



THE SUPREME COURT OF TEXAS

Orders Pronounced June 16, 2017

ORDERS ON CAUSES

- 14-1007 GREAT AMERICAN INSURANCE COMPANY AND GREAT AMERICAN LLOYDS INSURANCE COMPANY v. GLEN HAMEL AND MARSHA HAMEL; from Tarrant County; 8th Court of Appeals District (08-11-00302-CV, ___ SW3d ___, 09-19-14)

The Court reverses the court of appeals' judgment and remands the case to the trial court.

Justice Lehrmann delivered the opinion of the Court.

- 14-1033 COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION, ET AL. v. HENRY ANDREW HANSEN, II, M.D.; from Brazos County; 13th Court of Appeals District (13-14-00039-CV, ___ SW3d ___, 11-06-14)

2 petitions

The Court reverses the court of appeals' judgment and reinstates the trial court's judgment.

Justice Green delivered the opinion of the Court.

- 15-0847 RON SOMMERS, AS CHAPTER 7 TRUSTEE FOR ALABAMA AND DUNLAVY, LTD., FLAT STONE II, LTD., AND FLAT STONE, LTD., AND AS SUCCESSOR IN INTEREST TO JAY COHEN, INDIVIDUALLY AND AS TRUSTEE OF THE JHC TRUSTS I AND II v. SANDCASTLE HOMES, INC.; from Harris County; 1st Court of Appeals District (01-13-00267-CV, 469 SW3d 173, 02-26-15)

- consolidated with -

- 15-0848 RON SOMMERS, AS CHAPTER 7 TRUSTEE FOR ALABAMA AND DUNLAVY, LTD., FLAT STONE II, LTD., AND FLAT STONE, LTD., AND AS SUCCESSOR IN INTEREST TO JAY COHEN, INDIVIDUALLY AND AS TRUSTEE OF THE JHC TRUSTS I AND II v. NEWBISS PROPERTY, LP; from Harris County; 1st Court of Appeals District (01-13-00233-CV, 469 SW3d 173, 02-26-15)

The Court reverses the court of appeals' judgment and remands the case to the trial court.

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

Justice Lehrmann delivered an opinion concurring in part and dissenting in part.

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

- 15-0882 IN RE DEAN DAVENPORT, ET AL.; from Bexar County; 4th Court of Appeals District (04-

15-00231-CV, ___ SW3d ___, 10-28-15)

The Court conditionally grants the writ of mandamus.

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

Justice Boyd delivered a concurring opinion, in which Justice Lehrmann joined.

16-0046 WENDY KYLE v. H.T. STRASBURGER, SHIRLEY STRASBURGER, TERRY WHITLEY, FIDELITY BANK OF TEXAS, AND TUITION LLC; from Travis County; 13th Court of Appeals District (13-13-00609-CV, ___ SW3d ___, 11-24-15)
motion to partially dismiss denied

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court affirms in part and reverses in part the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

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)

The Court reverses the court of appeals' judgment and reinstates the trial court's judgment.

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

Justice Johnson delivered a dissenting opinion, in which Justice Green, Justice Lehrmann, and Justice Boyd joined.

THE MOTION FOR REHEARING IN THE FOLLOWING CAUSE IS WITHDRAWN:

15-0492 VALERO REFINING - TEXAS, L.P. v. GALVESTON CENTRAL APPRAISAL DISTRICT; from Galveston County; 14th Court of Appeals District (14-13-00434-CV, 463 SW3d 177, 03-31-15)
motion to withdraw motion for rehearing granted

THE ABATEMENT ORDER IS EXTENDED IN THE FOLLOWING CAUSE:

15-0509 MARCELA AND JOSE BUSTAMANTE, AS NEXT FRIENDS OF D.B. v. ENRIQUE N. PONTE, JR., M.D., PEDIATRIX MEDICAL SERVICES, INC., JORGE FABIO LLAMAS-SOFORO, M.D. AND JORGE FABIO LLAMAS-SOFORO, M.D., P.A. D/B/A EL PASO EYE CENTER; from Dallas County; 5th Court of Appeals District (05-12-01394-CV, 490 SW3d 70, 05-28-15)
abatement order issued

[**Note:** The Court's abatement order of March 31, 2017 expired by its own terms on May 30, 2017. The abatement is extended until further order of this Court.]

