



THE SUPREME COURT OF TEXAS

Orders Pronounced June 19, 2015

ORDERS ON CAUSES

11-0114 STATE OF TEXAS v. ANGELIQUE NAYLOR AND SABINA DALY; from Travis County; 3rd Court of Appeals District (03-10-00237-CV, 330 SW3d 434, 01-07-11)

The Court affirms the court of appeals' judgment.

- consolidated with -

11-0222 IN RE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-10-00237-CV, 330 SW3d 434, 01-07-11)

The Court denies the petition for writ of mandamus.

Justice Brown delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Johnson, and Justice Boyd joined.

Justice Boyd delivered a concurring opinion.

Justice Willett delivered a dissenting opinion, in which Justice Guzman and Justice Devine joined.

Justice Devine delivered a dissenting opinion.

(Justice Lehrmann not sitting)

12-1007 THE BOEING COMPANY AND THE GREATER KELLY DEVELOPMENT AUTHORITY N/K/A THE PORT AUTHORITY OF SAN ANTONIO v. KEN PAXTON, ATTORNEY GENERAL OF TEXAS; from Travis County; 3rd Court of Appeals District (03-10-00411-CV, 412 SW3d 1, 03-09-12)

2 petitions

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

Justice Devine delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Willett, Justice Guzman, Justice Lehrmann, and Justice Brown joined.

Justice Boyd delivered a dissenting opinion.

(Justice Johnson not sitting)

13-0947 EDITH SUAREZ, INDIVIDUALLY AND AS SURVIVING PARENT OF A.S. AND S.S., DECEASED, AND AS SURVIVING SPOUSE OF HECTOR SUAREZ, DECEASED v. THE CITY OF TEXAS CITY, TEXAS; from Galveston County; 1st Court of Appeals District (01-12-

00848-CV, ___ SW3d ___, 03-07-13)

The Court affirms the court of appeals' judgment.

Justice Guzman delivered the opinion of the Court.

THE FOLLOWING CAUSE IS DISMISSED:

11-0024 IN THE MATTER OF THE MARRIAGE OF J.B. AND H.B.; from Dallas County; 5th Court of Appeals District (05-09-01170-CV, 326 SW3d 654, 08-31-10)
petitioner's motion to dismiss granted in part

(Justice Lehrmann not sitting)

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

14-0353 MELISSA VAN NESS, INDIVIDUALLY AND AS NEXT OF FRIEND, AN HEIR AT LAW, AND A SURVIVING PARENT OF NICHOLAS VAN NESS, RONALD VAN NESS, INDIVIDUALLY AND AS NEXT FRIEND OF, AN HEIR AT LAW, AND A SURVIVING PARENT OF NICHOLAS VAN NESS, AND ESTATE OF NICHOLAS VAN v. ETMC FIRST PHYSICIANS & KRISTIN AULT, D.O.; from Cherokee County; 12th Court of Appeals District (12-12-00357-CV, ___ SW3d ___, 03-31-14)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

14-0379 ODELL CAMPBELL, SHAWNITA RENEA COLEMAN, THOMAS RAY ROBERTSON, DIANA J. NAJERA, SCOTT WIERNIK, TAIRHONDA MCAFEE AND MARYBETH LYNN JEWELL v. THOMAS WILDER, TARRANT COUNTY DISTRICT CLERK; from Tarrant County; 2nd Court of Appeals District (02-13-00146-CV, 430 SW3d 474, 04-03-14)

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

(Justice Lehrmann not sitting)

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

15-0437 TERESA GAROFOLO v. OCWEN LOAN SERVICING, L.L.C.

[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:

13-0372 KEN PAXTON, ATTORNEY GENERAL OF TEXAS v. WASTE MANAGEMENT OF TEXAS, INC.; from Travis County; 11th Court of Appeals District (11-11-00112-CV, 406 SW3d 626, 04-11-13)

13-0705 DOCTORS HOSPITAL AT RENAISSANCE, LTD. v. CLAUDIA MEJIA; from Hidalgo County; 13th Court of Appeals District (13-12-00602-CV, ___ SW3d ___, 08-01-13)

13-1032 CHRISTUS ST. ELIZABETH HOSPITAL v. DOROTHY GUILLORY; from Jefferson County;

