



THE SUPREME COURT OF TEXAS

Orders Pronounced October 20, 2017

ORDERS ON CAUSES

15-0944 THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS v. C.W.H.; from Nacogdoches County; 12th Court of Appeals District (12-15-00062-CV, ___ SW3d ___, 09-16-15)

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

Justice Boyd delivered the opinion of the Court.

THE FOLLOWING MOTIONS TO PARTICIPATE IN ORAL ARGUMENT ARE GRANTED:

16-0098 THE DALLAS MORNING NEWS, INC. AND STEVE BLOW v. JOHN TATUM AND MARY ANN TATUM; from Dallas County; 5th Court of Appeals District (05-14-01017-CV, 493 SW3d 646, 12-30-15)

petitioners' unopposed motion for leave to share argument time with amicus curiae granted

Time allotted to argue: 15/20/5 minutes

16-0851 IN RE NORTH CYPRESS MEDICAL CENTER OPERATING CO., LTD.; from Harris County; 14th Court of Appeals District (14-16-00671-CV, ___ SW3d ___, 10-20-16)

unopposed motion to participate in oral argument granted

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

13-0702 SCOTT M. BOLICK v. DRESSER-RAND COMPANY; from Harris County; 14th Court of Appeals District (14-12-00192-CV, ___ SW3d ___, 07-18-13)

as reinstated

16-0355 JOSLYN M. JOHNSON, INDIVIDUALLY AND AS EXECUTRIX FOR THE ESTATE OF RODNEY JOHNSON, DECEASED v. CITY OF HOUSTON; from Harris County; 14th Court of Appeals District (14-15-00176-CV, ___ SW3d ___, 03-29-16)

16-0455 DR. JAMES JONES v. ANGELO STATE UNIVERSITY; from Tom Green County; 3rd Court

of Appeals District (03-14-00112-CV, ___ SW3d ___, 06-10-16)
2 petitions

- 16-0468 IN THE MATTER OF J.G.; from Harris County; 1st Court of Appeals District (01-15-01025-CV, 495 SW3d 354, 05-05-16)
as amended
- 16-0547 KEN PAXTON, ATTORNEY GENERAL OF TEXAS v. THE CITY OF CARROLLTON, TEXAS; from Travis County; 3rd Court of Appeals District (03-13-00571-CV, 490 SW3d 187, 03-31-16)
- 16-0574 U.T. PHYSICIANS v. SHIRLEY LENOIR, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SHANA LENOIR AND CHRISTOPHER MCKNIGHT, INDIVIDUALLY AND AS NEXT FRIEND OF NAYLA MCKNIGHT; from Harris County; 1st Court of Appeals District (01-14-00767-CV, 491 SW3d 68, 03-29-16)
(Justice Guzman not sitting)
- 16-0993 MJS AND ASSOCIATES, L.L.C., A TEXAS LIMITED LIABILITY CORPORATION v. JUDY MASTER, RN AND MATTHEW MASTER; from Nacogdoches County; 12th Court of Appeals District (12-15-00219-CV, 501 SW3d 751, 09-07-16)
- 16-1036 ALBERT LUTTERODT v. EMILY LANE OWNERS ASSOCIATION, INC., ENVISION REALTY GROUP, LLC AND JACKSON POTTER; from Dallas County; 5th Court of Appeals District (05-14-01329-CV, ___ SW3d ___, 06-16-16)
- 17-0064 CAROLYN P. AUSTIN v. COFACE SEGURO DE CREDITO MEXICO, S.A. DE C.V., AS ATTORNEY BY ENDORSEMENT FOR BANCO MONEX, S.A., INSTITUCION DE BANCO MULTIPLE, AND MONEX GRUPO FINANCIERO; from Harris County; 1st Court of Appeals District (01-15-00760-CV, 506 SW3d 707, 12-13-16)
- 17-0179 REBA A. BYRD, INDIVIDUALLY AND AS TRUSTEE OF THE REBA BYRD TRUST AND CHARLES SAMPLEY v. ALI MAHROU AND GYPSIE MAHROU; from Blanco County; 3rd Court of Appeals District (03-14-00441-CV, ___ SW3d ___, 07-22-16)
2 petitions
- 17-0189 IN THE MATTER OF L.C., A JUVENILE; from Tarrant County; 2nd Court of Appeals District (02-16-00262-CV, ___ SW3d ___, 01-26-17)
- 17-0219 GARY W. GATES, JR. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES AND HENRY "HANK" WHITMAN, JR., COMMISSIONER; from Travis County;

