



THE SUPREME COURT OF TEXAS

Orders Pronounced December 15, 2017

ORDERS ON CAUSES

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

The Court affirms in part and reverses in part the court of appeals' judgment and remands the case to that court.

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

(Justice Boyd not sitting)

16-0556 IN RE ACCIDENT FUND GENERAL INSURANCE COMPANY AND KRISTE HENDERSON; from Hidalgo County; 13th Court of Appeals District (13-16-00315-CV, ___ SW3d ___, 07-21-16)

stay order issued September 9, 2016, lifted

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus. The Court denies the petition for writ of mandamus filed on behalf of Coil Tubing Solutions.

Per Curiam Opinion

16-0723 IN RE FRANK COPPOLA AND BRIDGET COPPOLA; from Harris County; 1st Court of Appeals District (01-16-00614-CV, ___ SW3d ___, 09-13-16)

motion to dismiss for lack of subject matter jurisdiction denied

stay order issued September 16, 2016, lifted

stay order issued December 30, 2016, lifted

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

16-0836 THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON, BELLA PATEL, M.D., F.C.C.P., RICHARD W. SMALLING, M.D., PH.D., RUCKSHANDA MAJID, M.D., AND FRANCISCO FUENTES, M.D. v. TOMAS G. RIOS, M.D.; from Harris County; 1st Court of Appeals District (01-15-01071-CV, 507 SW3d 312, 09-01-16)

The Court reverses the court of appeals' judgment, renders judgment in part, and remands the case to the trial court.

Chief Justice Hecht delivered the opinion of the Court.

16-0900 BONNIE ALLEN-PIERONI v. MARC JOHN PIERONI; from Collin County; 5th Court of Appeals District (05-15-00774-CV, ___ SW3d ___, 07-26-16)

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

Per Curiam Opinion

16-0986 KAREN MILLER, INDIVIDUALLY & AS REPRESENTATIVE OF THE ESTATE OF BETTY RUTH HATHCOCK, AND BETTY CROCKETT, INDIVIDUALLY v. JSC LAKE HIGHLANDS OPERATIONS, LP D/B/A VILLAGES OF LAKE HIGHLANDS & VILLAGES OF LAKE HIGHLANDS ASSISTED LIVING, METROSTAT DIAGNOSTIC SERVICES, INC., RICHARD M. WILLIAMS, M.D. & RICHARD M. WILLIAMS, M.D., P.L.L.C.; from Dallas County; 5th Court of Appeals District (05-15-01373-CV, ___ SW3d ___, 08-31-16)

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

Per Curiam Opinion

16-1019 MARK KEN TAFEL v. THE STATE OF TEXAS; from Hamilton County; 10th Court of Appeals District (10-14-00385-CV, 524 SW3d 642, 08-31-16)

- consolidated with -

16-1020 MARK KEN TAFEL v. THE STATE OF TEXAS; from Hamilton County; 10th Court of Appeals District (10-14-00384-CV, 524 SW3d 642, 08-31-16)

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

Per Curiam Opinion

17-0081 CITY OF KRUM, TEXAS v. TAYLOR RICE; from Denton County; 2nd Court of Appeals District (02-15-00342-CV, 508 SW3d 808, 12-15-16)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court vacates the judgments of the court of appeals and the trial court and dismisses the case as moot.

Per Curiam Opinion

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS GRANTED:

14-0721 USAA TEXAS LLOYDS COMPANY v. GAIL MENCHACA; from Montgomery County; 13th Court of Appeals District (13-13-00046-CV, ___ SW3d ___, 07-31-14)

(Justice Johnson not sitting)

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

15-0502 NOBLE ENERGY, INC. v. CONOCOPHILLIPS COMPANY; from Harris County; 14th Court of Appeals District (14-13-00884-CV, 462 SW3d 255, 03-26-15)

(Justice Lehrmann not sitting)

THE FOLLOWING CAUSES ARE SET FOR SUBMISSION:

16-0125 DEBRA C. GUNN, OBSTETRIC AND GYNECOLOGICAL ASSOCIATES, P.A., AND

OBSTETRICAL AND GYNECOLOGICAL ASSOCIATES P.L.L.C. v. ANDRE MCCOY, AS PERMANENT GUARDIAN OF SHANNON MILES MCCOY, AN INCAPACITATED PERSON; from Harris County; 14th Court of Appeals District (14-14-00112-CV, 489 SW3d 75, 03-24-16)

2 petitions

[**Note:** Oral argument of this cause will be conducted on Thursday, February 8, 2018 at 9:00 a.m. at St. Mary's University School of Law, San Antonio, Texas. *See* Tex. Const. art. V, § 3(a).]
Time allotted to argue: 20/20 minutes

16-0301 ONCOR ELECTRIC DELIVERY COMPANY LLC v. CHAPARRAL ENERGY, LLC; from Ward County; 8th Court of Appeals District (08-13-00159-CV, 511 SW3d 750, 01-13-16)

