



THE SUPREME COURT OF TEXAS

Orders Pronounced August 30, 2019

ORDERS ON CAUSES

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 17-0588 ERIC D. HILLMAN v. NUECES COUNTY, TEXAS AND NUECES COUNTY DISTRICT ATTORNEY'S OFFICE; from Nueces County; 13th Court of Appeals District (13-16-00012-CV, 559 SW3d 183, 06-08-17)
- 17-0637 THE DALLAS MORNING NEWS, INC. AND KEVIN KRAUSE v. LEWIS HALL AND RICHARD HALL, INDIVIDUALLY AND ON BEHALF OF RXPRESS PHARMACIES AND XPRESS COMPOUNDING; from Parker County; 2nd Court of Appeals District (02-16-00371-CV, 524 SW3d 369, 05-25-17)
- 18-0278 DANIEL S. BARNETT AND ABOVO CORPORATION v. RICHARD B. SCHIRO; from Dallas County; 5th Court of Appeals District (05-16-00999-CV, ___ SW3d ___, 01-09-18)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 17-0819 STATE OF TEXAS v. R.R.S., A JUVENILE; from El Paso County; 8th Court of Appeals District (08-16-00042-CV, 536 SW3d 67, 08-25-17)
[Note: This case has been set for oral argument at 9:00 a.m., January 7, 2020.]
Time allotted to argue: 20/20 minutes
- 18-0351 UNIVERSITY OF INCARNATE WORD v. VALERIE REDUS, ET AL.; from Bexar County; 4th Court of Appeals District (04-15-00120-CV, ___ SW3d ___, 03-07-18)
[Note: This case has been set for oral argument at 9:00 a.m., December 4, 2019.]
Time allotted to argue: 20/20 minutes
- 18-0352 CHALKER ENERGY PARTNERS III, LLC, ET AL. v. LE NORMAN OPERATING LLC; from Harris County; 1st Court of Appeals District (01-15-01099-CV, 547 SW3d 27, 10-03-17)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., December 4, 2019.]
Time allotted to argue: 20/20 minutes

18-0438 THE EPISCOPAL DIOCESE OF FORT WORTH v. THE EPISCOPAL CHURCH; from Tarrant County; 2nd Court of Appeals District (02-15-00220-CV, 547 SW3d 353, 04-05-18)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., December 5, 2019.]
Time allotted to argue: 20/20 minutes

18-0664 PRSI TRADING, LLC v. HARRIS COUNTY; from Harris County; 1st Court of Appeals District (01-16-00389-CV, ___ SW3d ___, 06-22-17)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 5, 2019.]
Time allotted to argue: 20/20 minutes

18-0768 SOUTHWESTERN ELECTRIC POWER COMPANY v. KENNETH LYNCH, TOMMY BATCHELOR AND TWANT WILSON; from Bowie County; 6th Court of Appeals District (06-17-00067-CV, ___ SW3d ___, 06-12-18)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 5, 2019.]
Time allotted to argue: 20/20 minutes

18-0986 NORTH EAST INDEPENDENT SCHOOL DISTRICT AND TEXAS COMMISSIONER OF EDUCATION v. DEHANN RIOU; from Bexar County; 4th Court of Appeals District (04-17-00592-CV, ___ SW3d ___, 07-25-18)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., January 7, 2020.]
Time allotted to argue: 20/20 minutes

18-1053 IN RE THE COMMITMENT OF MAURICE BLUITT; from Tarrant County; 2nd Court of Appeals District (02-17-00150-CV, 562 SW3d 665, 09-27-18)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 7, 2020.]
Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED AS MOOT:

19-0016 THE CITY OF DALLAS v. DALLAS COMPANION ANIMAL PROJECT; from Dallas County; 5th Court of Appeals District (05-18-00453-CV, ___ SW3d ___, 10-26-18)

19-0454 IN THE INTEREST OF I.L., A CHILD; from Bexar County; 4th Court of Appeals District (04-18-00742-CV, ___ SW3d ___, 04-10-19)

