



THE SUPREME COURT OF TEXAS

Orders Pronounced April 1, 2016

ORDERS ON CAUSES

- 14-0193 CAFFE RIBS, INCORPORATED v. STATE OF TEXAS; from Harris County; 14th Court of Appeals District (14-12-00401-CV, 468 SW3d 94, 01-16-14)

The Court reverses the court of appeals' judgment and remands the case to the trial court.

Justice Devine delivered the opinion of the Court.

- 14-0379 ODELL CAMPBELL, SHAWNITA RENEA COLEMAN, THOMAS RAY ROBERTSON, DIANA J. NAJERA, SCOTT WIERNIK, TAIRHONDA MCAFEE AND MARYBETH LYNN JEWELL v. THOMAS A. WILDER, TARRANT COUNTY DISTRICT CLERK; from Tarrant County; 2nd Court of Appeals District (02-13-00146-CV, 430 SW3d 474, 04-03-14)

The Court reverses the court of appeals' judgment and remands the case to the trial court.

Chief Justice Hecht delivered the opinion of the Court.

(Justice Lehrmann not sitting)

- 14-0459 HOUSTON BELT & TERMINAL RAILWAY CO., BNSF RAILWAY CO., AND UNION PACIFIC RAILROAD CO. v. 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

The Court reverses in part the court of appeals' judgment and remands the case to the trial court.

Justice Brown delivered the opinion of the Court.

Justice Lehrmann delivered a concurring opinion.

- 14-0645 WASSON INTERESTS, LTD. v. CITY OF JACKSONVILLE, TEXAS; from Cherokee County; 12th Court of Appeals District (12-13-00262-CV, ___ SW3d ___, 07-09-14)

The Court reverses the court of appeals' judgment and remands the case to that court.

Justice Brown delivered the opinion of the Court.

- 14-0747 GLENN HEGAR, IN HIS OFFICIAL CAPACITY AS TEXAS COMPTROLLER, AND KEN PAXTON, IN HIS OFFICIAL CAPACITY AS TEXAS ATTORNEY GENERAL v. TEXAS SMALL TOBACCO COALITION AND GLOBAL TOBACCO, INC.; from Travis County; 3rd Court of Appeals District (03-13-00753-CV, 440 SW3d 304, 08-15-14)

The Court reverses the court of appeals' judgment and remands the case to that court.

Justice Willett delivered the opinion of the Court.

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)

The Court reverses the court of appeals' judgment and dismisses the case for lack of jurisdiction.

Justice Boyd delivered the opinion of the Court.

14-0964 LYDIA LIRA AND ALFONSO LIRA v. GREATER HOUSTON GERMAN SHEPHERD DOG RESCUE, INC.; from Harris County; 14th Court of Appeals District (14-13-00240-CV, 447 SW3d 365, 08-26-14)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and renders judgment.

Per Curiam Opinion

14-1006 IN RE STACEY BENT AND MARK BENT; from Harris County; 1st Court of Appeals District (01-13-00508-CV, 446 SW3d 162, 08-21-14)

The Court denies the petition for writ of mandamus.

Justice Brown delivered the opinion of the Court.

(Justice Johnson not sitting)

14-1022 TEXAS STATE BOARD OF PHARMACY, GAY DODSON, EXECUTIVE DIRECTOR, AND JEANNE D. WAGGENER, PRESIDENT OF THE BOARD, IN THEIR OFFICIAL CAPACITIES v. TIANA JEAN WITCHER; from Travis County; 3rd Court of Appeals District (03-12-00560-CV, 447 SW3d 520, 10-31-14)

The Court withdraws its order of January 22, 2016, granting the petition for review, as the petition was improvidently granted. The petition for review is denied.

15-0100 BRENT ALAN MCLEAN v. BRAD LIVINGSTON, ET AL.; from Johnson County; 10th Court of Appeals District (10-14-00191-CV, 456 SW3d 358, 01-22-15)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

15-0184 EX PARTE N.C.; from Walker County; 10th Court of Appeals District (10-14-00102-CV, 456 SW3d 358, 01-22-15)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

15-0489 RALPH S. JANVEY, IN HIS CAPACITY AS COURT-APPOINTED RECEIVER FOR THE STANFORD INTERNATIONAL BANK, LIMITED, ET AL.; OFFICIAL STANFORD INVESTORS COMMITTEE v. THE GOLF CHANNEL, INCORPORATED; TGC, L.L.C., DOING BUSINESS AS GOLF CHANNEL (U.S. Fifth Circuit 13-11305)

The Court answers the question certified by the United States Court of Appeals for the Fifth Circuit.

