



# THE SUPREME COURT OF TEXAS

Orders Pronounced December 21, 2018

## ORDERS ON CAUSES

- 16-0998 RSL FUNDING, LLC AND RSL SPECIAL-IV LIMITED PARTNERSHIP v. RICKEY NEWSOME; from Dallas County; 5th Court of Appeals District (05-15-00718-CV, 559 SW3d 169, 08-30-16)

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

Justice Devine delivered the opinion of the Court.

- 17-0065 COMPASS BANK v. FRANCISCO CALLEJA-AHEDO; from Harris County; 1st Court of Appeals District (01-15-00210-CV, 508 SW3d 791, 12-15-16)

The Court reverses the court of appeals' judgment and remands the case to that court.

Justice Blacklock delivered the opinion of the Court.

- 17-0151 JBS CARRIERS, INC. AND JAMES LUNDRY v. TRINETTE L. WASHINGTON, SOPHIA RENEE LENZY, THOMAS CHARLES LENZY, INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF MARY L. TURNER, DECEASED; from Bexar County; 4th Court of Appeals District (04-15-00463-CV, 513 SW3d 703, 01-11-17)

The Court reverses the court of appeals' judgment, renders judgment in part, and remands the case to the trial court.

Justice Johnson delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Guzman, Justice Devine, Justice Brown, and Justice Blacklock joined.

(Justice Lehrmann and Justice Boyd not sitting)

- 17-0256 TEXAS HEALTH PRESBYTERIAN HOSPITAL OF DENTON, MARC WILSON, M.D., AND ALLIANCE OB/GYN SPECIALISTS, PLLC D/B/A OB/GYN SPECIALISTS, PLLC v. D.A. AND M.A., INDIVIDUALLY AND AS NEXT FRIENDS OF A.A., A MINOR; from Denton County; 2nd Court of Appeals District (02-16-00148-CV, 514 SW3d 431, 02-16-17)

The Court reverses the court of appeals' judgment, renders judgment, and remands the case to the trial court.

Justice Boyd delivered the opinion of the Court.

- 17-0628 S&S EMERGENCY TRAINING SOLUTIONS, INC. D/B/A EMERGENCY MEDICAL TRAINING SERVICES v. SHEILA ELLIOTT; from Collin County; 5th Court of Appeals District (05-16-01373-CV, \_\_\_ SW3d \_\_\_, 05-16-17)

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

Justice Johnson delivered the opinion of the Court.

17-0888 CARL OWENS, JR., CONNIE OWENS, MICHAEL TERRY, AND SANDI TERRY v. THE CITY OF TYLER, TEXAS; from Smith County; 12th Court of Appeals District (12-16-00128-CV, \_\_\_ SW3d \_\_\_, 08-16-17)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court vacates the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

16-0647 THE STATE OF TEXAS EX REL. GEORGE DARRELL BEST v. PAUL REED HARPER; from Somervell County; 10th Court of Appeals District (10-15-00105-CV, 493 SW3d 105, 04-21-16)

The Court's opinion issued June 29, 2018 is corrected. The dissenting opinion by Justice Boyd, in which Justice Johnson and Justice Lehrmann joined, remains in place.  
Justice Blacklock did not participate in the decision.

**ORDERS ON CASES GRANTED**

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

18-0178 SJ SPERO & ASSOCIATES, P.C. v. BARBARA FAIN DAVIS AND LANCE DAVIS; from Dallas County; 5th Court of Appeals District (05-17-00023-CV, \_\_\_ SW3d \_\_\_, 11-01-17)  
motion for voluntary dismissal granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court grants the petition for review, vacates the judgments of the court of appeals and trial court, and remands the case to the trial court for rendition of judgment in accordance with the parties' settlement agreement.

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

18-0667 JAMES ALLEN PELLOAT v. KATHERINE MCKAY BOLENBAUCHER; from Jefferson County; 9th Court of Appeals District (09-17-00415-CV, \_\_\_ SW3d \_\_\_, 05-24-18)

18-0752 RIGOBERTO CEPEDA AND DAVID LORENZA JOYNER v. VINCENT RODRIGUEZ, REYES CEPEDA, LUIS ZEPEDA, LINDA STOREY, AND DALE GORCZYNSKI; from Harris County; 14th Court of Appeals District (14-18-00541-CV, \_\_\_ SW3d \_\_\_, 08-02-18)

18-0840 LAYLA CLAIRE MARTIN OSLEY AND MILTON J. FLICK, TRUSTEE v. DORIS JACQUELYN NAYLOR; from McMullen County; 4th Court of Appeals District (04-17-00372-CV, \_\_\_ SW3d \_\_\_, 08-22-18)

18-0964 IN THE INTEREST OF A.T.O., JR., CHILD; from Harris County; 1st Court of Appeals District (01-18-00173-CV, \_\_\_ SW3d \_\_\_, 08-07-18)  
counsel's motion to withdraw granted