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 17-0971 GENE E. PHILLIPS, INDIVIDUALLY AND D/B/A PHILLIPS OIL INTERESTS, LLC v. CARLTON ENERGY GROUP, LLC; from Harris County; 1st Court of Appeals District (01-09-00997-CV, 535 SW3d 542, 08-30-16)
(Justice Busby not participating)
- 17-1008 B.C. v. STEAK N SHAKE OPERATIONS, INC.; from Collin County; 5th Court of Appeals District (05-14-00649-CV, 532 SW3d 547, 08-30-17)
- 18-0092 SHANNON DAVIS v. HUMBLE SURGICAL HOSPITAL, LLC, K&S CONSULTING, LLC D/B/A K+S CONSULTING; from Harris County; 14th Court of Appeals District (14-16-01026-CV, 542 SW3d 12, 10-17-17)
(Justice Busby not participating)
- 18-0282 IN THE INTEREST OF B.D.A., L.A.A.-M., AND J.X.A., CHILDREN; from Harris County; 1st Court of Appeals District (01-17-00065-CV, 546 SW3d 346, 02-08-18)
- 18-0306 GLORIA LOZANO v. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER; from El Paso County; 8th Court of Appeals District (08-16-00227-CV, 570 SW3d 740, 02-14-18)
- 18-0309 BERKEL & COMPANY CONTRACTORS, INC. v. TYLER LEE AND LEIGH ANN LEE, INDIVIDUALLY AND AS NEXT FRIEND OF S.R.L., A MINOR; from Brazoria County; 14th Court of Appeals District (14-15-00787-CV, 543 SW3d 288, 01-23-18)
2 petitions
(Justice Lehrmann and Justice Busby not participating)
- 18-0370 LOUISE JENSCHKE v. ELAINE CLAUSSEN; from Karnes County; 4th Court of Appeals District (04-17-00132-CV, ___ SW3d ___, 02-07-18)
- 18-0557 JOHNSON COUNTY SPECIAL UTILITY DISTRICT v. PUBLIC UTILITY COMMISSION OF TEXAS; from Travis County; 3rd Court of Appeals District (03-17-00160-CV, ___ SW3d ___, 05-11-18)
- 18-0611 TEC OLMOS, LLC AND TERRACE ENERGY CORPORATION F/K/A TERRACE RESOURCES, INC. v. CONOCOPHILLIPS COMPANY; from Harris County; 1st Court of Appeals District (01-16-00579-CV, 555 SW3d 176, 05-31-18)
- 18-0625 DON A. JANSSEN AND DEBRA JANSSEN v. RITA GONZALEZ AS TRUSTEE OF RG FAMILY TRUST AND RAMON GONZALEZ; from Karnes County; 4th Court of Appeals District (04-17-00347-CV, 553 SW3d 633, 05-30-18)