Justice Guzman delivered the opinion of the Court.

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

15-0197 UDR TEXAS PROPERTIES, L.P. D/B/A THE GALLERY APARTMENTS, UNITED DOMINION REALTY TRUST, INC., ASR OF DELAWARE, L.L.C., AND UDR WESTERN RESIDENTIAL, INC. v. ALAN PETRIE; from Harris County; 14th Court of Appeals District (14-13-00123-CV, ___ SW3d ___, 12-16-14)

[**Note:** The date and time for oral argument are yet to be determined.]

15-0225 DENBURY GREEN PIPELINE-TEXAS, LLC v. TEXAS RICE LAND PARTNERS, LTD., ET AL.; from Jefferson County; 9th Court of Appeals District (09-14-00176-CV, 457 SW3d 115, 02-12-15)

[**Note:** The date and time for oral argument are yet to be determined.]

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

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) as reinstated

14-0683 CITY OF EL PASO v. HIGH RIDGE CONSTRUCTION, INC; from El Paso County; 8th Court of Appeals District (08-13-00187-CV, 442 SW3d 660, 07-31-14)

14-0750 STATE OF TEXAS v. PATRICK R. COX; from Travis County; 7th Court of Appeals District (07-12-00453-CV, 448 SW3d 497, 07-01-14)

14-0971 CLEF CONSTRUCTION, INC. AND JAMES S.WATSON v. CCV HOLDINGS, LLC; from Harris County; 14th Court of Appeals District (14-13-00569-CV, ___ SW3d ___, 08-29-14)

14-1026 RICHARD STEPHEN CALKINS, AS AGENT-IN-FACT FOR MARY OLIVE CALKINS, AND MICHAEL EASTON v. G. WESLEY URQUHART, P.C., CAROLYN JAMES G. WESLEY URQUHART, AND MARY ELIZABETH URQUHART; from Harris County; 1st Court of Appeals District (01-13-00118-CV, 446 SW3d 135, 08-21-14)

14-1028 SUN DEVELOPMENT, L.P. v. LARRY HUGHES AND SUSAN HUGHES; from Montgomery County; 9th Court of Appeals District (09-12-00524-CV, ___ SW3d ___, 09-25-14)

2 petitions

- 15-0190 MARHABA PARTNERS LIMITED PARTNERSHIP v. KINDRON HOLDINGS, LLC; from Harris County; 14th Court of Appeals District (14-13-01133-CV, 457 SW3d 208, 01-29-15)
- 15-0393 LISA KARL v. BRAZOS RIVER AUTHORITY; from Palo Pinto County; 11th Court of Appeals District (11-13-00010-CV, ___ SW3d ___, 04-23-15)
- 15-0396 GARY AARONII, ET AL. v. DIRECTORY DISTRIBUTING ASSOCIATES, INC., RICHARD PRICE, STEVE WASHINGTON, LAURA WASHINGTON, ROLAND E. SCHMIDT, SANDY SANDERS AND AT&T CORPORATION; from Harris County; 14th Court of Appeals District (14-13-00784-CV, 462 SW3d 190, 02-26-15)
- 15-0441 TESCO CORPORATION (US) v. STEADFAST INSURANCE COMPANY; from Harris County; 1st Court of Appeals District (01-13-00091-CV, ___ SW3d ___, 02-03-15)
- 15-0516 MICHAEL MCWILLIE, WANDA JUANITA PHILLIPS AND DELVONNE BURKE v. STEPHEN C. COLE AND ROBERT STRACK; from Midland County; 11th Court of Appeals District (11-12-00265-CV, 464 SW3d 896, 05-29-15)
- 15-0568 DOLORES MUELLER v. HUMANA INSURANCE COMPANY; from Bexar County; 4th Court of Appeals District (04-14-00752-CV, ___ SW3d ___, 04-29-15)
- 15-0633 DAVID LUCYK v. KINDRON HOLDINGS, LLC; from Harris County; 1st Court of Appeals District (01-14-00521-CV, ___ SW3d ___, 07-28-15)
- 15-0647 RODNEY UNDERWOOD v. OCWEN LOAN SERVICING, LLC, AND U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-EFC7; from Harris County; 14th Court of Appeals District (14-15-00455-CV, ___ SW3d ___, 07-02-15)
- 15-0663 COLLEGE STATION MEDICAL CENTER, LLC D/B/A COLLEGE STATION MEDICAL CENTER v. ELEANOR AND WILLIAM KILASPA; from Brazos County; 10th Court of Appeals District (10-14-00374-CV, ___ SW3d ___, 07-23-15)
- 15-0673 RISCHON DEVELOPMENT CORPORATION v. NASSER SHAFIPOUR; from Tarrant County; 11th Court of Appeals District (11-13-00212-CV, ___ SW3d ___, 05-29-15)
- 15-0681 JOHANNA DABBS v. VINCENT CALDERON; from Harris County; 1st Court of Appeals

