d ___, 12-15-14)
- 15-0213 JONATHAN WASSERBERG v. RES-TX ONE, LTD.; from Harris County; 14th Court of Appeals District (14-13-00674-CV, ___ SW3d ___, 12-09-14)
- 15-0233 GERMAN CHAVIRA AND ALEJANDRO FABELA, BOTH INDIVIDUALLY AND BOTH D/B/A EL PASO PAVEMENT SPECIALIST AND EL PASO PAVEMENT SPECIALIST, LLC v. QUARRY HILLS MANAGEMENT, LLC; from El Paso County; 8th Court of Appeals District (08-12-00169-CV, 458 SW3d 561, 12-01-14)
- 15-0242 BARRY S. NUSSBAUM, I-10 BNC OFFICE BUILDING, L.P. D/B/A I-10 OFFICE BUILDING, I-10 BNC, L.P., BNC SOUTH LOOP ASSOCIATES, L.P., BNC HOUSTON SOUTH LOOP, L.P. AND BNC INVESTMENTS, L.L.C. v. CITY NATIONAL BANK; from Harris County; 14th Court of Appeals District (14-13-01052-CV, ___ SW3d ___, 02-10-15)

15-0258 DANIEL AND ERIN PERALES v. CLARENCE STUMHOFFER IN HIS CAPACITY AS HEIR TO THE ESTATE OF ROBERT B. STUMHOFFER, DECEASED; from Harris County; 1st Court of Appeals District (01-12-00953-CV, 459 SW3d 158, 02-19-15)

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

15-0329 PATRICIA POWERS v. WESLEY SMITH; from Montgomery County; 9th Court of Appeals District (09-15-00026-CV, ___ SW3d ___, 03-05-15)

15-0456 ABRAHAM QUINTANILLA, III v. ALEJANDRO RAMIREZ and ROLANDO RAMIREZ; from Nueces County; 13th Court of Appeals District (13-13-00005-CV, ___ SW3d ___, 04-30-15)

15-0488 CITY OF JUSTIN, TEXAS v. RIMROCK ENTERPRISES; from Denton County; 2nd Court of Appeals District (02-13-00461-CV, ___ SW3d ___, 04-02-15)

15-0493 KEN PAXTON, ATTORNEY GENERAL OF TEXAS v. CITY OF DALLAS; from Travis County; 3rd Court of Appeals District (03-13-00546-CV, ___ SW3d ___, 05-22-15)

15-0538 NEIL NOBLE v. STATE OF TEXAS; from Dallas County; 5th Court of Appeals District (05-15-00423-CV; 05-15-00424-CV, ___ SW3d ___, 06-01-15)

15-0544 IN THE INTEREST OF M.C. AND T.C., CHILDREN; from Bexar County; 4th Court of Appeals District (04-14-00893-CV, ___ SW3d ___, 06-10-15)

ORDERS ON MOTIONS FOR REHEARING

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

14-0473 CITY OF HOUSTON AND DANIEL W. KRUEGER, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF PUBLIC WORKS AND ENGINEERING v. LITTLE NELL APARTMENTS, LP, HFI REGENCY PARK APARTMENTS, LP AND WINDSHIRE APARTMENTS, LP; from Harris County; 14th Court of Appeals District (14-12-01157-CV, ___ SW3d ___, 01-23-14)
denial of petition for review on March 13, 2015, withdrawn
petition reinstated

14-1072 IN THE INTEREST OF J.Z.P. AND J.Z.P., MINOR CHILDREN; from Randall County; 7th Court of Appeals District (07-13-00445-CV, ___ SW3d ___, 10-03-14)
denial of petition for review on February 27, 2015, withdrawn
petition reinstated

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

14-0435 DANIEL P. BARTON, THE BARTON LAW FIRM, AND THE JOHNSON-BARTON JOINT VENTURE v. FLEMING & ASSOCIATES, L.L.P. N/K/A FLEMING, NOLEN & JEZ, L.L.P.; from Harris County; 14th Court of Appeals District (14-12-00582-CV, 425 SW3d 560, 02-27-14)
2 rehearings

(Justice Brown not sitting)