- 18-0651 TOWN OF NORTHLAKE v. CITY OF JUSTIN; from Denton County; 6th Court of Appeals District (06-17-00054-CV, ___ SW3d ___, 05-02-18)
- 18-0659 THE STATE OF TEXAS v. GLEANNLOCH COMMERCIAL DEVELOPMENT, LP; from Harris County; 14th Court of Appeals District (14-16-00037-CV, ___ SW3d ___, 03-08-18)
(Justice Busby not participating)
- 18-0738 HINGA MBOGO, HINGA'S AUTOMOTIVE CO., AND 3516 ROSS AVENUE, DALLAS, TEXAS v. CITY OF DALLAS, AND MICHAEL S. RAWLINGS, IN HIS OFFICIAL CAPACITY AS MAYOR OF THE CITY OF DALLAS, TEXAS, ET AL; from Dallas County; 5th Court of Appeals District (05-17-00879-CV, ___ SW3d ___, 06-29-18)
- 18-0803 RICK SOLIZ v. MONTGOMERY COUNTY APPRAISAL DISTRICT; from Montgomery County; 9th Court of Appeals District (09-18-00030-CV, ___ SW3d ___, 05-17-18)
as redrafted
- 18-0859 SUPERIOR ENERGY SERVICES, INC. v. VINCENT PARTIN; from Harris County; 1st Court of Appeals District (01-17-00629-CV, ___ SW3d ___, 08-14-18)
- 18-1081 RAQUEL SUAREZ, LUCILA SUAREZ, RAQUEL SUAREZ, RUBEN DARIO SUAREZ, INDIVIDUALLY AND AS HEIRS TO AND REPRESENTATIVES OF THE ESTATE OF JOSE DARIO SUAREZ, DECEASED v. AUSTIN BRIDGE & ROAD, LP; from Harris County; 1st Court of Appeals District (01-16-00682-CV, ___ SW3d ___, 05-03-18)
(Justice Lehrmann not participating)
- 18-1103 DENTISTRY OF BROWNSVILLE, PC, KS2 TX, PC, SUMMIT DENTAL CENTER, LP AND HARLINGEN FAMILY DENTISTRY v. TEXAS HEALTH AND HUMAN SERVICES COMMISSION, CHARLES SMITH, EXECUTIVE DIRECTOR, AND ANNICK BARTON; from Travis County; 3rd Court of Appeals District (03-17-00552-CV, ___ SW3d ___, 10-18-18)
- 18-1113 TRACY L. CHILDERS AND MARY RUTH TROUT v. AVPM CORP. D/B/A STONELEIGH PLACE; from Dallas County; 5th Court of Appeals District (05-17-00372-CV, ___ SW3d ___, 07-03-18)
- 18-1207 TEXAS RACQUET & SPA, INC., D/B/A WESTSIDE TENNIS & FITNESS v. GINNY BOGGUS OBO JOHN CASEY; from Harris County; 14th Court of Appeals District (14-17-00308-CV, ___ SW3d ___, 08-16-18)
(Justice Busby not participating)
- 18-1228 RICHARD O. WEED, TIMOTHY A. WEED, AND REES R. OLIVER, III v. FROST BANK,

INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF REES R. OLIVER, JR. DECEASED; from Bexar County; 4th Court of Appeals District (04-17-00811-CV, 565 SW3d 397, 11-14-18)

(Justice Guzman not participating)

19-0011 COREALM, LLC v. KEEN FUSION, INC.; from Travis County; 3rd Court of Appeals District (03-17-00707-CV, ___ SW3d ___, 11-21-18)

19-0028 UNITED HEALTHCARE SERVICES, INC., UNITED HEALTHCARE INSURANCE COMPANY, UNITED HEATHCARE BENEFITS OF TEXAS, INC. & UNITED HEALTHCARE OF TEXAS, INC. v. HORTENCIA LUNA GONZALES AND RIVER OAKS EMERGENCY CENTER, LLC, ST MICHAEL'S EMERGENCY CENTER LLC, THE WOODLANDS FEC LLC, BRIAN ORSAK AND SHANNON ORSAK, JACOB VARON, FIRST STREET HOSPITAL LP, FIRST SURGICAL LLC & FIRST SURGICAL PARTNERS HOLDING INC. ET AL; from Harris County; 1st Court of Appeals District (01-17-00237-CV, 570 SW3d 323, 11-29-18)

19-0035 CHW-LATTAS CREEK, L.P. v. CITY OF ALICE; from Jim Wells County; 4th Court of Appeals District (04-18-00251-CV, 565 SW3d 779, 10-31-18)

19-0047 ABDUL HAMID RASUL AND ABRAHAM RASUL v. AZIZI RAHMAN RASUL, M. SHUAIB RASUL, M. IQBAL RASUL, KHALIL RAHMAN RASUL, HABIB RAHMAN RASUL, M. AMIN RASUL, AND RHAMAN TYRES INTERNATIONAL (PRIVATE) LIMITED; from Collin County; 5th Court of Appeals District (05-17-00612-CV, ___ SW3d ___, 12-17-18)