9th Court of Appeals District (09-12-00490-CV, 415 SW3d 900, 11-14-13)

- 14-0223 METHODIST HEALTHCARE SYSTEM OF SAN ANTONIO, LTD., LLP D/B/A NORTHEAST METHODIST HOSPITAL v. THOMAS DEWEY; from Bexar County; 4th Court of Appeals District (04-13-00277-CV, 423 SW3d 516, 02-05-14)
- 14-0494 TEXAS DEPARTMENT OF PUBLIC SAFETY v. STEPHANIE WYN RANDOLPH; from Parker County; 2nd Court of Appeals District (02-13-00025-CV, ___ SW3d ___, 05-08-14)
- 14-0516 ANDREA THOMAS v. DRAKE INTERIORS, LLC; from Harris County; 14th Court of Appeals District (14-13-00349-CV, ___ SW3d ___, 05-29-14)
- 14-0576 MIKE SHEFFIELD v. COMBINED LAW ENFORCEMENT ASSOCIATION OF TEXAS AND JOHN BURPO; from Travis County; 3rd Court of Appeals District (03-13-00105-CV, ___ SW3d ___, 01-31-14)
2 petitions
petitioner's motion to consolidate dismissed as moot
- 14-0706 OMP DEVELOPMENT, LLC., ICI CONSTRUCTION, INC., PAVECON COMMERCIAL CONCRETE, LTD., G&D POOL & SPA, INC., H.E. JONES & COMPANY, INC. D/B/A LASTING IMPRESSIONS LANDSCAPE, AND 2600 MONTGOMERY, LLC v. HYDROTECH ENGINEERING, INC. AND SWABACK PARTNERS, PLLC; from Dallas County; 5th Court of Appeals District (05-13-00713-CV, 438 SW3d 895, 07-25-14)
- 14-0803 BRIAN LONCAR, ET AL. v. CITY OF DALLAS; from Dallas County; 5th Court of Appeals District (05-12-00705-CV, ___ SW3d ___, 01-16-14)
- 14-1049 UNIT 82 JOINT VENTURE, FIVE STAR HOLDING COMPANY, INC., FIVE STAR HOLDING MANAGEMENT, L.L.C., AND 1320/1390 DON HASKINS, LTD. v. INTERNATIONAL COMMERCIAL BANK OF CHINA, LOS ANGELES BRANCH, MAYNARDS INDUSTRIES (1991) INC., D/B/A, MAYNARDS INDUSTRIES, LTD., AND ROBB EVANS, RECEIVER FOR MEDIACOPY TEXAS, INC.; from El Paso County; 8th Court of Appeals District (08-13-00088-CV, ___ SW3d ___, 11-05-14)
- 14-1053 STEPHANIE M. DEL TORO v. PAY AND SAVE, INC. D/B/A LOWE'S BIG 8 AND JESSE CRAWFORD; from El Paso County; 8th Court of Appeals District (08-12-00193-CV, 444 SW3d 293, 08-27-14)
- 15-0062 ZURICH AMERICAN INSURANCE COMPANY v. SANDRA A. DEBOSE; from Harris County; 1st Court of Appeals District (01-13-00344-CV, ___ SW3d ___, 07-15-14)
2 petitions

- 15-0110 JAMES LERMON v. MINYARD FOOD STORES, INC., AND RODNEY LEE; from Dallas County; 5th Court of Appeals District (05-13-00034-CV, ___ SW3d ___, 11-19-14)
- 15-0148 DAKOTA ROBERTS v. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Brazoria County; 14th Court of Appeals District (14-14-00393-CV, 452 SW3d 351, 11-13-14)
- 15-0215 CITY OF AUSTIN v. HARRY M. WHITTINGTON, ET AL.; from Travis County; 3rd Court of Appeals District (03-13-00410-CV, 456 SW3d 692, 01-29-15)
- 15-0284 ADRIAN TIJERINA v. TEXAS PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION AS RECEIVER FOR SIR LLOYD'S INSURANCE COMPANY AND TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION; from Travis County; 3rd Court of Appeals District (03-13-00300-CV, ___ SW3d ___, 02-26-15)
- 15-0330 IN RE COMMITMENT OF TIMOTHY RAY RAMSEY; from Montgomery County; 9th Court of Appeals District (09-14-00304-CV, ___ SW3d ___, 03-26-15)
- 15-0341 CHRIS DAVIS v. MOTIVA ENTERPRISES, L.L.C.; from Jasper County; 9th Court of Appeals District (09-14-00434-CV, ___ SW3d ___, 04-02-15)