District (01-14-00598-CV, ___ SW3d ___, 08-18-15)

- 15-0686 KELLEY/WITHERSPOON, LLP, KEVIN KELLEY AND NURU WITHERSPOON v. ARMSTRONG INTERNATIONAL SERVICES, INC.; from Dallas County; 5th Court of Appeals District (05-14-00130-CV, ___ SW3d ___, 07-27-15)
2 petitions
- 15-0691 BRIAN P. MIN, FEDERAL OFFSHORE, INC. AND MIN TRANSCONTINENTAL, INC. v. H & S CRANE SALES, INC.; from Galveston County; 14th Court of Appeals District (14-14-00270-CV, 472 SW3d 773, 07-30-15)
- 15-0703 MARGARET L. CANNON v. CONNIE SPENCE; from Brazos County; 10th Court of Appeals District (10-14-00357-CV, ___ SW3d ___, 09-03-15)
as redrafted
- 15-0714 ARD MOR, INC., TEXAS ARDMOR PROPERTIES, LP AND TEXAS ARDMOR MANAGEMENT, LLC v. LOCKHILL VENTURES, LLC; from Bexar County; 4th Court of Appeals District (04-14-00796-CV, ___ SW3d ___, 07-08-15)
- 15-0730 NBRC PROPERTY OWNERS ASSOCIATION v. CRAIG ZGABAY AND TAMMY ZGABAY; from Comal County; 3rd Court of Appeals District (03-14-00660-CV, ___ SW3d ___, 08-28-15)
- 15-0752 MIKE BIRNBAUM AND BEVERLY BIRNBAUM v. GENA J. ATWELL, PHYLLIS BROWNING, PHYLLIS BROWNING COMPANY, AND MIMI WEBER; from Bexar County; 1st Court of Appeals District (01-14-00556-CV, ___ SW3d ___, 08-20-15)
- 15-0764 DYNAMIC OFFSHORE RESOURCES NS, L.L.C. AND W&T OFFSHORE, INC. v. REPUBLIC PETROLEUM LLC; from Harris County; 1st Court of Appeals District (01-14-00370-CV, 474 SW3d 424, 08-27-15)
- 15-0781 LAVERNE STANLEY AND ANTHONY PASSEUR v. WELLS FARGO BANK, N.A.; MERSCORP HOLDINGS, INC; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC; AND GWEN ALDEN; from Williamson County; 3rd Court of Appeals District (03-14-00376-CV, ___ SW3d ___, 08-25-15)
(Justice Johnson not sitting)
- 15-0785 MIKAEL JUDAH AND LAURA JUDAH v. EMC MORTGAGE CORPORATION; from Travis County; 3rd Court of Appeals District (03-14-00304-CV, ___ SW3d ___, 08-25-15)

