



# THE SUPREME COURT OF TEXAS

Orders Pronounced January 22, 2016

## ORDERS ON CAUSES

### THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

- 14-0465 MCGINNES INDUSTRIAL MAINTENANCE CORPORATION v. THE PHOENIX INSURANCE COMPANY AND THE TRAVELERS INDEMNITY COMPANY (U.S. 5th Circuit 13-20360)

## ORDERS ON CASES GRANTED

### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 14-0743 SOUTHWEST ROYALTIES, INC. v. GLENN HEGAR, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-12-00511-CV, \_\_\_ SW3d \_\_\_, 08-13-14)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 8, 2016.]  
Time allotted to argue: 20/20 minutes

- 14-1022 TEXAS STATE BOARD OF PHARMACY, GAY DODSON, EXECUTIVE DIRECTOR, AND JEANNE D. WAGGENER, PRESIDENT OF THE BOARD, IN THEIR OFFICIAL CAPACITIES v. TIANA JEAN WITCHER; from Travis County; 3rd Court of Appeals District (03-12-00560-CV, 447 SW3d 520, 10-31-14)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 9, 2016.]  
Time allotted to argue: 20/20 minutes

- 15-0025 TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION v. BONNIE JONES AND AMERICAN HOME ASSURANCE COMPANY; from Dallas County; 5th Court of Appeals District (05-13-01353-CV, \_\_\_ SW3d \_\_\_, 11-06-14)

[**Note:** Oral argument of this case will be conducted on Wednesday, March 30, 2016 at 9:00 a.m. at Baylor Law School in Waco, Texas. *See* TEX. CONST. ART. V., § 3(a).]  
Time allotted to argue: 20/20 minutes

- 15-0049 CROSSTEX NORTH TEXAS PIPELINE, L.P., N/K/A ENLINK NORTH TEXAS PIPELINE, LP v. ANDREW GARDINER AND SHANNON GARDINER; from Denton County; 2nd Court

of Appeals District (02-12-00182-CV, 451 SW3d 150, 11-13-14)

2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., March 8, 2016.]

Time allotted to argue: 20/20 minutes

15-0106 TOWN OF LAKEWOOD VILLAGE v. HARRY BIZIOS; from Denton County; 2nd Court of Appeals District (02-14-00143-CV, 453 SW3d 598, 12-31-14)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 8, 2016.]

Time allotted to argue: 20/20 minutes

(Justice Johnson not sitting)

15-0387 BRENTON M. STANFIELD, THOMAS P. STONE, STONE & ASSOCIATES, LLP, JIMMY VAN KNIGHTON, II v. JON T. NEUBAUM AND BARBARA NEUBAUM; from Montgomery County; 14th Court of Appeals District (14-13-00943-CV, 465 SW3d 266, 04-09-15)

[**Note:** Oral argument of this case will be conducted on Wednesday, March 30, 2016 at 9:00 a.m. at Baylor Law School in Waco, Texas. *See* TEX. CONST. ART. V., § 3(a).]

Time allotted to argue: 20/20 minutes

#### **ORDERS ON PETITIONS FOR REVIEW**

##### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

14-0305 SOUTH TEXAS COLLEGE OF LAW v. KBR, INC.; from Harris County; 1st Court of Appeals District (01-12-00864-CV, 433 SW3d 86, 03-13-14)

(Justice Guzman not sitting)

14-0702 GIOVANNI HOMES CORPORATION v. ONCOR ELECTRIC DELIVERY COMPANY LLC; from Tarrant County; 2nd Court of Appeals District (02-11-00237-CV, 438 SW3d 644, 04-03-14)

14-1021 THE STATE OF TEXAS v. RODGER A. JOHNSON, ET AL.; from Dallas County; 5th Court of Appeals District (05-11-01622-CV, 444 SW3d 62, 08-06-14)

14-1052 TOWN OF ANNETTA SOUTH, GERHARD KLEINSCHMIDT, JAMES ABLOWICH, PHILLIP KUNTZ AND DAVID GOOLSBY v. SEADRIFT DEVELOPMENT, L.P.; from Parker County; 2nd Court of Appeals District (02-12-00171-CV, 446 SW3d 823, 09-25-14)

2 petitions

15-0034 MASOUD KAHROBAIE, EBRAHIM KAHROBAIE, AND JOSEPH KAHROBAIE A/K/A YUSEF KAHROBEE v. WILSHIRE STATE BANK; from Dallas County; 5th Court of Appeals District (05-13-01233-CV, \_\_\_ SW3d \_\_\_, 10-30-14)

