

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
September 12, 2013

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeals on Tuesday, September 17, 2013, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Patricia O. Alvarez.

The following case will be presented:

Shannon L. Johnson and Javier G. Gonzalez v. Waters at Elm Creek, LLC
- This appeal arises from a dispute over the return of a security deposit. After a bench trial, the trial court signed a take nothing judgment in favor of Waters at Elm Creek, L.L.C., awarding it \$18,623.16 in attorneys' fees. On appeal, Shannon Johnson and Javier G. Gonzalez contend the trial court erred in denying their first hybrid motion for summary judgment and that the evidence is legally and factually insufficient to support the trial court's judgment.

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, September 17, 2013, beginning at 1:30 p.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Patricia O. Alvarez, and Justice Luz Elena D. Chapa.

The following case will be presented:

Tarrant County Democratic Party; Steve Maxwell, in his official capacity as Chair of the Tarrant County Democratic Party; Texas Democratic Party; and Gilberto Hinojosa, in his official capacity as Chair of the Texas Democratic Party v. John Steen, in his official capacity as Secretary of State of Texas – Appellant Tarrant County Democratic Party (TCDP) and others complain that the Texas Secretary of State (SOS) improperly denied their reimbursement requests for attorney's fees related to Wendy Davis's successful campaign for state senator representing district 10. Appellants sought reimbursement based on Election Code section 173.001. It authorizes SOS to reimburse a political party's expenses incurred "in connection with a primary election." When SOS denied Appellants' claims, Appellants sued in an Austin state district court. After a bench trial on an agreed statement of facts, the trial court rendered judgment for SOS. Appellants

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ask this court to render judgment in their favor and award them attorney's fees for the Brimer suit, the instant suit, and post-judgment interest.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, September 18, 2013, beginning at 9:00 a.m., before the following panel of justices: Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Rebeca C. Martinez.

The following case will be presented:

The Huff Energy Fund, L.P. v. Longview Energy Company - In addition to their joint notice of appeal from the underlying judgment, appellants also filed a motion pursuant to Texas Rule of Appellate Procedure 24.4 seeking review of (1) the trial court's "Order Granting Longview's Motion to Increase Security" that requires four of the five appellants "to [each] post security in the amount of \$25 million or 50% of the [appellant's] current net worth, whichever is less, within 20 days of the date of this order" and (2) the trial court's order directing Huff Energy to produce or cause to be produced a variety of documents "pertaining to all wells and leases within the constructive trust in which Riley-Huff or The Huff Energy Fund, L.P. holds an interest . . . on a monthly basis for the duration of the appeal." This appeal addresses appellants' complaints that the required bond is excessive and the ordered discovery is improper.

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