



THE SUPREME COURT OF TEXAS

Orders Pronounced June 24, 2016

ORDERS ON CAUSES

14-0638 PRESTON A. OCHSNER v. VICTORIA V. OCHSNER; from Harris County; 14th Court of Appeals District (14-13-00301-CV, 436 SW3d 378, 05-29-14)

The Court reverses the court of appeals' judgment and renders judgment.

Justice Willett delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Guzman, Justice Lehrmann, Justice Devine, and Justice Brown joined.

Justice Guzman delivered a concurring opinion, in which Justice Lehrmann joined.

Justice Johnson delivered a dissenting opinion, in which Justice Boyd joined.

Justice Boyd delivered a dissenting opinion, in which Justice Johnson joined.

14-0732 MICHAEL MCINTYRE 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)

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

Justice Devine delivered the opinion of the Court, in which Chief Justice Hecht, Justice Willett, Justice Guzman, Justice Lehrmann, and Justice Boyd joined.

Justice Green delivered a dissenting opinion, in which Justice Johnson and Justice Brown joined.

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)

The Court reverses the court of appeals' judgment and renders judgment.

Chief Justice Hecht delivered the opinion of the Court, in which Justice Green, Justice Willett, Justice Guzman, Justice Lehrmann, Justice Boyd, Justice Devine, and Justice Brown joined.

Justice Johnson delivered a dissenting opinion.

14-0986 MIKE MORATH, COMMISSIONER OF EDUCATION v. STERLING CITY INDEPENDENT SCHOOL DISTRICT, HIGHLAND INDEPENDENT SCHOOL DISTRICT, AND BLACKWELL CONSOLIDATED INDEPENDENT SCHOOL DISTRICT; from Travis County; 11th Court of Appeals District (11-12-00035-CV, 447 SW3d 505, 10-16-14)
The Court reverses the court of appeals' judgment and dismisses the case for want of jurisdiction.

Chief Justice Hecht announced the judgment of the Court and delivered an opinion, in which Justice Green, Justice Lehrmann, and Justice Devine joined.

Justice Brown delivered an opinion concurring in the judgment.

Justice Johnson delivered an opinion concurring in part and dissenting in part, in which Justice Willett, Justice Guzman, and Justice Boyd joined.

15-0025 TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION v. BONNIE JONES AND AMERICAN HOME ASSURANCE COMPANY; from Dallas County; 5th Court of Appeals District (05-13-01353-CV, ___ SW3d ___, 11-06-14)

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

Justice Willett delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Johnson, Justice Guzman, Justice Lehrmann, Justice Devine, and Justice Brown joined.

Justice Boyd delivered a dissenting opinion.

15-0049 CROSSTEX NORTH TEXAS PIPELINE, L.P., N/K/A ENLINK NORTH TEXAS PIPELINE, LP v. ANDREW GARDINER AND SHANNON GARDINER; from Denton County; 2nd Court of Appeals District (02-12-00182-CV, 451 SW3d 150, 11-13-14)

2 petitions

The Court affirms the court of appeals' judgment.

Justice Boyd delivered the opinion of the Court.

15-0328 IN RE NATIONWIDE INSURANCE COMPANY OF AMERICA, ET AL.; from Travis County; 3rd Court of Appeals District (03-15-00169-CV, ___ SW3d ___, 04-03-15)

The Court conditionally grants the writ of mandamus.

Justice Devine delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Johnson, Justice Willett, Justice Lehrmann, and Justice Boyd joined.

Justice Guzman delivered a dissenting opinion, in which Justice Brown joined.

15-0387 BRENTON M. STANFIELD, THOMAS P. STONE, STONE & ASSOCIATES, LLP, AND JIMMY VAN KNIGHTON, II v. JON T. NEUBAUM AND BARBARA NEUBAUM; from Montgomery County; 14th Court of Appeals District (14-13-00943-CV, 465 SW3d 266, 04-09-15)

The Court reverses the court of appeals' judgment and renders judgment.

Justice Guzman delivered the opinion of the Court, in which Justice Green, Justice Johnson, Justice Willett, Justice Lehrmann, Justice Boyd, Justice Devine, and Justice Brown joined.

Chief Justice Hecht delivered a concurring opinion.