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

15-0669 GRAPHIC PACKAGING CORPORATION 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

(03-14-00197-CV, 471 SW3d 138, 07-28-15)

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

16-0107 ALBERT G. HILL, JR. v. SHAMOUN & NORMAN, LLP; from Dallas County; 5th Court of Appeals District (05-13-01634-CV, 483 SW3d 767, 01-26-16)

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

16-0256 RICHARD T. ARCHER, DAVID B. ARCHER, CAROL ARCHER BUGG, JOHN V. ARCHER, KAREN ARCHER BALL, AND SHERRI ARCHER v. T. MARK ANDERSON AND CHRISTINE ANDERSON, AS CO-EXECUTORS OF THE ESTATE OF TED ANDERSON; from Travis County; 3rd Court of Appeals District (03-13-00790-CV, 490 SW3d 175, 03-02-16)

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

16-0337 STATE OFFICE OF RISK MANAGEMENT v. EDNA A. MARTINEZ; from Bexar County; 4th Court of Appeals District (04-14-00558-CV, ___ SW3d ___, 02-10-16)
2 petitions

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

16-0542 FORT WORTH TRANSPORTATION AUTHORITY, MCDONALD TRANSIT ASSOCIATES, INC., MCDONALD TRANSIT, INC. AND LESHAWN VAUGHN v. MICHELE RODRIGUEZ AND NEW HAMPSHIRE INSURANCE COMPANY; from Tarrant County; 2nd Court of Appeals District (02-14-00340-CV, ___ SW3d ___, 06-23-16)
unopposed motion to amend or supplement respondent's brief on the merits granted

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

16-0560 LEE NICK MCFADIN, III v. BROADWAY COFFEEHOUSE, LLC AND MARCUS ROGERS, TRUSTEE FOR THE SAKS CHILDREN TRUST A/K/A ATFL&L, A TEXAS TRUST; from Bexar County; 4th Court of Appeals District (04-16-00283-CV, ___ SW3d ___, 07-06-16)

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

16-0662 CONOCOPHILLIPS COMPANY AND BURLINGTON RESOURCES OIL & GAS CO., L.P. v. RALPH WADE KOOPMANN, KAREN MARIE KOENIG, LORENE H. KOOPMANN, AND LOIS STRIEBER, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF JERRY STRIEBER; from De Witt County; 13th Court of Appeals District (13-14-00402-CV, ___ SW3d ___, 05-19-16)

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

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS SET FOR ORAL ARGUMENT:

16-0682 IN RE ANDREW SILVER; from Dallas County; 5th Court of Appeals District (05-16-00774-CV, 500 SW3d 644, 08-17-16)

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

(Justice Guzman not sitting)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

16-0382 PHI, INC. v. DEREK LEBLANC AND AMERICAN INTERSTATE INSURANCE COMPANY; from Calhoun County; 13th Court of Appeals District (13-14-00097-CV, ___ SW3d ___, 02-25-16)

16-0401 EMMERT INDUSTRIAL CORP. v. HULCHER SERVICES, INC.; from Tarrant County; 2nd Court of Appeals District (02-14-00110-CV, ___ SW3d ___, 01-28-16)

16-0453 NUECES COUNTY, TEXAS AND NUECES COUNTY APPRAISAL DISTRICT v. SAN PATRICIO COUNTY, TEXAS; from Nueces County; 13th Court of Appeals District (13-14-00293-CV, 492 SW3d 476, 05-12-16)

(Justice Guzman not sitting)

16-0587 MOAB CONSTRUCTION COMPANY, INC. v. ALS 88 DESIGN BUILD, LLC; from Bexar County; 4th Court of Appeals District (04-15-00096-CV, ___ SW3d ___, 05-11-16)

16-0648 UNION CARBIDE CORPORATION v. PERRY JONES, ET AL.; from Harris County; 1st Court of Appeals District (01-14-00574-CV, ___ SW3d ___, 03-29-16)

16-0680 ORION MARINE CONSTRUCTION, INC. v. INOCENTE CEPEDA; from Harris County; 1st Court of Appeals District (01-15-00504-CV, 499 SW3d 579, 07-14-16)

16-0727 2012 PROPERTIES, LLC v. DALLAS COUNTY, CITY OF GARLAND, GARLAND ISD, CHARLES HOBBS, TONYA BROYLES, LISA GREUNKE, AND CROW'S NEST, INC.; from Dallas County; 5th Court of Appeals District (05-15-01002-CV, ___ SW3d ___, 07-14-16)

16-0881 CITY OF SOCORRO, TEXAS v. SAMUEL CAMPOS, ET AL.; from El Paso County; 8th Court of Appeals District (08-14-00295-CV, 510 SW3d 121, 09-14-16)

16-0888 HENRY AND SONS CONSTRUCTION COMPANY, INC. v. PABLO CAMPOS; from Nueces County; 13th Court of Appeals District (13-16-00204-CV, 510 SW3d 689, 10-06-16)
stay order issued January 20, 2017, lifted

