



JUDGMENT

Court of Appeals

First District of Texas

NO. 01-19-00092-CV

TERRANCE J. HLAVINKA, KENNETH HLAVINKA, TRES BAYOU FARMS, L.P.,
AND TERRANCE HLAVINKA CATTLE COMPANY, Appellants

V.

HSC PIPELINE PARTNERSHIP, LLC, Appellee

Appeal from County Court at Law No. 2 of Brazoria County. (Tr. Ct. No. C154928).

This case is an appeal from the final judgment signed by the trial court on November 29, 2018. After submitting the case on the appellate record and the arguments properly raised by the parties, the Court holds that there was reversible error in the portions of the trial court's judgment granting HSC Pipeline Partnership, LLC's motion for summary judgment and excluding Terry Hlavinka's testimony regarding the market value of the condemned easement. Accordingly, the Court **reverses** these portions of the trial court's judgment and **remands** the case to the trial court for further proceedings.

The Court further holds that there was no reversible error in the portions of the trial court's judgment denying the Hlavinkas' plea to the jurisdiction and admitting Roger Herrscher's affidavits. Therefore, the Court **affirms** these portions of the trial court's judgment.

The Court further holds that there was no reversible error in the remaining portions of the trial court's judgment. Therefore, the Court **affirms** the remaining portions of the trial court's judgment.

The Court **orders** that the appellants, Terrance J. Hlavinka, Kenneth Hlavinka, Tres Bayou Farms, L.P., and Terrance Hlavinka Cattle Company, jointly and severally, pay one-half of the appellate costs. The Court orders that appellee, HSC Pipeline Partnership, LLC, pay one-half of the appellate costs.

The Court **orders** that this decision be certified below for observance.

Judgment rendered June 18, 2020.

Panel consists of Justices Lloyd, Kelly, and Hightower. Opinion delivered by Justice Lloyd.