19-0060 ROSARA INVESTMENTS, LLC AND LMMM HOUSTON #50, LTD. v. AMIN ABEL, ET AL.; from Harris County; 1st Court of Appeals District (01-16-00415-CV, 562 SW3d 604, 08-23-18)

19-0062 SCARLETTE RAFFERTY ELLIOT, INDIVIDUALLY AND AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF SEAN CHRISTIAN RAFFERTY, AND SEAN PAUL RAFFERTY, INDIVIDUALLY v. BIRCHMAN BAPTIST CHURCH; from Denton County; 2nd Court of Appeals District (02-18-00031-CV, ___ SW3d ___, 11-21-18)

19-0071 MBOMETTE ASUQUO UDOBONG v. VERONICA MBOMETTE UDOBONG AND THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS; from Harris County; 14th Court of Appeals District (14-16-00856-CV, ___ SW3d ___, 12-06-18)

(Justice Busby not participating)

19-0080 ALI CHOUDHRI v. OSAMA ABDULLATIF AND ALI MOKARAM; from Harris County; 14th Court of Appeals District (14-16-00116-CV, 561 SW3d 590, 03-30-18)

2 petitions
as amended

(Justice Guzman and Justice Busby not participating)

19-0111 JOHN DAVID ADAMS v. STARSIDE CUSTOM BUILDERS, LLC; from Collin County; 5th Court of Appeals District (05-15-01162-CV, ___ SW3d ___, 12-07-18)

19-0124 PAUL T. YOUNG v. THE LANDING COMMUNITY IMPROVEMENT ASSOCIATION, INC.; from Galveston County; 1st Court of Appeals District (01-15-00816-CV, ___ SW3d ___, 05-22-18)

19-0126 THE STATE OF TEXAS BY AND THROUGH THE CITY OF DALLAS v. DALLAS PETS ALIVE; from Dallas County; 5th Court of Appeals District (05-18-00084-CV & 05-18-00282-CV, 566 SW3d 914, 12-21-18)

19-0127 STEPHEN MANLEY v. BANK OF AMERICA, N.A.; from Harris County; 1st Court of Appeals District (01-18-00080-CV, ___ SW3d ___, 12-20-18)
as redrafted

(Justice Busby not participating)

19-0149 MARTA DIAZ v. ZURICH AMERICAN INSURANCE CO.; from Travis County; 14th Court of Appeals District (14-17-00295-CV, 566 SW3d 297, 08-30-18)

(Justice Busby not participating)

19-0164 RICHARDSON COMMUNICATIONS & CONSULTING, INC. v. JAMES H. MCNEESE; from Collin County; 5th Court of Appeals District (05-17-00969-CV, ___ SW3d ___, 12-12-18)

19-0168 JEFF HART, AS NEXT FRIEND OF K.H., A MINOR, FARMERS TEXAS COUNTY MUTUAL INSURANCE COMPANY, AND RACHEL E. HOWARD v. CITY OF FORT WORTH; from Johnson County; 10th Court of Appeals District (10-17-00258-CV, ___ SW3d ___, 01-02-19)

19-0274 KILGORE INDEPENDENT SCHOOL DISTRICT v. THE STATE OF TEXAS; from Gregg County; 6th Court of Appeals District (06-18-00016-CV, 572 SW3d 244, 02-11-19)

19-0285 EX PARTE D.D.G.; from Brazos County; 10th Court of Appeals District (10-17-00123-CV, ___ SW3d ___, 02-27-19)

19-0290 NORTHWEST REGIONAL AIRPORT PROPERTY OWNERS ASSOCIATION, INC. v.