ORDERS ON MOTIONS FOR REHEARING

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

- 14-0640 THE CITY OF SAN ANTONIO v. KOPFLOW DEVELOPMENT, INC.; from Bexar County; 4th Court of Appeals District (04-09-00403-CV, 441 SW3d 436, 02-05-14)
(Justice Green not sitting)
- 14-0923 IN THE MATTER OF CLAUDE ROBERT GRAHAM, STATE BAR OF TEXAS CARD NO. 24064208
- 14-1043 GAIA ENVIRONMENTAL, INC. AND AXL INDUSTRIES, L.L.C. v. JAMES B. GALBRAITH AND MCLEOD, ALEXANDER, POWEL & APFFEL, P.C.; from Harris County; 14th Court of Appeals District (14-13-00571-CV, 451 SW3d 398, 09-09-14)
- 14-1067 DENNIS OLIVARES v. STATE FARM BANK & RAUSCH, STURM, ET AL.; from Bexar County; 4th Court of Appeals District (04-14-00143-CV, ___ SW3d ___, 11-05-14)
- 15-0013 C.B. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Pecos County; 8th Court of Appeals District (08-14-00224-CV, 458 SW3d 576, 12-09-14)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

14-0715 IN RE MIGUEL ZARAGOZA FUENTES; from Harris County; 1st Court of Appeals District (01-14-00624-CV, ___ SW3d ___, 08-28-14)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

14-0952 IN RE MIKE SHEFFIELD; from Travis County; 3rd Court of Appeals District (03-13-00105-CV, ___ SW3d ___, 01-31-14)
relator's motion to consolidate dismissed as moot

14-1073 IN RE HARRIS COUNTY APPRAISAL DISTRICT; from Harris County; 1st Court of Appeals District (01-14-00149-CV, ___ SW3d ___, 08-21-14)

15-0202 IN RE ALFRED F. BERNAT; from Harris County; 1st Court of Appeals District (01-13-00354-CV, ___ SW3d ___, 01-16-14)
motion to stay denied

15-0332 IN RE MILTON VERAN WILLIAMS; from Dallas County

15-0445 IN RE GALVESTON COUNTY JUDGE MARK HENRY, GALVESTON COUNTY COMMISSIONER RYAN DENNARD, GALVESTON COUNTY COMMISSIONER JOE GIUSTI, GALVESTON COUNTY COMMISSIONER STEPHEN HOLMES, AND GALVESTON COUNTY COMMISSIONER KEN CLARK, IN THEIR OFFICIAL CAPACITIES; from Galveston County; 1st Court of Appeals District (01-14-00820-CV, ___ SW3d ___, 04-14-15)
relators' emergency motion for stay denied

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DISMISSED:

15-0278 IN RE CANTEY HANGER LLP; from Tarrant County; 2nd Court of Appeals District (02-15-00052-CV, ___ SW3d ___, 03-12-15)
relator's motion to dismiss granted

15-0401 IN RE ONE GAS, INC. D/B/A TEXAS GAS SERVICE CO.; from Hidalgo County; 13th Court of Appeals District (13-15-00209-CV, ___ SW3d ___, 05-22-15)
relator's motion to withdraw petition granted
relator's emergency motion to stay dismissed

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

15-0098 IN RE C.T. AND T.T.; from Dallas County; 5th Court of Appeals District (05-15-00003-CV, ___ SW3d ___, 01-02-15)

motion for emergency stay of trial granted
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE ABATEMENT ORDER IS EXTENDED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

14-0749 IN RE JOHN REEDER; from Kaufman County; 5th Court of Appeals District (05-14-01126-
CV, ___ SW3d ___, 09-12-14)
abatement order issued

[**Note:** The Court's abatement order of April 17, 2015 expired by its own terms on June 16, 2015. The abatement is extended until July 16, 2015, by which time the parties must file either a status report or a motion to dismiss.]