- 15-0149 GOOD SHEPHERD MEDICAL CENTER v. CAROLYN WATSON; from Gregg County; 6th Court of Appeals District (06-14-00025-CV, 456 SW3d 585, 01-15-15)
- 15-0239 DEL MAR COLLEGE v. BRUCE OLSEN; from Nueces County; 13th Court of Appeals District (13-13-00029-CV, \_\_\_ SW3d \_\_\_, 11-20-14)
- 15-0340 LA MADELEINE OF TEXAS, INC. AND LUIS BLAS v. FATIMA DOLORES RODAS; from Dallas County; 5th Court of Appeals District (05-14-00054-CV, \_\_\_ SW3d \_\_\_, 04-10-15)
- 15-0366 BRENDA MACKEY AS REPRESENTATIVE OF THE ESTATE OF VIOLET CHILDS, DECEASED v. MIDLAND-ODESSA TRANSIT D/B/A EZ RIDER; from Midland County; 11th Court of Appeals District (11-13-00083-CV, \_\_\_ SW3d \_\_\_, 03-31-15)
- 15-0412 LEONARDO QUINTERO, JR. v. THE METHODIST HOSPITAL; PATRICIA CHEVEZ-BARRIOS, M.D.; MARY SCHWARTZ, M.D.; AND TMH PHYSICIAN ORGANIZATION; from Harris County; 1st Court of Appeals District (01-14-00448-CV, \_\_\_ SW3d \_\_\_ 02-26-15)
- 15-0435 TEXAS FARM BUREAU CASUALTY INSURANCE COMPANY v. BRITTNI SAMPLEY; from Randall County; 7th Court of Appeals District (07-13-00151-CV, \_\_\_ SW3d \_\_\_, 05-26-15)
- 15-0495 NOOROLLAH MERRIKH AND ZARINE MOTLAGH v. JAMILEH MERRIKH; from Harris County; 14th Court of Appeals District (14-14-00024-CV, \_\_\_ SW3d \_\_\_, 05-19-15)
- 15-0504 ARBOR WINDSOR COURT, LTD. v. WEEKLEY HOMES, L.P.; from Harris County; 14th Court of Appeals District (14-13-00480-CV, 463 SW3d 131, 03-17-15)
- 15-0507 BANCO POPULAR NORTH AMERICA v. AMERICAN FUND US INVESTMENTS LP; from Dallas County; 5th Court of Appeals District (05-14-00368-CV, \_\_\_ SW3d \_\_\_, 04-17-15)
- 15-0550 TITAN LAND DEVELOPMENT, INC. AND BAUER-HOCKLEY 550, LP v. THE STATE OF TEXAS; from Harris County; 1st Court of Appeals District (01-14-00899-CV, 468 SW3d 705, 06-11-15)
- 15-0655 CITY OF RIO HONDO, TEXAS v. PARTNERS DEWATERING INTERNATIONAL, L.C.; from Cameron County; 13th Court of Appeals District (13-13-00340-CV, \_\_\_ SW3d \_\_\_, 06-11-15)
- 15-0684 CAROLYN NORTHCUTT, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF

JAMES H. BELL v. CITY OF HEARNE; from Robertson County; 10th Court of Appeals District (10-14-00012-CV, \_\_\_ SW3d \_\_\_, 07-30-15)

15-0707 TRACEY MURPHY #835047 v. CANDICE MOORE, ET AL.; from Bee County; 13th Court of Appeals District (13-13-00480-CV, \_\_\_ SW3d \_\_\_, 07-30-15)

15-0738 ELI SASSON v. ANDREW SCHATTE; MICHAEL SURFACE; TOWN & COUNTRY VENTURES, LLC; TOWN & COUNTRY VENTURES II, INC.; THE KEYSTONE GROUP, INC. F/K/A TOWN & COUNTRY VENTURES, INC.; HC 5815, LLC; DAVID BLUMHARDT AND GERALD EVERSOLE; from Harris County; 1st Court of Appeals District (01-14-00633-CV, \_\_\_ SW3d \_\_\_, 04-30-15)

15-0797 FORT RINGGOLD LIMITED, PETE DIAZ III, AARON DIAZ AND MONICA AGUILLON v. SMITH-REAGAN & ASSOCIATES, INC., D/B/A SMITH-REAGAN INSURANCE AGENCY; from Starr County; 4th Court of Appeals District (04-13-00608-CV, \_\_\_ SW3d \_\_\_, 03-11-15)

15-0822 HAL CREWS AND DEBRA LEITCH v. DKASI CORPORATIONS, DEBRA H. HOLLEY, DAVID HOLLEY, AND ASI GYMNASTICS, INC.; from Dallas County; 5th Court of Appeals District (05-14-00544-CV, 469 SW3d 194, 04-21-15)

15-0834 GREGORY G. GRAZE AND CYNTHIA A. CRIDDLE v. NATIONSTAR MORTGAGE, L.L.C.; from Travis County; 3rd Court of Appeals District (03-15-00329-CV, \_\_\_ SW3d \_\_\_, 10-21-15)

15-0888 IN THE ESTATE OF RAUL HUMBERTO AYALA, SR., DECEASED; from Harris County; 14th Court of Appeals District (14-14-00324-CV, \_\_\_ SW3d \_\_\_, 08-18-15)

15-0929 IN THE INTEREST OF N.E., A CHILD; from Dallas County; 5th Court of Appeals District (05-15-00361-CV, \_\_\_ SW3d \_\_\_, 09-08-15)

15-0934 ANA MARIA GONZALEZ SALAIS, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF RUBEN GONZALEZ, DECEASED v. TEXAS DEPARTMENT OF AGING & DISABILITY SERVICES; from Limestone County; 10th Court of Appeals District (10-14-00152-CV, \_\_\_ SW3d \_\_\_, 11-05-15)