- 18-0997 IN THE INTEREST OF C.K. AND P.K., CHILDREN; from Denton County; 2nd Court of Appeals District (02-17-00213-CV; 02-18-00017-CV, \_\_\_ SW3d \_\_\_, 09-13-18)
- 18-1005 TRACY NIXON v. THE ATTORNEY GENERAL OF THE STATE OF TEXAS, ET AL.; from Dallas County; 5th Court of Appeals District (05-17-00582-CV, \_\_\_ SW3d \_\_\_, 06-21-18)
- 18-1011 ROBERT A. MCALLISTER, JR. AND ROBERT A. MCALLISTER, JR. AND ASSOCIATES, P.C. v. TRUYEN LUONG; from Harris County; 1st Court of Appeals District (01-17-00198-CV, \_\_\_ SW3d \_\_\_, 08-02-18)
- 18-1036 BILLY CHARLES WILKINS v. JUDGE STEPHEN ELLIS; from Brown County; 11th Court of Appeals District (11-18-00208-CR, \_\_\_ SW3d \_\_\_, 08-16-18)
- 18-1042 IN THE INTEREST OF D.L.A., JR., D.L.A.R., B.B.R., B.L.A.R., AND J.R.; from Bexar County; 4th Court of Appeals District (04-18-00182-CV, \_\_\_ SW3d \_\_\_, 09-18-18)
- 18-1068 DONALD CARDWELL AND 121 INVESTMENTS, L.L.C. v. BILL GURLEY; from Dallas County; 5th Court of Appeals District (05-09-01068-CV, \_\_\_ SW3d \_\_\_, 07-18-18)
- 18-1072 IN THE INTEREST OF D.S.H.; from Montgomery County; 9th Court of Appeals District (09-17-00426-CV, \_\_\_ SW3d \_\_\_, 09-27-18)
- 18-1123 IN THE INTEREST OF J.D., J.H., JR., AND G.A.V., JR., CHILDREN; from Bexar County; 4th Court of Appeals District (04-18-00442-CV, \_\_\_ SW3d \_\_\_, 10-10-18)
- 18-1145 IN THE INTEREST OF J.B., J.B., K.B., AND K.B., CHILDREN; from Tarrant County; 2nd Court of Appeals District (02-18-00214-CV, \_\_\_ SW3d \_\_\_, 10-18-18)  
motion for leave to withdraw as counsel granted
- 18-1159 IN THE INTEREST OF M.A.L.R., A CHILD; from Bexar County; 4th Court of Appeals District (04-18-00383-CV, \_\_\_ SW3d \_\_\_, 10-24-18)
- 18-1165 D.C. AND K.C. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Bell County; 3rd Court of Appeals District (03-18-00482-CV, \_\_\_ SW3d \_\_\_, 10-24-18)  
as supplemented  
motion for withdrawal of counsel granted

18-1173 IN THE INTEREST OF J.T.T.J., K.A.T. AND R.D.R.T., MINOR CHILDREN; from Gonzales County; 13th Court of Appeals District (13-18-00319-CV, \_\_\_ SW3d \_\_\_, 11-01-18)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

18-0843 MICHELIN NORTH AMERICA, INC. v. BRENDA ISELA LOPEZ DE SANTIAGO, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF EILEEN ARAMBULA LOPEZ, DECEASED; from El Paso County; 8th Court of Appeals District (08-17-00119-CV, \_\_\_ SW3d \_\_\_, 08-02-18)  
joint motion to dismiss appeal granted

**ORDERS ON MOTIONS FOR REHEARING**

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

18-0661 COLIN SHILLINGLAW v. BAYLOR UNIVERSITY; from McLennan County; 10th Court of Appeals District (10-17-00259-CV, \_\_\_ SW3d \_\_\_, 06-06-18)

18-0690 IN THE INTEREST OF P.S.E. AND J.T.S., CHILDREN; from Harris County; 1st Court of Appeals District (01-17-00926-CV, \_\_\_ SW3d \_\_\_, 05-29-18)  
counsel's motion to withdraw dismissed as moot

18-0854 JASON C. WEBSTER, P.C. D/B/A THE WEBSTER LAW FIRM AND JASON C. WEBSTER v. ANDRINA DE ANDA F/K/A ANDRINA GARZA; from Harris County; 14th Court of Appeals District (14-17-00020-CV, \_\_\_ SW3d \_\_\_, 07-26-18)

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

18-0480 IN RE JONES LANG LASALLE-TEXAS, INC.; from Harris County; 1st Court of Appeals District (01-16-00564-CV, 556 SW3d 331, 09-19-17)

18-0858 IN RE FLORENCE M. HILL; from Tarrant County; 2nd Court of Appeals District (02-16-00359-CV, \_\_\_ SW3d \_\_\_, 10-13-16)

18-0920 IN RE DARRELL J. HARPER; from Harris County; 14th Court of Appeals District (14-18-00730-CV, \_\_\_ SW3d \_\_\_, 08-30-18)

18-1029 IN RE BRUCE HIRAN, ET AL.; from Harris County; 14th Court of Appeals District (14-18-00572-CV, \_\_\_ SW3d \_\_\_, 08-02-18)  
motion for en banc reconsideration denied

**MISCELLANEOUS**

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

18-1026 IN RE THOMAS LEE SWAN; from Anderson County; 12th Court of Appeals District (12-18-

00210-CV, \_\_\_ SW3d \_\_\_, 08-08-18)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

18-1027 IN RE JENNIFER ANN LARKINS-RUBY; from Austin County; 1st Court of Appeals District  
(01-18-00746-CV)

*See* TEX. R. APP. P. 5