

# Court Advisory

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  
June 13, 2018

## Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, June 20, 2018, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Karen Angelini, and Justice Irene Rios.

The following cases will be presented:

*North East Independent School District and Texas Commissioner of Education v. Dehann Riou* – North East Independent School District and Commissioner of Education Mike Morath v. Dehann Riou - The underlying dispute involves a school district’s decision to terminate a teacher’s continuing contract. Riou contends the Commissioner erred by applying the “good cause per se” standard of proof to her case instead of the statutory definition for good cause, which is the “failure to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts in this state.” Riou argues that because NEISD did not present any evidence relating to the accepted standards of conduct applied in similarly situated school districts, the Commissioner’s decision to affirm Riou’s termination was not supported by substantial evidence. NEISD and the Commissioner argue Riou waived her argument about the lack of evidence by not addressing it during oral argument before the school board. They also contend there is substantial evidence to support the Commissioner’s decision to affirm Riou’s termination.

*Judy Millspaugh v. Bulverde Spring Branch Emergency Services* - Judy Millspaugh sued her former employer, Bulverde Spring Branch Emergency Services (BSBES) under 42 U.S.C. section 1983. Millspaugh alleged she was wrongfully terminated in retaliation for exercising her constitutional right to free speech. BSBES filed a plea to the jurisdiction, urging the trial court to dismiss Millspaugh’s suit. According to BSBES, the trial court lacked jurisdiction over Millspaugh’s suit because BSBES was a non-profit organization and the decision to terminate Millspaugh was not made “under color of law” as required for a section 1983 claim. The trial court granted the plea to the jurisdiction and dismissed Millspaugh’s suit. On appeal, Millspaugh argues the trial court erred in granting the

# Court Advisory



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



plea to the jurisdiction and in dismissing her section 1983 claim because a disputed fact issue existed about whether BSBES acted “under color of law” in terminating her.

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