

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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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 argument in two appeals on Tuesday, December 14, 2010, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Sandee Bryan Marion, and Justice Phyllis Speedlin.

The following cases will be presented:

- (1) *City of San Antonio v. David Ash* – This is an appeal from a jury verdict in favor of appellee, who sustained injuries when his car collided with a City of San Antonio street sweeper operated by a City employee. In its first issue on appeal, the City asserts the county court at law did not have jurisdiction over the lawsuit because appellee’s post-verdict amended petition alleged damages in an amount greater than the court’s maximum jurisdictional limit. In a related issue, the City contends the trial court erred by allowing appellee to amend his petition post-verdict to conform to the amount of damages awarded by the jury. In its third issue, the City asserts the trial court erred by striking its expert. Finally, the City argues the evidence is legally and factually insufficient to support a finding on causation and future damages.
- (2) *Kenneth Richard Griffith v. Martha Hightower Griffith* - In this appeal, Kenneth Griffith appeals the final decree of divorce signed by the trial court. Kenneth Griffith, a resident of Florida, argues on appeal that: (1) the Texas trial court lacks personal jurisdiction over him; (2) the trial court abused its discretion in denying his plea in abatement; (3) the trial court abused its discretion in denying his motion to dismiss or, in the alternative, motion to stay proceedings under the doctrine of forum non conveniens; (4) the trial court abused its discretion in dividing property located in Texas and Florida; and (5) the trial court abused its discretion in refusing to exercise “partial jurisdiction.”

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