CHARLES GLEN HYDE, NORTHWEST REGIONAL AIRPORT, INC., TEXAS AIR CLASSICS, INC., DREAMSHIPS, INC., AND HYDE-WAY, INC.; from Denton County; 2nd Court of Appeals District (02-17-00385-CV, ___ SW3d ___, 12-20-18)

- 19-0296 TEXAS BLACK IRON, INC. v. ARAWAK ENERGY INTERNATIONAL, LTD.; from Harris County; 14th Court of Appeals District (14-17-00748-CV, 566 SW3d 801, 12-06-18)
- 19-0335 JUDITH ANN MIEARS AND PATRICIA ANDERSON v. JEAN MCPHERSON; from Guadalupe County; 4th Court of Appeals District (04-17-00514-CV, ___ SW3d ___, 01-16-19)
- 19-0350 JOHN ELLIS v. DALLAS AREA RAPID TRANSIT; from Dallas County; 5th Court of Appeals District (05-18-00521-CV, ___ SW3d ___, 03-13-19)
- 19-0353 HEATHER KUTYBA v. ASHLEE E. WATTS, D.V.M. AND TEXAS A&M UNIVERSITY; from Brazos County; 10th Court of Appeals District (10-18-00168-CV, ___ SW3d ___, 03-13-19)
- 19-0378 PRIMESTAR CONSTRUCTION, INC. v. CITY OF DALLAS, TEXAS; from Dallas County; 5th Court of Appeals District (05-17-01447-CV, ___ SW3d ___, 03-05-19)
- 19-0388 LOUISE H. CHABOT v. THE ESTATE OF JOHN EDWARD SULLIVAN, DECEASED; MICHAEL E. DEADMAN, TEMPORARY ADMINISTRATOR; AND JOHN S. YOUNG; from Tom Green County; 3rd Court of Appeals District (03-17-00865-CV, ___ SW3d ___, 03-20-19)
- 19-0409 V.C. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Travis County; 3rd Court of Appeals District (03-18-00746-CV, ___ SW3d ___, 03-28-19)
- 19-0417 ROBERT J. WILSON v. THE STATE BAR OF TEXAS; from Travis County; 3rd Court of Appeals District (03-18-00649-CV, ___ SW3d ___, 03-20-19)
- 19-0433 ROBERT S. BENNETT v. COMMISSION FOR LAWYER DISCIPLINE; from Harris County; 14th Court of Appeals District (14-17-00521-CV, ___ SW3d ___, 12-21-18)
(Justice Lehrmann and Justice Busby not participating)
- 19-0434 TEXAS SMAC, LLC v. EMJ CORPORATION; from Webb County; 4th Court of Appeals District (04-18-00391-CV, ___ SW3d ___, 05-01-19)
- 19-0438 LASTARZA DANIELS v. JEANNETTE DANIELS, ANITA RHODES, AND WESLEY

DANIELS; from Morris County; 6th Court of Appeals District (06-18-00049-CV, 575 SW3d 841, 04-11-19)

19-0457 IN THE INTEREST OF Z.Q.N., A CHILD; from Harris County; 14th Court of Appeals District (14-17-00434-CV, ___ SW3d ___, 02-21-19)

19-0487 IN THE INTEREST OF I.M.M. AND K.R.M., CHILDREN; from Harris County; 1st Court of Appeals District (01-17-00415-CV, ___ SW3d ___, 04-23-19)
as redrafted

19-0528 GLORIA C. ZERMEÑO v. NOELIA GARCIA, MARIO ZERMEÑO, AND Z READY MIX, INC.; from Harris County; 14th Court of Appeals District (14-17-00843-CV, ___ SW3d ___, 05-09-19)

(Justice Lehrmann and Justice Busby not participating)

19-0535 MURPHY LAND GROUP, LLC v. ATMOS ENERGY CORPORATION; from Houston County; 12th Court of Appeals District (12-18-00138-CV, ___ SW3d ___, 04-17-19)

19-0550 IN THE INTEREST OF M.S., A CHILD; from Tarrant County; 2nd Court of Appeals District (02-18-00379-CV, ___ SW3d ___, 04-22-19)

3 petitions
motion to withdraw granted

19-0617 KENNETH A. EVERHARD v. PLAINSCAPITAL BANK; from Hidalgo County; 13th Court of Appeals District (13-18-00036-CV, ___ SW3d ___, 06-06-19)