15-0956 JOHN DOE v. BOARD OF DIRECTORS OF THE STATE BAR OF TEXAS, COMMISSION FOR LAWYER DISCIPLINE, AND LINDA ACEVEDO, IN HER OFFICIAL CAPACITY AS THE CHIEF DISCIPLINARY COUNSEL OF THE STATE BAR OF TEXAS; from Travis County; 3rd Court of Appeals District (03-15-00007-CV, \_\_\_ SW3d \_\_\_, 10-27-15)

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED FOR WANT OF JURISDICTION:

- 15-0720 JOHNNY PARTAIN v. THE ESTATE OF JAMES HAROLD MAPLES; from Hidalgo County; 13th Court of Appeals District (13-14-00584-CV, \_\_\_ SW3d \_\_\_, 06-25-15)  
*See* TEX. GOV'T CODE § 22.225(b)(1)
- 15-0754 FRITZ MANAGEMENT, LLC v. HUGE AMERICAN REAL ESTATE, INC.; from Dallas County; 5th Court of Appeals District (05-14-00681-CV, \_\_\_ SW3d \_\_\_, 06-30-15)  
*See* TEX. GOV'T CODE § 22.225(b)(1)

#### **ORDERS ON MOTIONS FOR REHEARING**

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

- 14-0791 SEARCY FERGUSON AND THE ESTATE OF MARGARET MILLER v. THE PLAZA HEALTH SERVICES AT EDGEMERE; from Dallas County; 5th Court of Appeals District (05-12-01399-CV, \_\_\_ SW3d \_\_\_, 07-10-14)
- 14-0944 THE PRUDENTIAL INSURANCE COMPANY OF AMERICA AND PRUCO LIFE INSURANCE COMPANY v. IRASEMA SAGARNAGA DURANTE; from El Paso County; 8th Court of Appeals District (08-12-00077-CV, 443 SW3d 499, 08-29-14)
- 14-1029 JEFFERSON COUNTY, TEXAS v. DONNA DAVIS; from Jefferson County; 14th Court of Appeals District (14-13-00663-CV, \_\_\_ SW3d \_\_\_, 08-28-14)
- 15-0579 KAREN MISKO AND MISKO QUARTER HORSES, LLC v. JANE MCCURLEY BACKES D/B/A BACKES QUARTER HORSES; from Collin County; 5th Court of Appeals District (05-14-00566-CV, \_\_\_ SW3d \_\_\_, 03-13-15)
- 15-0693 STEFAN KONASIEWICZ, M.D. v. DARLENE GARZA; from Nueces County; 13th Court of Appeals District (13-15-00058-CV, \_\_\_ SW3d \_\_\_, 07-30-15)
- 15-0694 STEFAN KONASIEWICZ, M.D. v. JUAN GARZA; from Nueces County; 13th Court of Appeals District (13-15-00060-CV, \_\_\_ SW3d \_\_\_, 07-30-15)
- 15-0695 STEFAN KONASIEWICZ, M.D. v. PEDRO LOMAS; from Nueces County; 13th Court of Appeals District (13-15-00062-CV, \_\_\_ SW3d \_\_\_, 07-30-15)

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

- 15-0829 IN RE GEORGE A. MOLINAR; from El Paso County; 8th Court of Appeals District (08-14-00299-CV)  
motion to amend dismissed as moot

#### **MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 15-0406 IN RE BRIDGETTE MASSEY; from Grimes County; 1st Court of Appeals District (01-14-00903-CV, \_\_\_ SW3d \_\_\_, 01-15-15)
- 15-0432 IN RE REVEREND WILLIAM RICE; from Bexar County; 4th Court of Appeals District (04-15-00343-CV, \_\_\_ SW3d \_\_\_, 06-05-15)
- 15-0674 IN RE FORUM STUDIO, INC. AND CLAYCO, INC.; from Dallas County; 5th Court of Appeals District (05-15-00540-CV, \_\_\_ SW3d \_\_\_, 06-24-15)
- 15-0899 IN RE KHISTINA CALDWELL DEJEAN; from Harris County; 14th Court of Appeals District (14-15-00852-CV, \_\_\_ SW3d \_\_\_, 10-20-15)
- 15-0961 IN RE ANTHONY PASSEUR; from Williamson County; 3rd Court of Appeals District (03-14-00694-CV)  
stay order issued December 15, 2015, lifted

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 14-0749 IN RE JOHN REEDER; from Kaufman County; 5th Court of Appeals District (05-14-01126-CV, \_\_\_ SW3d \_\_\_, 09-12-14)  
agreed motion to dismiss mandamus proceeding with prejudice, granted  
abatement order issued December 4, 2015, lifted

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

- 16-0009 IN RE CITY OF ROSENBERG; from Fort Bend County; 14th Court of Appeals District (14-15-00823-CV, \_\_\_ SW3d \_\_\_, 10-13-15)  
emergency motion for temporary relief granted  
stay order issued  
response requested due by February 8, 2016

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