[**Note:** This cause has been set for oral argument at 9:00 a.m., February 7, 2018.]
Time allotted to argue: 20/20 minutes

16-0770 IN THE INTEREST OF S.C. AND K.C., CHILDREN; from Dallas County; 5th Court of Appeals District (05-15-00580-CV, ___ SW3d ___, 08-16-16)

[**Note:** Oral argument of this cause will be conducted on Thursday, February 8, 2018 at 9:00 a.m. at St. Mary's University School of Law, San Antonio, Texas. *See* Tex. Const. art. V, § 3(a).]
Time allotted to argue: 20/20 minutes

17-0155 BART DALTON v. CAROL DALTON; from Nacogdoches County; 12th Court of Appeals District (12-15-00203-CV, ___ SW3d ___, 01-11-17)

[**Note:** This cause has been set for oral argument at 9:00 a.m., February 27, 2018.]
Time allotted to argue: 20/20 minutes

17-0198 WASSON INTERESTS, LTD. v. CITY OF JACKSONVILLE, TEXAS; from Cherokee County; 12th Court of Appeals District (12-13-00262-CV, 513 SW3d 217, 12-09-16)

[**Note:** This cause has been set for oral argument at 9:00 a.m., February 27, 2018.]
Time allotted to argue: 20/20 minutes

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

16-0842 ANDREW ANDERSON v. JERRY V. DURANT, JERRY V. DURANT, INC. D/B/A DURANT TOYOTA AND D/B/A JERRY DURANT TOYOTA, JERRY DURANT HYUNDAI, LLC, DOYLE MAYNARD, AND ROBERT G. COTE, SR., GARY MICHAEL DEERE, JERRY RASH AND ELLIOT "SCOOTER" MICHELSON; from Tarrant County; 2nd Court of Appeals District (02-14-00283-CV, ___ SW3d ___, 02-11-16)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 27, 2018.]
Time allotted to argue: 20/20 minutes

(Justice Lehrmann not sitting)

17-0245 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, AS SUBROGEE OF CHITRA CHANDRASEKARAN v. LISA SIMONE BELL F/K/A LISA SIMONE

OVERMAN, F/K/A LISA SIMONE, AND ROBIN W. GOLDSMITH; from Tarrant County; 2nd Court of Appeals District (02-15-00207-CV, ___ SW3d ___, 12-15-16)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 27, 2018.]
Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 16-0849 IN RE THE ESTATE OF GLENDA RHOADES, DECEASED; from Parker County; 2nd Court of Appeals District (02-15-00353-CV, 502 SW3d 406, 09-08-16)
- 16-0861 IN THE MATTER OF A.F., A CHILD; from Harris County; 14th Court of Appeals District (14-15-00709-CV, ___ SW3d ___, 09-08-16)
- 16-0875 NEWSOM, TERRY & NEWSOM, L.L.P. AND STEVEN TERRY v. HENRY S. MILLER COMMERCIAL COMPANY; from Dallas County; 5th Court of Appeals District (05-14-01188-CV, ___ SW3d ___, 09-14-16)
- 16-0911 FORT WORTH INDEPENDENT SCHOOL DISTRICT v. JOSEPH PALAZZOLO; from Wise County; 2nd Court of Appeals District (02-14-00262-CV, 498 SW3d 674, 07-07-16)
petitioner's motion to strike evidence dismissed as moot
petitioner's motion to refuse to consider amicus brief dismissed as moot
- 16-0917 CITY OF MANSFIELD v. JOSH AND KELLI SAVERING, CHATTANYA CHAVDA, PANNABEN NANCHI, PHILLIP AND LISA KLOTZ, PAUL ARESENEAU, ALLISON BLACKSTEIN AND JACK A. MUHLBEIER; from Tarrant County; 2nd Court of Appeals District (02-15-00034-CV, 505 SW3d 33, 09-29-16)
as amended
- 17-0104 PLAINSCAPITAL BANK v. WOODS MFI, LLC AND JOHN S. WOODS; from Harris County; 14th Court of Appeals District (14-15-00655-CV, ___ SW3d ___, 11-01-16)
- 17-0376 B&P DEVELOPMENT, LLC AND CHAD H. FOSTER, JR. v. KNIGHTHAWK, LLC, SERIES G; from Val Verde County; 4th Court of Appeals District (04-15-00575-CV, ___ SW3d ___, 03-29-17)
- 17-0643 ANDREA VASQUEZ v. LAWRENCE W. SHIPLEY, III; from Bexar County; 4th Court of Appeals District (04-16-00295-CV, ___ SW3d ___, 05-31-17)
- 17-0696 RICHARD F. BUNCH, III AND MICHELLE BUNCH v. THE WOODLANDS LAND DEVELOPMENT COMPANY, LP; from Montgomery County; 9th Court of Appeals District

(09-16-00136-CV, ___ SW3d ___, 07-20-17)