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

- 14-0186 TV AZTECA, S.A.B. DE C.V., PATRICIA CHAPOY, AND PUBLIMAX, S.A. DE C.V. v. GLORIA DE LOS ANGELES TREVINO RUIZ, INDIVIDUALLY AND ON BEHALF OF A MINOR CHILD, A.G.J.T., AND ARMANDO ISMAEL GOMEZ MARTINEZ; from Hidalgo County; 13th Court of Appeals District (13-12-00536-CV, ___ SW3d ___, 01-30-14)
petitioners' motion to withdraw and stay mandate denied

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 15-0083 M&F WORLDWIDE CORP., MCG INTERMEDIATE HOLDINGS, INC., MAFCO WORLDWIDE CORPORATION, MAFCO CONSOLIDATED GROUP LLC, AND PCT INTERNATIONAL HOLDINGS, INC. v. PEPSI-COLA METROPOLITAN BOTTLING COMPANY, INC.; from Harris County; 14th Court of Appeals District (14-14-00045-CV, 453 SW3d 492, 12-18-14)

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

- 15-0790 D MAGAZINE PARTNERS, L.P. D/B/A D MAGAZINE, MAGAZINE LIMITED PARTNERS, L.P., AND ALLISON MEDIA, INC. v. JANAY BENDER ROSENTHAL; from Dallas County; 5th Court of Appeals District (05-14-00951-CV, 475 SW3d 470, 08-28-15)

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

- 15-0808 NUEVA GENERACION MUSIC GROUP, INC. v. ISIDRO CHAVEZ ESPINOZA, P/K/A ESPINOZA PAZ; from Harris County; 1st Court of Appeals District (01-15-00091-CV, ___ SW3d ___, 07-30-15)

agreed motion for judgment pursuant to settlement agreement granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court grants the petition for review, vacates the court of appeals' judgment, and remands the cause to the trial court for rendition of judgment in accordance with the parties' settlement agreement.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 15-0460 ALBERTO R. GARZA AND LETICIA I. GARZA, INDIVIDUALLY, AND AS NEXT FRIENDS OF ALEXANDRIA I. GARZA AND KASSANDRA R. GARZA v. MELDEN & HUNT, INC.; from Hidalgo County; 13th Court of Appeals District (13-14-00329-CV, ___ SW3d ___, 05-07-15)

15-0483 RUSSELL D. MILLER AND JULIET INVESTMENTS, INC. v. DARLENE ARGUMANIZ, INDIVIDUALLY AND ON BEHALF OF ARGMIL, INC.; from El Paso County; 8th Court of Appeals District (08-13-00091-CV, 479 SW3d 306, 02-11-15)
2 petitions

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 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)
- 15-0682 COHEN ACQUISITION CORP. v. EEPB, P.C., F/K/A EASLEY, ENDERS, PARKHILL & BRACKENDORFF, P.C.; from Harris County; 14th Court of Appeals District (14-14-00330-CV, ___ SW3d ___, 05-19-15)
- 15-0945 PLAINSCAPITAL BANK v. NITIN JANI; from Denton County; 2nd Court of Appeals District (02-14-00149-CV, ___ SW3d ___, 11-19-15)
- 16-0016 MILAN HAMRLA, PETRA CHUDEJOVA, MICHAEL AND LAURA BREWER, DALIA CHAVARRIA, DIANE AND GENE HINES AND KEITH EFFERT v. CITY OF CARROLLTON, TEXAS; from Denton County; 2nd Court of Appeals District (02-15-00119-CV, ___ SW3d ___, 01-07-16)
as redrafted
- 16-0058 ROBERT WESTERBURG, ADMINISTRATOR OF THE ESTATE OF R.D. WEST A/K/A RANDY DIXON WESTERBURG v. WESTERN ROYALTY CORP.; from Lubbock County; 7th Court of Appeals District (07-15-00082-CV, ___ SW3d ___, 12-11-15)
- 16-0106 ERASMO MONTALVO v. THE STATE BOARD FOR EDUCATOR CERTIFICATION; from Travis County; 3rd Court of Appeals District (03-13-00370-CV, ___ SW3d ___, 11-24-15)
- 16-0160 CURTIS CAPPS v. THE KNOWN AND UNKNOWN HEIRS OF PRISCILLA FOSTER; from Brazos County; 10th Court of Appeals District (10-14-00061-CV, ___ SW3d ___, 01-21-16)
- 16-0173 JORGE VAZQUEZ v. LOS FRESNOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND MIKE MORATH, COMMISSIONER OF EDUCATION; from Travis County; 3rd Court of Appeals District (03-14-00629-CV, 481 SW3d 742, 12-30-15)
- 16-0176 IN THE MATTER OF TRENT ELLIOTT GIBSON; from Jefferson County; 9th Court of Appeals District (09-16-00005-CV, ___ SW3d ___, 02-18-16)

16-0203 KATHRYN KERR HIX, RENE LOERA, ADOLFO LONG, KELLY MCCLOUD, CHARLOTTE MCMILLAN, MARICELA AND MARTIN MENDEZ, INEZ M. NORMAN, DAVID AND CYNTHIA FOSS, ALMA JEAN DOOLING, OLGA SANCHEZ, AND ELIO ARCE v. INWOOD FOREST COMMUNITY IMPROVEMENT ASSOCIATION; from Harris County; 14th Court of Appeals District (14-14-00825-CV, 485 SW3d 65, 11-19-15)