- 15-0791 CITY OF AUSTIN v. CANARIO'S, INC.; from Travis County; 3rd Court of Appeals District (03-14-00455-CV, ___ SW3d ___, 08-26-15)
- 15-0802 MEMORIAL DRIVE PRESBYTERIAN CHURCH U.S. v. JESSICA SHANNON; from Harris County; 14th Court of Appeals District (14-14-00359-CV, 476 SW3d 612, 09-01-15)
- 15-0827 LUCY GUTIERREZ v. PORTFOLIO RECOVERY ASSOCIATES; from Travis County; 3rd Court of Appeals District (03-13-00311-CV, ___ SW3d ___, 02-26-15)
- 15-0879 JOYCE JANETTE RIDDLE v. CITY OF ABILENE; from Taylor County; 11th Court of Appeals District (11-14-00146-CV, 478 SW3d 842, 10-01-15)
- 15-0923 KATY SPRINGS & MANUFACTURING, INC. v. JOSEPH FAVALORA; from Harris County; 14th Court of Appeals District (14-14-00172-CV, 476 SW3d 579, 08-27-15)
- 15-0973 VANESSA BROWN v. SEBASTIAN VALIYAPARAMPIL; from Dallas County; 8th Court of Appeals District (08-14-00031-CV, ___ SW3d ___, 11-03-15)
- 15-1005 RICHARD K. ARCHER, SR., AN INDIVIDUAL, THE RICHARD K. ARCHER PROFIT SHARING TRUST, THE RICHARD K. ARCHER PENSION AND PROFIT SHARING PLAN, THE RICHARD K. ARCHER KEOGH, AND THE RICHARD K. ARCHER IRA, ET AL. v. DAVID ALLISON AND EILEEN ALLISON, INDIVIDUALS, AUSTIN EQUITY INVESTORS, LTD., REBA LAND, INC., BWCO, LLC, JMH MANAGEMENT, INC., PALO DURO CONSTRUCTION, INC., PALO DURO HOUSING, LLC; from Randall County; 7th Court of Appeals District (07-14-00313-CV, ___ SW3d ___, 12-03-15)
- 16-0013 ACCURATE PRECISION PLATING, LLC v. JUAN GUERRERO, GUERRERO PLATING TECHNOLOGY, LLC AND ALLIED PLATING, LLC; from Harris County; 1st Court of Appeals District (01-14-00706-CV, ___ SW3d ___, 11-24-15)
- 16-0041 MADHAVAN PISHARODI, M.D., INDIVIDUALLY, AND MADHAVAN PISHARODI, M.D., P.A., D/B/A PISHARODI CLINIC v. MARIO SALDAÑA, NANCY LAMAS AND JESUS LAMAS; from Cameron County; 13th Court of Appeals District (13-13-00721-CV, ___ SW3d ___, 11-19-15)
- 16-0050 DERRICK SCOTT AND TIFFANY SCOTT v. AMERICAN HOME MORTGAGE SERVICING, INC.; from Williamson County; 3rd Court of Appeals District (03-14-00322-CV, ___ SW3d ___, 12-08-15)
- 16-0063 ALAN L. HAMILTON v. DANIEL DAVILA, III; from Travis County; 13th Court of Appeals District (13-15-00307-CV, ___ SW3d ___, 10-15-15)

as redrafted

- 16-0067 JOSEPH STUMPH, JOYCE STUMPH, AND SHAWN MICHAEL STUMPH v. DALLAS LEMMON WEST, INC.; from Dallas County; 5th Court of Appeals District (05-14-01044-CV, ___ SW3d ___, 09-25-15)
- 16-0076 PETER D. TRAN, NAM VAN NGUYEN, THE KIM HOANG, AND TUYEN NGOC BUI ON BEHALF OF THE VIETNAMESE COMMUNITY OF HOUSTON & VICINITY, INC. v. ALOYSIUS DUY-HUNG HOANG, TERESA NGOC-BICH HOANG, CAVATINA TRUONG, SKYBIRD NGUYEN AND HOC NHU PHAN,; from Harris County; 1st Court of Appeals District (01-14-00973-CV, ___ SW3d ___, 11-10-15)
- 16-0081 CASEY SUTTERFIELD v. TERVITA, LLC; from Dallas County; 5th Court of Appeals District (05-15-00469-CV, ___ SW3d ___, 12-18-15)
- 16-0088 SAN SEBASTIAN REALTY CO., INC. v. ROEL HUERTA AND ROSA M. HUERTA; from Harris County; 14th Court of Appeals District (14-14-00819-CV, ___ SW3d ___, 12-22-15)
- 16-0095 GRAPEVINE DIAMOND, L.P. AND JONATHAN AFLATOUNI v. CITY BANK; from Collin County; 5th Court of Appeals District (05-14-00260-CV, ___ SW3d ___, 12-07-15)
2 petitions
- 16-0117 CECIL ADAMS AND MAXINE ADAMS v. HARRIS COUNTY AND CHRISTOPHER A. PRINE, CLERK OF THE FIRST COURT OF APPEALS; from Harris County; 4th Court of Appeals District (04-15-00287-CV, ___ SW3d ___, 12-09-15)
emergency motion for relief dismissed as moot