3rd Court of Appeals District (03-13-00369-CV, ___ SW3d ___, 12-21-16)
(Justice Boyd not sitting)

- 17-0247 UTILITY ASSOCIATES, INC. AND V. BRUCE EVANS, A RESIDENT OF THE CITY OF AUSTIN, TEXAS, INDIVIDUALLY v. THE CITY OF AUSTIN, TEXAS AND MARC A. OTT, IN HIS OFFICIAL CAPACITY AS THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS; from Travis County; 3rd Court of Appeals District (03-16-00565-CV & 03-16-00586-CV, 517 SW3d 300, 03-24-17)
- 17-0258 TRAMONTINA USA, INC. v. FP STORES, INC.; from Fort Bend County; 1st Court of Appeals District (01-16-00031-CV, 513 SW3d 684, 12-29-16)
- 17-0352 ZEIG ELECTRIC, INC. v. VIKING HEALTHCARE, LLC; from Grayson County; 5th Court of Appeals District (05-15-00835-CV, ___ SW3d ___, 10-27-16)
- 17-0361 DON WILBURN COLLINS v. THE STATE OF TEXAS; from Montgomery County; 9th Court of Appeals District (09-15-00089-CR, ___ SW3d ___, 03-29-17)
as redrafted
- 17-0403 MARTINA JACKSON, INDIVIDUALLY AND ON BEHALF OF HER HUSBAND, KEITH JACKSON, DECEASED, AND CARLY ROSE JACKSON AND LARA MARIE JACKSON v. TEXAS DEPARTMENT OF TRANSPORTATION A/K/A TXDOT; from El Paso County; 8th Court of Appeals District (08-15-00045-CV, ___ SW3d ___, 02-15-17)
- 17-0439 GARY RAMSEY AND SANDRA RAMSEY v. CATERPILLAR, INC.; from Henderson County; 12th Court of Appeals District (12-16-00155-CV, ___ SW3d ___, 04-19-17)
- 17-0493 MICHAEL A. MCCANN v. SPENCER PLANTATION INVESTMENTS, LTD.; from Brazoria County; 1st Court of Appeals District (01-16-00098-CV, ___ SW3d ___, 02-28-17)
motion requesting to file a brief denied
- 17-0513 JAMES E. WADE v. JOHNNY WADE AND AMANDA WADE, INDIVIDUALLY AND AMANDA WADE AS THE INDEPENDENT EXECUTOR OF THE ESTATE OF EDELL WADE; from Burnet County; 3rd Court of Appeals District (03-15-00100-CV, ___ SW3d ___, 01-26-17)
- 17-0547 MARK MILLS v. DAVID CARLOCK, ATTORNEY AT LAW; BLAISE GORMLEY, ATTORNEY AT LAW; JACKIE MILANDER, ATTORNEY AT LAW; AND D/B/A CARLOCK-GORMLEY-HIGHT; from Dallas County; 5th Court of Appeals District (05-16-01027-CV, ___ SW3d ___, 04-26-17)