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 14-0443 GATOR APPLE, LLC v. APPLE TEXAS RESTAURANTS, INC.; from Dallas County; 5th Court of Appeals District (05-12-01369-CV, ___ SW3d ___, 03-05-14)
- 14-0594 HALLIE BROCK (DECEASED), CAROLYN BROCK, NIKI POWELL, LINDA THOMPSON (DECEASED), MICHAEL BEAVER, MARISA REEVES, DINA ARTEBURY, KAY MOORE, JUDY BIRDWELL, LINDA COATS, WILLIAM THOMPSON, JILIAN HENSON v. GENE TIPTON; from Montague County; 8th Court of Appeals District (08-12-00138-CV, ___SW3d___, 03-21-14)
- 14-0950 JONATHAN AND SAMANTHA LEVINE v. STEVE SCHARN CUSTOM HOMES, INC.; from Fort Bend County; 1st Court of Appeals District (01-12-00229-CV, 448 SW3d 637, 10-02-14)
- 14-1051 VICTORY ENERGY CORPORATION; SMARTGAS, LLC; AND HCP INVESTMENTS v. OZ GAS CORPORATION; from Crockett County; 8th Court of Appeals District (08-12-00248-CV, 461 SW3d 159, 09-17-14)
- 15-0265 BARON ABLON v. BARI ABLON; from Dallas County; 5th Court of Appeals District (05-13-01465-CV, 457 SW3d 604, 02-17-15)
- 15-0378 IN RE TRENT ALVON SMITH; from Travis County; 3rd Court of Appeals District (03-13-00719-CV, ___ SW3d ___, 04-09-15)
motion for written opinion and copy of judgment denied
- 15-0386 KEITH RUSSELL JUDD v. KAREN Y. COREY-STEELE; from Ector County; 11th Court of Appeals District (11-14-00049-CV, ___ SW3d ___, 04-16-15)

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 14-0375 IN RE O.E. INVESTMENTS, LTD. AND OTHAL E. BRAND, JR.; from Hidalgo County; 13th Court of Appeals District (13-14-00243-CV, ___ SW3d ___, 04-30-14)

15-0388 IN RE KEITH RUSSELL JUDD; from Ector County; 11th Court of Appeals District (11-14-00049-CV, ___ SW3d ___, 04-16-15)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

14-0985 IN RE GLENN W. FORMAN, JR.; from Galveston County; 14th Court of Appeals District (14-14-00776-CV)

15-0085 IN RE K.S.L.; from Bexar County; 4th Court of Appeals District (04-14-00869-CV, ___ SW3d ___, 12-23-14)

(Justice Green not sitting)

15-0227 IN RE LERIN HILLS MUNICIPAL UTILITY DISTRICT; from Kendall County; 4th Court of Appeals District (04-15-00034-CV, ___ SW3d ___, 03-18-15)
relator's motion to strike dismissed as moot

15-0474 IN RE AARON MICHAEL REEVES; from Grayson County; 5th Court of Appeals District (05-15-00630-CV, ___ SW3d ___, 05-22-15)

15-0528 IN RE CHARLES HENSLEY MITCHELL; from Dallas County; 5th Court of Appeals District (05-15-000436-CV, ___ SW3d ___, 04-15-15)

15-0632 IN RE SHANNON DORN, KATHLEEN O'CONNELL, COMMUNITIES FOR THRIVING WATERS - FLOURIDE-FREE SAN MARCOS, AND MORGAN KNECHT

The Court denied the petition for writ of mandamus on August 28, 2015. *See* TEX. R. APP. P. 52.3(e).

Justice Brown, joined by Justice Green, concurring in the denial of the petition for writ of mandamus.

Justice Devine, joined by Justice Lehrmann, dissenting from the denial of the petition for writ of mandamus.

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

15-0625 IN RE H.E.B. GROCERY COMPANY, L.P.; from Cameron County; 13th Court of Appeals District (13-15-00254-CV, ___ SW3d ___, 06-11-15)

motion to stay trial court proceedings granted
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE ABATEMENT ORDER IS EXTENDED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

14-0749 IN RE JOHN REEDER; from Kaufman County; 5th Court of Appeals District (05-14-01126-CV,
___ SW3d ___, 09-12-14)
abatement order issued

[**Note:** The Court's extended abatement order of July 31, 2015 expired by its own terms on August 31, 2015. The abatement is extended until October 5, 2015, by which time the parties must file either a status report or a motion to dismiss.]