

# 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  
February 2, 2017

## Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, February 7, 2017, beginning at 1:30 p.m., before the following panel of justices: Justice Karen Angelini, Justice Marialyn Barnard, and Justice Patricia O. Alvarez.

The following case will be presented:

*Whataburger, Inc. CA Development LLC, CA Real Estate LLC, Cinco Aguilas LLC, Tres Aguilas Enterprises LLC, Tres Aguilas Management LLC, Whataburger International LLC, Whataburger Real Estate, LLC, Whataburger Restaurants LLC, et al. v. Whataburger of Alice, Ltd.* - This Court is being asked to interpret a 1993 settlement agreement between the parties and declare how it affects their franchisor-franchisee relationship.

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, February 9, 2017, 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:

*JAMRO Ltd. v. The City of San Antonio* - JAMRO, Ltd. appeals the trial court's order granting a plea to the jurisdiction filed by the City of San Antonio and dismissing all of JAMRO's claims against the City. Although JAMRO lists three issues as being presented, JAMRO contends the trial court erred in granting the plea to the jurisdiction because the City was engaged in a proprietary function, and the City is not entitled to immunity when it engages in proprietary functions.

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, February 9, 2017, beginning at 10:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Rebeca C. Martinez, and Justice Patricia O. Alvarez.

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The following case will be presented:

*Ana Sophia Spencer and William Alex Spencer v. Jennifer Overpeck* - Ana Sophia Spencer and William Alex Spencer appeal the trial court's order denying their motion to dismiss filed pursuant to the Texas Citizens Participation Act also known as the anti-SLAPP statute. The Spencers assert the trial court erred in denying their motion with regard to Overpeck's claims for intentional infliction of emotional distress, tortious interference with contract, and abuse of process/wrongful injunction because Overpeck failed to establish by clear and specific evidence a prima facie case for each element of those claims. The Spencers further assert the trial court erred in denying their motion with regard to Overpeck's defamation claim because the Spencers established each essential element of a valid defense to that claim by a preponderance of the evidence.

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