- 17-0562 PERMIAN POWER TONG, INC. v. DIAMONDBACK E&P, LLC; from Midland County; 12th Court of Appeals District (12-16-00092-CV, ___ SW3d ___, 05-31-17)
- 17-0566 REGENIA BECHEM v. RELIANT ENERGY RETAIL SERVICES, L.L.C. AND COMERICA BANK; from Harris County; 1st Court of Appeals District (01-16-00189-CV, ___ SW3d ___, 03-14-17)
- 17-0617 LYNETTE JARZOMBEK AND CLEMENT JARZOMBEK v. RONALD CRAIG RAMSEY, JR.; from Karnes County; 4th Court of Appeals District (04-16-00571-CV, ___ SW3d ___, 06-14-17)
- 17-0619 PATRICE BARNES v. PRAIRIE VIEW A&M UNIVERSITY; from Waller County; 14th Court of Appeals District (14-15-01094-CV, ___ SW3d ___, 06-15-17)
- 17-0651 IN THE MATTER OF T.S., A JUVENILE; from Tarrant County; 2nd Court of Appeals District (02-17-00021-CV, ___ SW3d ___, 07-20-17)
- 17-0681 JUSTIN V. HAYNES v. ALICIA BRYAN HAYNES; from Bexar County; 4th Court of Appeals District (04-15-00107-CV, ___ SW3d ___, 05-31-17)
- 17-0684 IN THE INTEREST OF S.M.G., A CHILD; from Harris County; 1st Court of Appeals District (01-17-00056-CV, ___ SW3d ___, 06-29-17)
- 17-0810 IN THE INTEREST OF M.V. AND N.V., MINOR CHILDREN; from Bee County; 13th Court of Appeals District (13-17-00287-CV, ___ SW3d ___, 08-31-17)

THE MOTION FOR STAY IN THE FOLLOWING PETITION FOR REVIEW IS DENIED:

- 17-0525 STOP THE ORDINANCES PLEASE, ET AL. v. CITY OF NEW BRAUNFELS, TEXAS; from Comal County; 3rd Court of Appeals District (03-14-00198-CV, 520 SW3d 208, 05-18-17)
petitioners' emergency motion for relief denied

[**Note:** The petition for review remains pending before this Court.]

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

- 17-0655 WAYMON SCOTT HARTWELL AND HHH FARMS, LLC v. LONE STAR, PCA; from Fannin County; 6th Court of Appeals District (06-17-00030-CV, ___ SW3d ___, 06-21-17)
abatement order issued

[**Note:** Effective August 20, 2017, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. TEX. R.

APP. P. 8.2, 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

- 16-0381 AD VILLARAI, LLC v. CHAN PAK; from Dallas County; 5th Court of Appeals District (05-15-00079-CV, ___ SW3d ___, 04-06-16)
denial of petition for review on May 12, 2017, withdrawn
petition reinstated

[**Note:** The petition for review remains pending before this Court.]

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

- 16-0034 EAST TEXAS MEDICAL CENTER D/B/A EAST TEXAS MEDICAL CENTER EMERGENCY MEDICAL SERVICES v. JODY DELAUNE, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CRYSTAL DELAUNE, DECEASED; AND AS NEXT FRIEND OF D.D., D.D., AND D.A.D., MINORS; from Smith County; 12th Court of Appeals District (12-15-00014-CV, ___ SW3d ___, 11-30-15)
- 16-0453 NUECES COUNTY, TEXAS AND NUECES COUNTY APPRAISAL DISTRICT v. SAN PATRICIO COUNTY, TEXAS; from Nueces County; 13th Court of Appeals District (13-14-00293-CV, 492 SW3d 476, 05-12-16)
(Justice Guzman not sitting)
- 16-0689 ONCOR ELECTRIC DELIVERY COMPANY LLC v. EL HALCON INVESTMENTS LLC; from Brown County; 11th Court of Appeals District (11-14-00164-CV, ___ SW3d ___, 07-29-16)
- 16-0865 CITY OF SAN ANTONIO, ACTING BY AND THROUGH CITY PUBLIC SERVICE BOARD (CPS ENERGY) v. TOMMY HARRAL CONSTRUCTION, INC.; from Bexar County; 4th Court of Appeals District (04-16-00223-CV, 502 SW3d 286, 08-24-16)
- 16-0888 HENRY AND SONS CONSTRUCTION COMPANY, INC. v. PABLO CAMPOS; from Nueces County; 13th Court of Appeals District (13-16-00204-CV, 510 SW3d 689, 10-06-16)
motion to stay litigation proceedings and discovery dismissed
- 16-0930 AJAZ R. SIDDIQUI AND NAJEEB SIDDIQUI v. FARHAN S. QURESHI AND SYED KHALID ALI; from Harris County; 14th Court of Appeals District (14-14-00384-CV, 504 SW3d 349, 07-26-16)
- 17-0152 CYNTHIA ALLEN v. NOEUI LAU LALONDE; from Collin County; 5th Court of Appeals District (05-15-00193-CV, ___ SW3d ___, 02-14-17)

