



# THE SUPREME COURT OF TEXAS

Orders Pronounced October 21, 2016

## ORDERS ON CAUSES

### THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 13-0303 HARRIS COUNTY FLOOD CONTROL DISTRICT AND HARRIS COUNTY, TEXAS v. EDWARD A. AND NORMA KERR, ET AL.; from Harris County; 1st Court of Appeals District (01-11-00014-CV, 445 SW3d 242, 03-07-13)
- 14-0732 MICHAEL MCINTYRE AND LAURA MCINTYRE, INDIVIDUALLY AND ON BEHALF OF THEIR CHILDREN, K.M., L.M., C.M., M.M., AND L.M. v. EL PASO INDEPENDENT SCHOOL DISTRICT, DR. LORENZO GARCIA, AND MARK MENDOZA; from El Paso County; 8th Court of Appeals District (08-11-00329-CV, 457 SW3d 475, 08-06-14)
- 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)
- The Court's opinion issued June 17, 2016 is corrected.
- 14-0745 JOHN SAMPSON v. THE UNIVERSITY OF TEXAS AT AUSTIN; from Travis County; 3rd Court of Appeals District (03-12-00265-CV, 488 SW3d 332, 08-08-14)

## ORDERS ON CASES GRANTED

### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 15-0557 JAMES O. ROGERS, WILLIAM M. BURMEISTER, CONSERVATIVE CARE, INC. AND CARE AFFILIATES, INC. v. VICTOR B. ZANETTI, CHARLES L. PERRY AND ANDREWS KURTH, LLP; from Dallas County; 5th Court of Appeals District (05-14-00733-CV, \_\_\_ SW3d \_\_\_, 06-15-15)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 11, 2017.]  
Time allotted to argue: 20/20 minutes

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

16-0075 HELIX ENERGY SOLUTIONS GROUP, INC., HELIX WELL OPS, INC. AND HELIX OFFSHORE INTERNATIONAL, INC. v. KELVIN GOLD; from Harris County; 14th Court of Appeals District (14-15-00123-CV, 482 SW3d 638, 12-15-15)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 11, 2017.]  
Time allotted to argue: 20/20 minutes

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

15-0426 ALLSTATE INSURANCE COMPANY, ALLSTATE INDEMNITY COMPANY, ALLSTATE PROPERTY & CASUALTY INSURANCE COMPANY, ALLSTATE COUNTY MUTUAL INSURANCE COMPANY, AND ALLSTATE FIRE & CASUALTY INSURANCE COMPANY v. REHAB ALLIANCE OF TEXAS, INC. D/B/A STEEPLECHASE FAMILY HEALTHCARE AND STEEPLECHASE PAIN MANAGEMENT & SURGICAL ASSOCIATES, SHEILA SMITH F/K/A SHEILA GOYER, DENNIS SMITH, D.C., THE DIAGNOSTIC & INJURY CENTER OF HOUSTON, L.L.C., AND IHSAN SHANTI, M.D.; from Harris County; 14th Court of Appeals District (14-13-00459-CV, \_\_\_ SW3d \_\_\_, 04-21-15)

as reinstated

15-0780 BMT O & G TX, L.P., GOLIAD O & G TX, L.P., WD O & G TX, L.P., KEYSTONE O & G TX L.P. AND THRU LINE O & G TX, L.P. v. CLAYTON WILLIAMS ENERGY, INC. AND CHESAPEAKE EXPLORATION, L.L.C.; from Reeves County; 8th Court of Appeals District (08-14-00133-CV, 473 SW3d 341, 07-08-15)

15-0854 PHYTON BIOTECH, INC., PHYTON BIOTECH, LLC, AND PHYTON BIOTECH, GMBH v. DIATHEGEN, LLC; from Bexar County; 4th Court of Appeals District (04-14-00267-CV, \_\_\_ SW3d \_\_\_, 08-26-15)

15-0871 HSIN-CHI SU A/K/A "NOBU SU" v. VANTAGE DRILLING COMPANY; from Harris County 14th Court of Appeals District (14-14-00461-CV, 474 SW3d 284, 07-14-15)

15-0948 FAYE COMTE AND LAURA SEVERT v. SMITH COUNTY COMMISSIONERS COURT AND JOEL P. BAKER, CARY NIX, JEFF WARR, JOANN HAMPTON, AND TERRY PHILLIPS, EACH IN HIS OR HER OFFICIAL CAPACITY AS A SMITH COUNTY COMMISSIONER; from Smith County; 6th Court of Appeals District (06-14-00086-CV, \_\_\_ SW3d \_\_\_, 10-28-15)

