

# 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 20, 2016

## Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, September 27, 2016, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Marialyn Barnard, and Justice Rebeca C. Martinez.

The following cases will be presented:

*City of San Antonio, et al. v. Hays Street Bridge Restoration Group, et al.* – This appeal arises out of a judgment in favor of appellee in its suit for breach of a memorandum of understanding relating to the development of a park. On appeal, appellant raises several issues challenging the judgment, which required appellant to specifically perform under the terms of the memorandum of understanding.

*Stephen Torres v. City of San Antonio and Christopher Casals* - Stephen Torres appeals from the trial court's order granting summary judgment in favor of the City of San Antonio. Torres sued the City under the Texas Whistleblower Act after he was passed over for a position he applied for. He alleged the City retaliated against him because he previously filed an internal report of wrongdoing. The City moved for summary judgment, arguing that it was entitled to judgment as a matter of law because Torres failed to present a genuine issue of material fact establishing that the alleged adverse employment action would not have occurred but for his making a good faith report of the illegal activity.

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, September 27, 2016, beginning at 1:30 p.m., before the following panel of justices: Justice Karen Angelini, Justice Marialyn Barnard, and Justice Rebeca C. Martinez.

The following case will be presented:

*Shell Western E&P, Inc. n/k/a SWEPI, LP v. Pel-State Bulk Plant, LLC* - In this appeal, the Court will consider whether the trial court erred in rendering judgment against Shell Western E&P, Inc. (n/k/a SWEPI, LP) in the amount of \$3,190,017.05. Pel-State Bulk Plant, L.L.C., a subcontractor, provided fuel, fuel

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equipment, and other related services to assist Shell in developing one of its mineral leases. When a contractor failed to pay Pel-State for its materials and services, Pel-State notified Shell of the nonpayment and filed a lien in the county records. Thereafter, Pel-State filed suit to foreclose on the lien. On appeal, Shell argues that the trial court erred in construing Chapter 56 of the Texas Property Code, which governs liens against mineral property, and in calculating the amount of the lien claimed by Pel-State.

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