

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
December 9, 2015

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, December 16, 2015, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Patricia O. Alvarez.

The following case will be presented:

Shirley Adams, Charlene Burgess, Willie Mae Herbst Jasik, William Albert Herbst, and R. May Oil & Gas Company, Ltd. v. Murphy Exploration & Production CO-USA, a Delaware Corporation - Appellants Shirley Adams, Charlene Burgess, Willie Mae Herbst Jasik, William Albert Herbst, Helen Herbst, and R. May Oil & Gas Co., Ltd. sued Murphy Exploration & Production Co.—USA for damages for allegedly breaching the terms of two substantively-identical oil and gas leases. Appellants claim Murphy failed to comply with the leases' offset well provisions. Appellants contend an offset well is intended to protect the mineral estate owner from drainage by an adjacent estate's producing well. Their leases contain offset well provisions, and they argue Murphy breached the leases by drilling a well approximately 2,100 feet from the adjacent estate's producing well—a distance too great to satisfy their leases' offset well provisions.

Both sides moved for partial summary judgment. The trial court granted Murphy's motion and denied Appellants' motion. The trial court's final judgment denied Appellants' claims but awarded attorney's fees to Murphy. Appellants argue the trial court erred (1) by granting Murphy's motion against Appellants' damage claims and (2) by awarding attorney's fees to Murphy.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, December 16, 2015, beginning at 2:00 p.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Patricia O. Alvarez.

The following case will be presented:

The State of Texas v. Raul Becerra Castorena – This appeal arises out of a trial court's order granting a motion to quash the indictment. The appeal challenges the trial court's order granting the motion to quash.

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The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, December 17, 2015, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Karen Angelini, and Justice Jason Pulliam.

The following case will be presented:

Edna A. Martinez v. State Office of Risk Management - In the underlying cause, the State Office of Risk Management (SORM) filed a petition seeking judicial review of an administrative appeals panel's decision regarding a workers' compensation claim filed by Edna A. Martinez. Martinez appeals the trial court's order granting summary judgment in favor of SORM. Martinez presents three issues on appeal asserting: (1) SORM is jurisdictionally barred from challenging the issue of compensability because it did not appeal the contested case hearing officer's findings regarding the elements of a compensable injury to the appeals panel; (2) SORM is jurisdictionally barred from asserting a statutory violation as a basis for the trial court to reverse the appeals panel's decision; and (3) if SORM is not jurisdictionally barred from raising the statutory violation, the violation is no evidence that Martinez did not sustain a compensable injury. Martinez also requests that if the trial court's judgment is reversed and rendered in her favor, the cause be remanded to the trial court to consider an award of attorney's fees.

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