



THE SUPREME COURT OF TEXAS

Orders Pronounced April 16, 2021

ORDERS ON CAUSES

18-1181 EMERSON ELECTRIC CO. D/B/A FUSITE AND EMERSON CLIMATE TECHNOLOGIES, INC. v. CLARENCE JOHNSON; from Tarrant County; 2nd Court of Appeals District (02-16-00173-CV, 601 SW3d 813, 10-18-18)

The Court affirms the court of appeals' judgment.

Justice Bland delivered the opinion of the Court.

19-0233 CONCHO RESOURCES, INC., ET AL. v. MARSHA ELLISON D/B/A ELLISON LEASE OPERATING; from Irion County; 13th Court of Appeals District (13-17-00046-CV, 608 SW3d 549, 02-14-19)

3 petitions

The Court reverses the court of appeals' judgment, reinstates the portions of the trial court's judgment incorporating its summary judgment orders, and remands the case to the court of appeals.

Justice Lehrmann delivered the opinion of the Court.

19-0400 SAN JACINTO RIVER AUTHORITY v. VICENTE MEDINA, ASHLEY MEDINA & ARIS ANTONIOU; from Harris County; 1st Court of Appeals District (01-18-00407-CV, 570 SW3d 820, 12-04-18)

~ consolidated with ~

19-0401 SAN JACINTO RIVER AUTHORITY v. MICHAEL A. BURNEY, ET AL.; from Harris County; 1st Court of Appeals District (01-18-00365-CV, 570 SW3d 820, 12-04-18)

~ consolidated with ~

19-0402 SAN JACINTO RIVER AUTHORITY v. CHARLES J. ARGENTO, ET AL.; from Harris County; 1st Court of Appeals District (01-18-00406-CV, 570 SW3d 820, 12-04-18)

The Court affirms the court of appeals' judgment.

Justice Devine delivered the opinion of the Court, in which Chief Justice Hecht, Justice Guzman, Justice Lehrmann, Justice Boyd, Justice Busby, Justice Bland, and Justice Huddle joined.

Justice Blacklock delivered a dissenting opinion.

19-0440 TEXAS SOUTHERN UNIVERSITY; DANNYE HOLLEY, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES; EDWARD MALDONADO (A/K/A SPEARIT), IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES; GABRIEL AITSEBAOMO, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES v. IVAN VILLARREAL; from Harris County; 1st Court of Appeals District (01-17-00867-CV, 570 SW3d 916, 12-31-18)

The Court reverses the court of appeals' judgment and renders judgment.

Justice Busby delivered the opinion of the Court.

19-0634 RAMONA ROGERS, M.D., MODESTO ZAMORANO, STEPHANIE CUMPIAN, ROLANDO FLORES, HECTOR ONTIVEROS, PRISCILLA NIETO, SONIA HERNANDEZ-KEEBLE, BLAS ORTIZ, JR., DAVID MORON, M.D., JAIME FLORES AND RIO GRANDE STATE CENTER v. DAVID SAXON BAGLEY, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JEREMIAH RAY BAGLEY; from Cameron County; 13th Court of Appeals District (13-18-00092-CV, 581 SW3d 362, 06-13-19)

2 petitions

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

Justice Huddle delivered the opinion of the Court.

19-0767 TEXAS PROPANE GAS ASSOCIATION v. THE CITY OF HOUSTON; from Travis County; 3rd Court of Appeals District (03-18-00596-CV, 608 SW3d 27, 07-18-19)

2 petitions

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

Chief Justice Hecht delivered the opinion of the Court, in which Justice Guzman, Justice Lehrmann, Justice Devine, Justice Busby, Justice Bland and Justice Huddle joined.

Justice Blacklock delivered an opinion concurring in part and dissenting in part, in which Justice Boyd joined.