- 17-0204 AZLE MANOR, INC. v. PATTY PATTERSON AND PAMELA BEAVERS, INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF MARY ANN DAVIS, DECEASED; from Tarrant County; 2nd Court of Appeals District (02-15-00111-CV, ___ SW3d ___, 12-22-16)
- 17-0222 DAVID GILLESPIE AND MICHAEL O'BRIEN v. A.L. HERNDEN AND FREDERICK R. ZLOTUCHA; from Bexar County; 4th Court of Appeals District (04-15-00405-CV, 516 SW3d 541, 12-14-16)
- 17-0229 MATTHEW JAMES LEACHMAN v. WILLIAM STEPHENS AND KARRI L. HANSFORD; from Wichita County; 2nd Court of Appeals District (02-13-00357-CV, ___ SW3d ___, 11-10-16)
- 17-0276 TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO v. DONALD VIDETICH; from Dallas County; 5th Court of Appeals District (05-15-01449-CV, ___ SW3d ___, 12-29-16)
- 17-0367 JERRY C. JOHNSON AND JACOB JOHNSON v. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY AND STATE FARM FIRE AND CASUALTY COMPANY; from Travis County; 3rd Court of Appeals District (03-16-00086-CV, 520 SW3d 92, 04-06-17)
- 17-0494 ANNETTE BURRUS v. DAVID REYES AND SONIA VALENZUELA; from El Paso County; 8th Court of Appeals District (08-14-00265-CV, 516 SW3d 170, 03-08-17)

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 16-1038 IN RE DUNG CHI NGUYEN, M.D., DUNG CHI NGUYEN, M.D., P.A. AND NEUROLOGY CONSULTANTS; from Tarrant County; 2nd Court of Appeals District (02-16-00451-CV, ___ SW3d ___, 12-02-16)
- 17-0227 IN RE CREMONA BISTRO CORP.; from Dallas County; 5th Court of Appeals District (05-16-00967-CV, ___ SW3d ___, 02-27-17)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 16-0877 IN RE MCCLELLAND & HINE, INC.; from Hidalgo County; 13th Court of Appeals District (13-16-00527-CV, ___ SW3d ___, 10-06-16)
- 17-0154 IN RE RZQ, L.L.C.; from Hidalgo County; 13th Court of Appeals District (13-14-00490-CV, ___ SW3d ___, 10-16-14)
motion to stay underlying proceedings denied

17-0500 IN RE SAFECO INSURANCE COMPANY OF AMERICA; from Victoria County; 13th Court of Appeals District (13-17-00264-CV, ___ SW3d ___, 06-06-17)

17-0703 IN RE VISTA HILLS FAMILY DENTAL, LLC; from El Paso County; 8th Court of Appeals District (08-17-00138-CV, ___ SW3d ___, 08-11-17)

17-0746 IN RE NORMA HEREDIA; from Hidalgo County; 13th Court of Appeals District (13-16-00129-CV, ___ SW3d ___, 07-27-17)

17-0748 IN RE CAROL POOL; from Parker County; 7th Court of Appeals District (07-15-00124-CV, ___ SW3d ___, 10-21-15)
motion to stay denied

17-0784 IN RE DARLA JALANE EDDINS; from Dallas County; 5th Court of Appeals District (05-17-00868-CV, ___ SW3d ___, 08-24-17)
relator's motion for emergency stay denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED AS MOOT:

17-0699 IN RE SCOTTY AND TAMMY SPAKE; from Nacogdoches County; 12th Court of Appeals District (12-15-00062-CV, ___ SW3d ___, 09-16-15)
relators' motion for emergency relief dismissed as moot

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

17-0853 IN RE HELENA CHEMICAL COMPANY; from Mitchell County; 11th Court of Appeals District (11-17-00177-CV, ___ SW3d ___, 09-21-17)
emergency motion for stay granted
response requested due by October 30, 2017

[**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:

17-0390 IN THE MATTER OF IKECHUKWU NWEZE STATE BAR CARD NO. 00792725