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

16-0219 JOHN STANCU v. PACE REALTY CORPORATION; from Dallas County; 5th Court of Appeals District (05-16-00047-CV, ___ SW3d ___, 02-18-16)

16-0236 JENNIFER LEE JOHNSON, INDIVIDUALLY AND AS NEXT FRIEND OF J.L., A MINOR v. VICTOR HO, JEFF THOMPSON AND SHERRY WILLIAMS; from Jefferson County; 9th Court of Appeals District (09-15-00077-CV, ___ SW3d ___, 02-18-16)

16-0248 GERALD STEVENS v. STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-14-00536-CR; 03-14-00537-CR, ___ SW3d ___, 02-18-16)

16-0267 MARCUS A. TAVIRA v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE; from Childress County; 7th Court of Appeals District (07-14-00046-CV, ___ SW3d ___, 02-24-16)

16-0278 JOHN M. DONOHUE v. PERLA DOMINGUEZ AND KEVIN NAKATA, IN THEIR INDIVIDUAL CAPACITIES; from Bexar County; 4th Court of Appeals District (04-15-00068-CV, ___ SW3d ___, 01-13-16)

16-0310 JULIE T. CHAU v. PRIME HEALTHCARE SERVICES D/B/A HARLINGEN MEDICAL CENTER; from Cameron County; 13th Court of Appeals District (13-15-00115-CV, ___ SW3d ___, 03-17-16)

16-0365 WILLIAM T. DICKSON v. AMERICAN ELECTRIC POWER, INC. AND PUBLIC SERVICE COMPANY OF OKLAHOMA; from Dallas County; 5th Court of Appeals District (05-14-00690-CV, ___ SW3d ___, 01-15-16)

16-0377 IN RE COMMITMENT OF TOMMY DALE SELLS, SR.; from Montgomery County; 9th Court of Appeals District (09-15-00172-CV, ___ SW3d ___, 04-14-16)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

16-0037 MICHAEL DWAYNE WILSON v. THE BLUFFS AT PARADISE CREEK APARTMENTS; from Tarrant County; 2nd Court of Appeals District (02-14-00196-CV, ___ SW3d ___, 12-31-15)

as redrafted

petitioner's motion for sanctions dismissed

ORDERS ON MOTIONS FOR REHEARING

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

- 14-1010 CRYSTAL CLEAR WATER SUPPLY CORPORATION v. TEXAS GENERAL LAND OFFICE AND TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; from Travis County; 3rd Court of Appeals District (03-13-00528-CV, 449 SW3d 130, 08-22-14)
- 15-0195 IN THE INTEREST OF K.M.L., A CHILD; from San Jacinto County; 9th Court of Appeals District (09-11-00083-CV, ___ SW3d ___, 01-29-15)
- 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)
- 15-0827 LUCY GUTIERREZ v. PORTFOLIO RECOVERY ASSOCIATES; from Travis County; 3rd Court of Appeals District (03-13-00311-CV, ___ SW3d ___, 02-26-15)
- 16-0136 ADRIAN PETERS v. DALLAS INDEPENDENT SCHOOL DISTRICT AND MICHAEL L. WILLIAMS, COMMISSIONER OF EDUCATION; from Dallas County; 5th Court of Appeals District (05-14-00759-CV, ___ SW3d ___, 12-14-15)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 16-0224 IN RE HARI PRASAD KALAKONDA AND LATHA KALAKONDA; from Bexar County; 4th Court of Appeals District (04-16-00146-CV, ___ SW3d ___, 04-20-16)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 16-0359 IN RE DANIEL ALAN SLIGER; from Travis County; 3rd Court of Appeals District (03-16-00200-CV, ___ SW3d ___, 04-20-16)
- 16-0374 IN RE DONALD GENE BLANTON; from Kaufman County; 5th Court of Appeals District (05-16-00399-CV; 05-16-00400-CV, ___ SW3d ___, 04-14-16)

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

- 16-0193 IN RE STEPHEN SILAS THOMAS; from Dallas County; 5th Court of Appeals District (05-81-00529-CR, ___ SW3d ___, 02-11-16)

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

15-0777 IN RE CAROLYN FROST KEENAN; from Harris County; 1st Court of Appeals District (01-15-00581-CV, ___ SW3d ___, 07-21-15)

relator's motion to stay granted

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

THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE FOLLOWING APPEAL IS
AFFIRMED:

15-0615 CHARLES CHANDLER DAVIS v. COMMISSION FOR LAWYER DISCIPLINE

request for judicial notice denied

motion to vacate denied

motion to abate denied

motion for leave to brief denied

motion to strike denied

motion to quash or correct clerk record denied