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

19-0561 IN RE COMMITMENT OF JEFFERY LEE STODDARD; from Tarrant County; 2nd Court of Appeals District (02-17-00364-CV, 601 SW3d 879, 05-30-19)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

19-0793 VIRGINIA ANGEL, TRUSTEE FOR THE GOBSMACK GIFT TRUST, AS ASSIGNEE OF SOUTH STATE BANK, AND SOUTH STATE BANK, N.A., FORMERLY KNOWN AS CENTERSTATE BANK, N.A., AS SUCCESSOR IN INTEREST BY MERGER TO SOUTH STATE BANK v. KYLE TAUCH; from Harris County; 14th Court of Appeals District (14-17-00976-CV, 580 SW3d 808, 07-25-19)

motion for rehearing granted

denial of petition for review on October 2, 2020, withdrawn

petition reinstated

[**Note:** The date and time for oral argument are yet to be determined.]

(Justice Lehrmann not participating)

THE FOLLOWING CERTIFIED QUESTION FROM THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT IS ACCEPTED:

21-0312 DILLON GAGE, INCORPORATED OF DALLAS v. CERTAIN UNDERWRITERS AT LLOYDS SUBSCRIBING TO POLICY NO EE1701590

[**Note:** The date and time for oral argument are yet to be determined.]

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

20-0360 JOHN DOE v. UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER; DR. MICHAEL WILLIAMS, INDIVIDUALLY IN HIS OFFICIAL CAPACITY; AND DR. FRANK FILIPETO, INDIVIDUALLY IN HIS OFFICIAL CAPACITY; from Tarrant County; 2nd Court of Appeals District (02-19-00321-CV, ___ SW3d ___, 04-02-20)

20-1000 FRY SONS RANCH, INC. AND JAMES ANDY FRY, INDIVIDUALLY AND AS SOLE DIRECTOR OF FRY SONS RANCH, INC. v. JOSEPH NATHAN FRY, PRESS ALLEN FRY, AND EDWARD HEATH FRY, ALL INDIVIDUALLY AND AS REPRESENTATIVES AND MAJORITY SHAREHOLDERS OF FRY SONS RANCH, INC., AND AS BENEFICIARIES OF THE PRESS FRY FAMILY TRUST; from Burnet County; 3rd Court of Appeals District (03-19-00684-CV, ___ SW3d ___, 11-13-20)

21-0027 SHAMMAH STONE, LLC v. JOHN NAYMIK; from Jefferson County; 9th Court of Appeals District (09-18-00459-CV, ___ SW3d ___, 11-25-20)

21-0089 BRIGETTA D'OLIVIO v. GREG FOX; from Dallas County; 5th Court of Appeals District (05-18-00868-CV, ___ SW3d ___, 07-20-20)

21-0143 MATTRESS FIRM, INC. v. BRUCE LEVY AND TERRA CONSULTING II, LLC, MADISON DEVELOPMENT GROUP LLC, OLDACRE MCDONALD, LLC AND MARK MCDONALD, RYAN VINSON, WIN-DEVELOPMENT LLC, OWEN C. EWING AND JESSE MCINERNY, QUATTRO DEVELOPMENT, LLC AND MICHAEL LIYEOS, COLLIERS INTERNATIONAL- ATLANTA, LLC, ALEXANDER DEITCH, PREFERRED REALTY, LLC, CHASE VENTURES, LLC AND ABR INVESTMENT, LLC; from Harris County; 1st Court of Appeals District (01-18-00867-CV, 612 SW3d 467, 08-06-20)

21-0288 IN THE INTEREST OF P.C., A CHILD; from Tarrant County; 2nd Court of Appeals District (02-20-00313-CV, ___ SW3d ___, 02-11-21)

counsel's motion to withdraw granted

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

20-0826 DEWBERRY FARM, LLC AND LARRY EMERSON v. KIMBERLY ELIAS, AS NEXT FRIEND OF N.E., A MINOR; from Waller County; 1st Court of Appeals District (01-18-01058-CV, ___ SW3d ___, 09-01-20)
abatement order issued January 22, 2021, lifted
petition reinstated
agreed motion to dismiss granted

