

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
September 14, 2017

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, September 19, 2017, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Karen Angelini, and Justice Patricia O. Alvarez.

The following case will be presented:

Franklin Advisers, Inc., et al. v. IHeartcommunications Inc. f/k/a Clear Channel Communication, Inc. – In this appeal, the holders of priority guarantee notes challenge the trial court’s judgment granting declaratory and injunctive relief in favor of iHeart Communications, Inc. The noteholders urge the Court to reverse the trial court’s judgment, claiming that the trial court failed to properly construe the contracts between the parties and that iHeart failed to satisfy its evidentiary burden.

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, September 19, 2017, beginning at 2:00 p.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Karen Angelini, and Justice Patricia O. Alvarez.

The following cases will be presented:

Jerome Dragon, Jr. and Patricia G. Dragon v. Joseph Russell Trial and Michael Leo Trial - The underlying lawsuit involves a dispute over the ownership of an interest in land. Appellants appeal from two summary judgments rendered in favor of appellees. Appellants raise several issues on appeal, primarily (1) whether the trial court erred by excluding an affidavit appellants submitted as summary judgment evidence, and (2) whether appellees were estopped from asserting title to any portion of the property.

Estate of Francisco Rodriguez, Deceased – This case stems from a dispute against an independent executor and trustee to enjoin the sale of property, the trust’s corpus. The property was automatically conveyed into the trust upon the death of the grantor. Appellant contends that, although the trust’s language provided that

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the trustee may sell the property, the trust specifically provides that it was the grantor’s desire that the property “stay intact as long as is reasonable.” Appellant argues this language created a right of first refusal for each of the trust’s beneficiaries. Appellee, the prospective buyer, contends the trust granted the trustee the unqualified right to sell the corpus of the trust. In competing summary judgment motions, the trial court (1) denied Appellant’s motion for summary judgment, and (2) granted Appellee’s motion for summary judgment requiring the trustee to convey the property at issue to Appellee.

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