- 16-0919 LIBERTY SPORT AVIATION, L.P. v. TEXAS HILL COUNTRY BANK; from Kendall County; 4th Court of Appeals District (04-15-00480-CV, ___ SW3d ___, 09-07-16)
- 16-1033 MARK BENNETT v. CORINTH INVESTOR HOLDINGS; from Dallas County; 5th Court of Appeals District (05-15-00944-CV, ___ SW3d ___, 07-07-16)
- 17-0082 COUNTY INVESTMENTS, LP v. ROYAL WEST INVESTMENT, LLC, SERIES E AND SHAWN SHAHBAZI; from Harris County; 14th Court of Appeals District (14-15-00207-CV, 513 SW3d 575, 12-15-16)
- (Justice Lehrmann not sitting)
- 17-0257 LAKE TRAVIS TRANSITIONAL LTCH, LLC N/K/A LAKE TRAVIS SPECIALTY HOSPITAL, LLC v. LAKEWAY REGIONAL MEDICAL CENTER, LLC AND SURGICAL DEVELOPMENT PARTNERS, LLC; 3rd Court of Appeals District (03-15-00025-CV, ___ SW3d ___, 02-17-17)
- 17-0279 JULIO MOLINAR v. S.M.; 8th Court of Appeals District (08-15-00083-CV, ___ SW3d ___, 02-08-17)
- 17-0298 IN THE INTEREST OF L.L.P., A CHILD; 1st Court of Appeals District (01-16-00699-CV, ___ SW3d ___, 03-02-17)
- 17-0299 IN THE INTEREST OF F.S. AND F.D.S., JR., CHILDREN; 1st Court of Appeals District (01-16-00702-CV, ___ SW3d ___, 03-02-17)
- 17-0320 JEFFREY MANN v. DENTON COUNTY, DENTON COUNTY SHERIFF'S OFFICE, PAIGE MCCORMICK, AND BENNY PARKEY; 2nd Court of Appeals District (02-16-00030-CV, ___ SW3d ___, 02-09-17)
- 17-0344 IN THE INTEREST OF J.I.M. AND A.A.M., CHILDREN; 4th Court of Appeals District (04-16-00766-CV, ___ SW3d ___, 03-22-17)
- 17-0346 IN THE INTEREST OF A.B. AND A.A.D., CHILDREN; 12th Court of Appeals District (12-16-00275-CV, ___ SW3d ___, 03-22-17)
- 17-0347 IN THE INTEREST OF A.D.B., A CHILD; 12th Court of Appeals District (12-16-00276-CV, ___ SW3d ___, 03-22-17)
- 17-0351 IN THE INTEREST OF A.A.B., A CHILD; 14th Court of Appeals District (14-16-00855-CV,

___ SW3d ___, 04-11-17)

17-0355 IN THE INTEREST OF R.R.A., A CHILD; 4th Court of Appeals District (04-16-00698-CV, ___ SW3d ___, 03-22-17)

17-0358 LATISHA MCFADDEN v. GREG OLESKY AND ROGELIO SANCHEZ; 3rd Court of Appeals District (03-16-00067-CV, ___ SW3d ___, 03-23-17)

17-0360 IN THE INTEREST OF K.B. AND K.R.B., CHILDREN; 7th Court of Appeals District (07-16-00438-CV, ___ SW3d ___, 04-12-17)

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

17-0188 VENKY VENKATRAMAN v. JYOTI MASUREKAR; 5th Court of Appeals District (05-15-00792-CV, ___ SW3d ___, 11-18-16)

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:

16-0818 ERNEST K. BANKAS v. MAUREEN BANKAS; from Dallas County; 5th Court of Appeals District (05-15-00894-CV, ___ SW3d ___, 07-29-16)

16-0899 HQZ PARTNERS, L.P., LANG AND COMPANY, LLC, JIM LANG, BRUCE COOK AND RAY WALTER v. ALAN D. GERTNER IRA, THROUGH ALAN GERTNER AS LEGAL REPRESENTATIVE; from Dallas County; 5th Court of Appeals District (05-15-00422-CV, ___ SW3d ___, 08-22-16)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

17-0227 IN RE CREMONA BISTRO CORP.; 5th Court of Appeals District (05-16-00967-CV, ___ SW3d ___, 02-27-17)

17-0241 IN RE D. PATRICK SMITHERMAN; 14th Court of Appeals District (14-17-00200-CV, ___ SW3d ___, 03-23-17)

stay order issued March 30, 2017, lifted

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

17-0264 IN RE FORD MOTOR COMPANY; 1st Court of Appeals District (01-17-00128-CV, ___ SW3d ___, 03-28-17)

relator's motion for temporary relief granted
stay order issued
response requested due by July 3, 2017

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