

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
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Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, August 15, 2013, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Marialyn Barnard, and Justice Luz Elena D. Chapa.

The following case will be presented:

Ryder Integrated Logistics, Inc. and Ryder Integrated Logistics of Tex., LLC v. Fayette County – This is an interlocutory appeal stemming from the trial court’s order granting Fayette County’s plea to the jurisdiction. Ryder Integrated Logistics, Inc. appeals the trial court’s order, claiming that Fayette County is not entitled to sovereign immunity or derived official immunity. Fayette County responds that the trial court correctly ruled in its favor under either of these immunity theories.

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, August 15, 2013, beginning at 10:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Rebeca C. Martinez.

The following case will be presented:

Lower Colorado River Authority v. City of Boerne – The LCRA appeals from the trial court’s order granting the City of Boerne’s plea to the jurisdiction on its declaratory judgment claim. LCRA argues the City of Boerne has no immunity from suit when the suit arises from the City’s exercise of a proprietary function - in this case contracting with the LCRA to supply the City’s electric power. LCRA asks this Court to overrule its prior opinion in *City of San Antonio ex rel. City Pub. Serv. Bd. v. Wheelabrator Air Pollution control, Inc.*, 381 S.W.3d 597 (Tex. App.—San Antonio 2012, pet. filed), and to hold that the governmental-proprietary distinction used in torts cases to determine immunity applies to contractual and quasi-contractual claims.

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The Fourth Court of Appeals will hear consolidated oral arguments in two appeals on Thursday, August 15, 2013, beginning at 2:00 p.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Luz Elena D. Chapa.

The following cases will be presented:

Waters at Northern Hills, LLC v. Bexar County Appraisal Dist., et al. – Appellants, who were the plaintiffs below, own and operate a 304-unit low-income apartment complex known as the Waters at Northern Hills, in San Antonio, Texas. Appellees, the defendants below, are the Bexar Appraisal District and various taxing authorities. This is an accelerated appeal from the trial court’s granting of appellees’ pleas to the jurisdiction.

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, August 15, 2013, beginning at 3:00 p.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 Corp. v. Botello - 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.

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