

Court Advisory

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



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FOR IMMEDIATE RELEASE
June 14, 2013

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, June 19, 2013, beginning at 9:00 a.m., before the following panel of justices: Justice Sandee Bryan Marion, Justice Patricia O. Alvarez, and Justice Luz Elena D. Chapa.

The following case will be presented:

Thomas A. Lamont, et al. v. Vaquillas Energy Lopeno, Ltd., LLP and Job Energy Partners II, Ltd. – This appeal arises from a dispute over whether a seismic map of a gas prospect constitutes a trade secret and whether it was acquired through a violation of a confidential relationship or through improper means. Vaquillas Energy Lopeno Ltd. LLP and JOB Energy Partners II, Ltd. entered into “prospect generation” agreements with Ricochet Energy, Inc. At the time, Ricochet’s principles were Thomas Lamont and Jerry Hamblin. Pursuant to the “prospect generation agreements,” Vaquillas and JOB were each to provide Ricochet with funds to cover the overhead needed to develop oil and gas investment opportunities. In late 2004, Ricochet identified a gas prospect in Zapata County, Texas, which became known as the Lopeno Prospect. In 2005, Vaquillas and JOB accepted the prospect. Initially, Ricochet and its two principals retained a percentage of the working interest. Later, that percentage was offered to other investors including Rosendo Carrenco and Montecristo Energy, Ltd. In early 2007, Lamont separated from Ricochet. Before Lamont left, he requested that Ricochet’s geologist email him the seismic map. Within days, he gave the seismic map to Carrenco. Immediately thereafter, Carrenco and Lamont negotiated a lease with the owners of the property adjacent to Ricochet’s leased property. Then, they began drilling to deplete the gas reservoir. Vaquillas and JOB sued Carrenco, Lamont and their respective companies. The jury returned a verdict in favor of Vaquillas and JOB. The jury found that Carrenco, Lamont, and their companies misappropriated the seismic map and intentionally interfered with the prospect generation agreements. Carrenco, Lamont, and their respective companies appeal this verdict. Vaquillas and JOB cross-appeal on the grounds that the trial court erred in failing to award profits.

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The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, June 19, 2013, beginning at 10:00 a.m., before the following panel of justices: Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Patricia O. Alvarez.

The following case will be presented:

Christus Santa Rosa Health Care Corporation v. Jennifer Marie Botello and Edmond M. Ybarra, Individually and as Next Friends of Yzabella Marie Ybarra, a Minor Child - In the underlying health care liability lawsuit, appellees sued appellant for injuries allegedly sustained by Yzabella Marie Ybarra while she was hospitalized in November 2010 at Christus Santa Rosa Hospital. Appellant filed a motion to dismiss asserting appellees failed to timely serve their expert report. The trial court denied the motion, and this appeal ensued. Appellant's assertion that appellees' expert reports were untimely is premised on its argument that appellees' 120-day period in which to serve the reports was triggered on the date the first original petition was filed on July 5, 2012, and this deadline was not tolled by a nonsuit or satisfied by serving the reports when no lawsuit was pending following the nonsuit.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, June 19, 2013, beginning at 1:30 p.m., before the following panel of justices: Justice Rebeca C. Martinez, Justice Patricia O. Alvarez, and Justice Luz Elena D. Chapa.

The following case will be presented:

Ricochet Energy, Inc. and Jerry L. Hamblin v. Thomas A. Lamont, et al. – Jerry L. Hamblin and Ricochet Energy, Inc. appeal a summary judgment rendered in favor of Thomas A. Lamont in a suit to enforce a contractual indemnity provision. The issue before the Court is whether Lamont's actions for which he was found liable in a separate lawsuit fall within the scope of the parties' indemnity agreement.

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

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The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, June 20, 2013, beginning at 10:30 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Karen Angelini, and Justice Rebeca C. Martinez.

The following case will be presented:

Upsilon L.P. d/b/a North Texas Nissan v. New Car Concepts and Gregory Edgington – Upsilon L.P. d/b/a North Texas Nissan appeals a judgment awarding New Car Concepts and Gregory Edgington \$77,250 in lost profits arising out of Upsilon’s breach of a contract covering paint and body shop services for vehicles. Upsilon challenges the sufficiency of the evidence proving that it breached the contract and supporting the calculation of the lost profits suffered by New Car Concepts.

The oral arguments will be held in the Second Court’s Courtroom, Tim Curry Criminal Justice Center, 401 West Belknap, Suite 9000, Fort Worth, Texas.

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, June 20, 2013, beginning at 1:00 p.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Karen Angelini, and Justice Rebeca C. Martinez.

Earl Seaborn v. Ayesha Seaborn – This appeal concerns the division of military retired pay upon divorce.

The oral arguments will be held in the Second Court’s Courtroom, Tim Curry Criminal Justice Center, 401 West Belknap, Suite 9000, Fort Worth, Texas.