

Fourth Court of Appeals Cadena-Reeves Justice Center 300 Dolorosa, Suite 3200 San Antonio, Texas 78205-3037



Contact: Keith Hottle, Clerk of the Court Phone: (210) 335-2510 FOR IMMEDIATE RELEASE March 30, 2017

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, April 6, 2017, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Patricia O. Alvarez.

The following case will be presented:

Cotter & Sons, Inc., et al. v. BJ Corporation d/b/a National Building Service – Appellee BJ Corporation d/b/a National Building Service (NBS) sued Appellant Cotter & Sons, Inc., other related entities (the Cotter Defendants), and James F. Cotter, for allegedly breaching NBS's contracts to clean buildings belonging to Cotter & Sons and the Cotter Defendants. Cotter & Sons argued the contracts were unenforceable because they were obtained through commercial bribery. After a trial on the breach of contract and other causes, the jury found there was no commercial bribery, Cotter & Sons breached their contracts with NBS, and Cotter & Sons owed damages to NBS for negligent misrepresentation.

The jury awarded damages for breach of contract and negligent misrepresentation, interest on the past due debt, pre- and post-judgment interest, costs, trial attorney's fees, and conditionally awarded appellate attorney's fees. The jury assessed the damages, fees, and costs against Cotter & Sons, Inc., James F. Cotter, and all the Cotter Defendants jointly and severally, and the defendants appealed.

Appellants raise five issues: (1) the contracts are unenforceable because they were obtained by commercial bribery, (2) the economic-loss rule bars NBS's negligent misrepresentation damages, (3) no recovery is available under quantum meruit, (4) the trial court erred in making all the defendants jointly and severally liable, and (5) NBS is not entitled to attorney's fees because its breach of contract claim and alter ego theories are not supported by the evidence.



The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, April 6, 2017, beginning at 10:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Rebeca C. Martinez, and Justice Irene Rios.

The following case will be presented:

Vanessa Cameron v. The State of Texas - This case is on remand from the Court of Criminal Appeals. After initially affirming this court's opinion in *Cameron v. State*, 415 S.W.3d 404 (Tex. App.—San Antonio 2013), holding the courtroom was closed during voir dire in violation of the 6th Amendment right to a public trial and remanding for a new trial, the Court of Criminal Appeals issued a new opinion on rehearing reversing and remanding. In its opinion on rehearing, the Court of Criminal Appeals held that the defendant bore an initial burden of proof to show that the courtroom was in fact closed to the public before the appellate court could consider whether the closure was justified, i.e., whether the defendant's right to a public trial was violated. The Court therefore remanded the case back to this court to conduct the analysis in two steps. *See Cameron v. State*, 490 S.W.3d 57, 70 (Tex. Crim. App. 2016).

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