15-0979 WENDY SCHREIBER v. STATE FARM LLOYDS; from Harris County; 14th Court of Appeals District (14-14-00010-CV, 474 SW3d 308, 07-28-15)

16-0072 HARRIS COUNTY APPRAISAL DISTRICT v. INTEGRITY TITLE COMPANY, LLC AND MARIAN CONES; from Harris County; 1st Court of Appeals District (01-15-00145-CV, 483 SW3d 62, 12-15-15)

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

16-0212 ANDREW WHALLON v. CITY OF HOUSTON; from Harris County; 1st Court of Appeals District (01-11-00333-CV, \_\_\_ SW3d \_\_\_, 02-05-15)

motion for leave to file amended petition denied

16-0274 TESORO CORPORATION v. TESORO CORPORATION D/B/A TESORO PETROLEUM CORP.; from Hidalgo County; 13th Court of Appeals District (13-14-00511-CV, \_\_\_ SW3d \_\_\_, 02-18-16)

16-0313 LONG ISLAND VILLAGE OWNERS ASSOCIATION, INC., ET AL. v. MAURICE O. BERRY from Cameron County; 13th Court of Appeals District (13-14-00363-CV, \_\_\_ SW3d \_\_\_, 03-17-16)

16-0342 BRIDGESTONE LAKES DEVELOPMENT COMPANY, INC., AND ROBERT A. HUDSON, CLAUDIA J. HUDSON AND TIFFANY A. ROATH, INDIVIDUALLY v. BRIDGESTONE LAKES COMMUNITY IMPROVEMENT ASSOCIATION, INC.; from Harris County; 14th Court of Appeals District (14-14-00604-CV, 489 SW3d 118, 03-29-16)

16-0387 ALTA MESA HOLDINGS, L.P., ALTA MESA ACQUISITION SUB, LLC, THE MERIDIAN RESOURCE & EXPLORATION LLC CHANGE IN CONTROL SEVERANCE PLAN AND THE MERIDIAN RESOURCE & EXPLORATION, LLC v. STEVEN IVES AND LLOYD DELANO; from Harris County; 14th Court of Appeals District (14-14-00739-CV, 488 SW3d 438, 04-14-16)

16-0492 HSBC BANK USA, N.A. v. ESTATE OF JERRY WAYNE PARKS, DECEASED; from Dallas County; 5th Court of Appeals District (05-15-00346-CV, \_\_\_ SW3d \_\_\_, 03-21-16)

16-0525 LILA GHEMRI v. WEI WAYNE LI; from Harris County; 1st Court of Appeals District (01-15-01043-CV, \_\_\_ SW3d \_\_\_, 06-02-16)

16-0530 JOHN MOORE SERVICES, INC. AND JOHN MOORE RENOVATION, LLC v. THE BETTER BUSINESS BUREAU OF METROPOLITAN HOUSTON, INC., ET AL.; from Harris County; 1st Court of Appeals District (01-14-00687-CV, \_\_\_ SW3d \_\_\_, 06-02-16)

16-0535 ROBERTO CARLOS MENDIVES, SR. v. ANGELA ROSE MENDIVES; from Bexar County; 4th Court of Appeals District (04-16-00123-CV, \_\_\_ SW3d \_\_\_, 06-22-16)

as corrected

emergency motion demanding protection of laws and motion requesting declaratory relief denied

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 16-0619 CARMEN GARRETT v. FIRST STATE BANK CENTRAL TEXAS; from Hamilton County; 10th Court of Appeals District (10-14-00344-CV, \_\_\_ SW3d \_\_\_, 05-05-16)
- 16-0621 DANIEL CALDWELL v. JENNIFER GARFUTT; from Williamson County; 3rd Court of Appeals District (03-14-00019-CV, \_\_\_ SW3d \_\_\_, 01-07-16)
- 16-0633 IN THE INTEREST OF A.W.G., JR., A CHILD; from Harris County; 14th Court of Appeals District (14-16-00071-CV, \_\_\_ SW3d \_\_\_, 07-07-16)
- 16-0678 IN THE INTEREST OF P.A.C. AND K.V.C., CHILDREN; from Harris County; 14th Court of Appeals District (14-14-00799-CV, \_\_\_ SW3d \_\_\_, 06-09-16)
- 16-0706 IN THE INTEREST OF J.R., S.R., C.R., AND C.R., CHILDREN; from Bosque County; 10th Court of Appeals District (10-16-00088-CV, \_\_\_ SW3d \_\_\_, 08-31-16)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