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED FOR WANT OF JURISDICTION:

- 15-0813 MARY E. ALLEN v. WELLS BRANCH SELF STORAGE; from Travis County; 3rd Court of Appeals District (03-14-00670-CV, ___ SW3d ___, 08-25-15)
See TEX. GOV'T CODE § 22.225(b)(1)
- 15-0896 ROBERT ROBINSON v. WELLS FARGO BANK, N.A.; from Cherokee County; 12th Court of Appeals District (12-14-00212-CV, ___ SW3d ___, 09-30-15)
See TEX. GOV'T CODE § 22.225(b)(1)
(Justice Johnson not sitting)
- 16-0223 JOANN ADELE BROOKS v. PAUL HEDLEY BATCHELOR; from Dallas County; 5th Court of Appeals District (05-13-00401-CV, ___ SW3d ___, 05-08-14)

See TEX. R. APP. P. 53.7(a)

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

- 15-0831 CONOCOPHILLIPS COMPANY AND HILCORP ENERGY DEVELOPMENT, L.P. v. VAQUILLAS UNPROVEN MINERALS, LTD; from Webb County; 4th Court of Appeals District (04-15-00066-CV, ___ SW3d ___, 08-05-15)
joint motion to abate granted
unopposed motion to join as petitioner granted
[Note: This case is removed from the Court's active docket until June 30, 2016, by which time the parties must file either a status report or a motion to dismiss.]

ORDERS ON MOTIONS FOR REHEARING

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

- 15-0513 IN THE INTEREST OF E.M. AND J.M., CHILDREN; from Brazos County; 10th Court of Appeals District (10-14-00313-CV, ___ SW3d ___, 05-28-15)
- 15-0928 J.W. GARRETT & SONS, INC. D/B/A G&G ENTERPRISES, INC. v. WYATT D. SNIDER, JACK KOCH AND JOHN THOMASSON; from Jefferson County; 9th Court of Appeals District (09-14-00306-CV, ___ SW3d ___, 10-01-15)
- 16-0070 ELSIE O. JONES v. JOSE G. RAMIREZ-RODRIGUEZ; from Travis County; 3rd Court of Appeals District (03-14-00230-CV, ___ SW3d ___, 08-21-15)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 15-0741 IN RE CHRISTOPHER P. ROBERTS, INSURANCE SAFETY CONSULTANTS, LLC., AND INSURANCE LOSS CONTROL SERVICES OF AMERICA, LLC.; from Dallas County
as redrafted
stay order issued November 10, 2015, lifted

THE FOLLOWING CASES ARE REFERRED TO THE TRIAL COURT FOR APPOINTMENT OF COUNSEL:

- 15-0171 IN THE INTEREST OF P.M., A CHILD; from Denton County; 2nd Court of Appeals District (02-14-00205-CV, ___ SW3d ___, 12-31-14)

The Court refers the case to the trial court for appointment of counsel.

The case remains abated until further order of this Court.

Per Curiam Opinion

- 15-0308 IN THE INTEREST OF J.R., A CHILD; from Ector County; 11th Court of Appeals District (11-14-00360-CV, ___ SW3d ___, 04-09-15)

The Court refers the case to the trial court for appointment of counsel.

The case remains abated until further order of this Court.

Per Curiam Opinion

15-0531 IN THE INTEREST OF M.N., V.W. AND Z.W., CHILDREN; from Tarrant County; 2nd Court of Appeals District (02-14-00404-CV, ___ SW3d ___, 05-28-15)

The Court refers the case to the trial court for appointment of counsel.

The case remains abated until further order of this Court.

Per Curiam Opinion

15-0546 C.S.F. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Travis County; 3rd Court of Appeals District (03-14-00597-CV, ___ SW3d ___, 03-13-15)

The Court refers the case to the trial court for appointment of counsel.

The case remains abated until further order of this Court.

Per Curiam Opinion