(Justice Boyd not participating)

19-0632 JOAN L. GILLHAM v. ANGELINA SANCHEZ; from Dallas County; 5th Court of Appeals District (05-17-01449-CV, ___ SW3d ___, 05-13-19)

19-0717 IN THE INTEREST OF A.J., A CHILD; from Eastland County; 11th Court of Appeals District (11-19-00133-CV, ___ SW3d ___, 08-08-19)

motion to withdraw granted

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

19-0711 IN RE COMMITMENT OF JOHN MICHAEL ENARD; from Montgomery County; 9th Court of Appeals District (09-19-00046-CV, ___ SW3d ___, 03-07-19)

See TEX. R. APP. P. 53.7(a)

ORDERS ON MOTIONS FOR REHEARING

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

- 17-1050 TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER v. BRENDA BONEWIT; from Lubbock County; 7th Court of Appeals District (07-16-00211-CV, ___ SW3d ___, 11-15-17)
- 18-0893 CITY OF WESTWORTH VILLAGE, TEXAS v. CITY OF WHITE SETTLEMENT, TEXAS; from Tarrant County; 2nd Court of Appeals District (02-17-00211-CV, 558 SW3d 232, 08-09-18)
- 19-0166 REAL PROPERTY LOCATED AT 404 FULLER ST., KERRVILLE, KERR COUNTY, TEXAS v. THE STATE OF TEXAS; from Kerr County; 4th Court of Appeals District (04-17-00676-CV, ___ SW3d ___, 12-19-18)
- 19-0187 ARMANDO AVILA v. UNITED PARCEL SERVICE, INC.; from Travis County; 3rd Court of Appeals District (03-18-00233-CV, ___ SW3d ___, 08-29-19)
- 19-0284 PAUL E. NUNU v. CHARLES L. NUNU AND NANCY NUNU RISK; from Harris County; 14th Court of Appeals District (14-18-00109-CV, 567 SW3d 462, 01-15-19)
(Justice Busby not participating)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 18-0084 IN RE RAY L. HUNT, ET AL.; from Collin County; 5th Court of Appeals District (05-17-01389-CV, ___ SW3d ___, 12-28-17)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 18-0799 IN RE INAE OH; from Bexar County; 4th Court of Appeals District (04-18-00138-CV, ___ SW3d ___, 07-05-18)
(Justice Lehrmann not participating)
- 19-0375 IN RE SWAN PRODUCTS, LLC; from McLennan County; 10th Court of Appeals District (10-19-00043-CV, ___ SW3d ___, 04-17-19)
- 19-0447 IN RE HAROLD D. HAMMETT; from Tarrant County; 2nd Court of Appeals District (02-19-00138-CV, ___ SW3d ___, 05-16-19)
- 19-0480 IN RE S.E. AND M.E.; from Montgomery County; 9th Court of Appeals District (09-19-00166-CV, ___ SW3d ___, 06-03-19)
motion for expedited consideration dismissed as moot

19-0504 IN RE STEVEN M. JOHNSON, INDIVIDUALLY AND LAW OFFICES OF STEVEN M. JOHNSON, P.C., D/B/A THE JOHNSON LAW FIRM, AND BARRY JOHNSON; from Dallas County; 5th Court of Appeals District (05-19-00314-CV)

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

19-0152 THE CITY OF DALLAS; from Dallas County; 5th Court of Appeals District (05-18-00453-CV, ___ SW3d ___, 10-26-18)

THE DECISIONS OF THE BOARD OF DISCIPLINARY APPEALS IN THE FOLLOWING APPEALS ARE AFFIRMED:

19-0159 VICTORIA V. OCHSNER v. COMMISSION FOR LAWYER DISCIPLINE (60345)

19-0160 MPATANISHI S. TAYARI GARRETT v. COMMISSION FOR LAWYER DISCIPLINE (60782)