- 16-0669 SAMUEL G. BREITLING AND JOANN S. BREITLING v. LNV CORPORATION; from Dallas County; 5th Court of Appeals District (05-15-00677-CV, \_\_\_ SW3d \_\_\_, 07-05-16)
- 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:

- 15-0261 NATIONAL LLOYDS INSURANCE COMPANY v. LATOSHA A. LEWIS; from Jefferson County; 9th Court of Appeals District (09-13-00413-CV, \_\_\_ SW3d \_\_\_, 02-19-15)
- 15-0363 FJELL TECHNOLOGY GROUP F/K/A FJELL INDUSTRIES AS AND SONJA VAN UDEN v. UNITECH INTERNATIONAL, INC.; from Harris County; 14th Court of Appeals District (14-14-00255-CV, \_\_\_ SW3d \_\_\_, 02-03-15)
- 15-0735 SATTERFIELD & PONTIKES CONSTRUCTION, INC. v. TEXAS SOUTHERN UNIVERSITY, JIM MCSHAN AND GREG WILLIAMS; from Harris County; 1st Court of Appeals District (01-14-00596-CV, 472 SW3d 426, 08-13-15)
- 15-0877 BARRY NUSSBAUM v. BUILDERS BANK, AN ILLINOIS BANKING CORPORATION; from Tarrant County; 2nd Court of Appeals District (02-14-00304-CV, 478 SW3d 104, 10-01-15)

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

- 16-0073 JERRY WEAKS AND JOYCE WEAKS v. KATHLEEN JEANETTE WHITE; from Henderson County; 12th Court of Appeals District (12-14-00253-CV, 479 SW3d 432, 10-21-15)
- 16-0126 KELLY DURAN v. EL PASO COMMUNITY COLLEGE DISTRICT; from El Paso County; 8th Court of Appeals District (08-14-00179-CV, \_\_\_ SW3d \_\_\_, 07-22-15)
- 16-0165 PAUL P. BLACK v. FIRST COMMUNITY BANK; from Nueces County; 13th Court of Appeals District (13-15-00289-CV, \_\_\_ SW3d \_\_\_, 01-07-16)
- 16-0192 DR. ERIC VANDERWERFF, D.C. v. TEXAS DEPARTMENT OF INSURANCE-DIVISION OF WORKERS' COMPENSATION AND COMMISSIONER RYAN BRANNAN, IN HIS OFFICIAL CAPACITY; from Dallas County; 5th Court of Appeals District (05-15-00195-CV, \_\_\_ SW3d \_\_\_, 12-30-15)
- 16-0559 ROBERT GRODEN v. CITY OF DALLAS, VINCENT GOLBECK AND STEPHEN WORDEN; from Dallas County; 5th Court of Appeals District (05-15-00033-CV, \_\_\_ SW3d \_\_\_ 04-06-16)

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

- 16-0153 IN RE BONNIE ALLEN THOMAS; from Johnson County; 10th Court of Appeals District (10-16-00009-CV, \_\_\_ SW3d \_\_\_, 01-28-16)  
opposed motion for leave to file sur-reply dismissed as moot  
motion to strike reply brief dismissed as moot

**MISCELLANEOUS**

THE MOTION TO STAY IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 16-0632 IN RE ELDOR BRISH; from Travis County; 3rd Court of Appeals District (03-16-00478-CV, \_\_\_ SW3d \_\_\_, 07-29-16)  
relator's motion for emergency relief denied

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

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 16-0788 IN RE WILLIAM B. SIMS; from Bexar County; 4th Court of Appeals District (04-16-00471-CV, \_\_\_ SW3d \_\_\_, 09-29-16)  
stay order issued October 7, 2016, lifted
- 16-0827 IN RE ROBERT [BOBBY] WIGHTMAN CERVANTES; from Nacogdoches County

emergency relief requested denied  
motion to recuse denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

16-0817 IN RE SUNCOAST A/C & REFRIGERATION AND LARRY J. FITTING; from Cameron  
County; 13th Court of Appeals District (13-16-00554-CV, \_\_\_ SW3d \_\_\_, 10-11-16)  
joint motion to dismiss granted  
stay order issued October 12, 2016, lifted

THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE FOLLOWING APPEAL IS  
AFFIRMED:

16-0366 IN RE JOHN HATCHETT CARNEY (56562)