- 17-0698 STEPHEN COURTNEY, M.D., ET AL. v. CRISTEL PENNINGTON, INDIVIDUALLY AND AS AN HEIR AND REPRESENTATIVE OF THE ESTATE OF STEVEN PAUL PENNINGTON, DECEASED; from Dallas County; 5th Court of Appeals District (05-16-01124-CV, ___ SW3d ___, 07-21-17)
2 petitions
- 17-0873 IN THE GUARDIANSHIP OF A.S.K, AN INCAPACITATED PERSON; from Harris County; 14th Court of Appeals District (14-15-00588-CV, ___ SW3d ___, 08-22-17)
- 17-0910 JAMES T. EDWARDS v. FEDERAL NATIONAL MORTGAGE ASSOCIATION, SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING LP, F/K/A BANK OF AMERICA, N.A. F/K/A COUNTRYWIDE HOME LOANS SERVICING, LP; from Denton County; 8th Court of Appeals District (08-16-00136-CV, ___ SW3d ___, 09-20-17)
- 17-0920 IN THE INTEREST OF C.V., A CHILD; from Bailey County; 7th Court of Appeals District (07-17-00072-CV, ___ SW3d ___, 08-25-17)
- 17-0948 IN THE INTEREST OF J.J.S., P.L.S., Z.A.S., A.B.S., AND K.L.S., MINOR CHILDREN; from Colorado County; 14th Court of Appeals District (14-17-00359-CV, ___ SW3d ___, 10-10-17)
- 17-0986 IN THE INTEREST OF A.E., A CHILD; from Dallas County; 5th Court of Appeals District (05-17-00425-CV, ___ SW3d ___, 10-20-17)

ORDERS ON MOTIONS FOR REHEARING

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

- 16-0468 IN THE MATTER OF J.G.; from Harris County; 1st Court of Appeals District (01-15-01025-CV, 495 SW3d 354, 05-05-16)
- 16-1014 GRANDE GARBAGE COLLECTION CO., LLC; CITY OF RIO GRANDE, TEXAS AND ITS ELECTED OFFICIALS IN THEIR OFFICIAL AND INDIVIDUAL CAPACITIES; AND PATRICIO HERNANDEZ, INDIVIDUALLY AND DOING BUSINESS AS GRANDE GARBAGE COLLECTION CO., LLC v. BFI WASTE SERVICES OF TEXAS, LP D/B/A ALLIED WASTE SERVICES OF RIO GRANDE VALLEY; from Starr County; 4th Court of Appeals District (04-15-00729-CV, ___ SW3d ___, 09-21-16)
- 17-0188 VENKY VENKATRAMAN v. JYOTI MASUREKAR; from Dallas County; 5th Court of Appeals District (05-15-00792-CV, ___ SW3d ___, 11-18-16)

- 17-0406 MARK TRIMBLE, INDIVIDUALLY AND AS ASSIGNEE FOR I.B. AND MILDRED HENDERSON v. FEDERAL NATIONAL MORTGAGE ASSOCIATION; from Galveston County; 1st Court of Appeals District (01-15-00921-CV, 516 SW3d 24, 12-20-16)
- 17-0493 MICHAEL A. MCCANN v. SPENCER PLANTATION INVESTMENTS, LTD.; from Brazoria County; 1st Court of Appeals District (01-16-00098-CV, ___ SW3d ___, 02-28-17)
- 17-0526 DEK-M NATIONWIDE, LTD. v. DAVID HILL INDIVIDUALLY AND D/B/A DOH OIL CO., CASSIE MOSELEY, DAVID MOSELEY, AND COLORADO COUNTY CENTRAL APPRAISAL DISTRICT; from Colorado County; 14th Court of Appeals District (14-15-01030-CV, ___ SW3d ___, 04-18-17)
- 17-0685 FARSHID ENTERPRISES, L.L.C. AND ABUL HASNAT v. OFFICE OF THE COMPTROLLER OF PUBLIC ACCOUNTS FOR THE STATE OF TEXAS; GLENN HEGAR, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS; AND KEN PAXTON, ATTORNEY GENERAL OF TEXAS; from Travis County; 3rd Court of Appeals District (03-16-00291-CV, ___ SW3d ___, 04-13-17)

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

- 17-0154 IN RE RZQ, L.L.C.; from Hidalgo County; 13th Court of Appeals District (13-14-00490-CV, ___ SW3d ___, 10-16-14)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 17-0911 IN RE BRANDY CHARLES AND PROPHET RONALD DWAYNE WHITFIELD; from Harris County; 1st Court of Appeals District (01-17-00369-CV, ___ SW3d ___, 08-10-17)
as redrafted

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

- 17-0818 IN RE VCC, LLC, VRATSINAS CONSTRUCTION CO., NATO GARCIA D/B/A NATO GARCIA COMPANY, AND PHI SERVICE AGENCY, INC.; from Hidalgo County; 13th Court of Appeals District (13-17-00521-CV, ___ SW3d ___, 09-28-17)
motion to clarify order granting stay, or, alternatively, motion to lift stay in part, granted in part revised stay order issued

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