ORDERS ON MOTIONS FOR REHEARING

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

- 19-1029 INFOWARS, LLC; FREE SPEECH SYSTEMS, LLC; AND KIT DANIELS v. MARCEL FONTAINE; from Travis County; 3rd Court of Appeals District (03-18-00614-CV, ___ SW3d ___, 10-24-19)
- 19-1050 ALEX E. JONES; INFOWARS, LLC; AND FREE SPEECH SYSTEMS, LLC v. SCARLETT LEWIS; from Travis County; 3rd Court of Appeals District (03-19-00423-CV, ___ SW3d ___, 10-11-19)
- 19-1102 ALEX E. JONES; INFOWARS, LLC; AND FREE SPEECH SYSTEMS, LLC v. LEONARD POZNER AND VERONIQUE DE LA ROSA; from Travis County; 3rd Court of Appeals District (03-18-00603-CV, ___ SW3d ___, 11-05-19)
- 20-0347 ALEX E. JONES; INFOWARS, LLC; FREE SPEECH SYSTEMS, LLC; AND OWEN SHROYER v. NEIL HESLIN; from Travis County; 3rd Court of Appeals District (03-19-00811-CV, ___ SW3d ___, 03-25-20)
- 20-0790 LUIS ALBERTO VENCES v. MARISSA GARCIA ROBLEDO; from Travis County; 3rd Court of Appeals District (03-19-00828-CV, ___ SW3d ___, 08-27-20)
- 20-0791 LUIS ALBERTO VENCES v. MARISSA GARCIA ROBLEDO, EVANGELINA ROBLEDO, ANDREW EMERITO COSTILLA, JAMES STEPHEN SUSTAITA, AND MARY PRADO; from Travis County; 3rd Court of Appeals District (03-19-00858-CV, ___ SW3d ___, 08-28-20)
- 20-0828 DEBRA HARRISON v. HOWARD M. REINER, SUCCESSOR ADMINISTRATOR OF THE ESTATE OF NAPOLEON HARRISON, DECEASED AND U.S. SPECIALTY INSURANCE COMPANY; from Harris County; 14th Court of Appeals District (14-19-00050-CV, 607 SW3d 450, 08-06-20)
- 20-0835 ALEX E. JONES; INFOWARS, LLC; AND FREE SPEECH SYSTEMS, LLC v. NEIL HESLIN; from Travis County; 3rd Court of Appeals District (03-20-00008-CV, ___ SW3d ___, 08-14-20)

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

21-0031 GEORGE EARL DANNER v. KATHRYN M. DANNER; from Montgomery County; 9th Court of Appeals District (09-18-00385-CV, ___ SW3d ___, 10-29-20)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

21-0237 IN RE JOSHUA KNIGHT; from Johnson County

21-0303 IN RE TROY LEE SHAW, JR.; from Comal County; 3rd Court of Appeals District (03-21-00049-CV, ___ SW3d ___, 02-11-21)
relator's emergency motion to stay denied

21-0318 IN RE C.D.C; from Rockwall County; 5th Court of Appeals District (05-20-00983-CV, ___ SW3d ___, 02-02-21)
relator's motion for emergency stay denied

21-0336 IN RE: DANIEL J. EDELMAN, INC.; from Dallas County; 5th Court of Appeals District (05-21-00085-CV, ___ SW3d ___, 03-05-21)
relator's motion to exceed word count granted
emergency motion to stay proceedings denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

20-0633 IN RE WESTCHESTER SURPLUS LINES INSURANCE COMPANY, ET AL.; from Dallas County; 5th Court of Appeals District (05-20-00273-CV, ___ SW3d ___, 05-20-20)
relators' unopposed motion to dismiss granted

THE FOLLOWING PETITION FOR WRIT OF INJUNCTION IS DENIED:

21-0252 IN RE ALAMO DEFENDERS DESCENDANTS ASSOCIATION AND LEE WHITE, INDIVIDUALLY; from Travis County; 8th Court of Appeals District (08-20-00188-CV, ___ SW3d ___, 02-23-21)