

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
300 Dolorosa, Suite 3200
San Antonio, Texas 78205-3037



Contact: Keith Hottle, Clerk of the Court
Phone: (210) 335-2510

FOR IMMEDIATE RELEASE
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Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, April 24, 2018, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Marialyn Barnard, and Justice Patricia O. Alvarez.

The following case will be presented:

Discount Tire Company v. Federico Vargas Cabanas- This appeal arises from the circumstances surrounding a wheel coming off a moving pickup truck, striking another vehicle traveling in the opposite direction, and injuring the driver. Two days before the accident, Appellant Discount Tire Company of Texas rotated the tires on a customer's truck. On the night of the accident, the left front wheel of the customer's westbound truck separated from the vehicle and struck the left front of Cabanas's eastbound truck. Cabanas complained of back pain and was taken to the hospital for evaluation. Following the accident, Cabanas underwent several surgeries; his medical providers' accounts receivable were assigned to a litigation finance company. Cabanas sued Discount Tire for negligence. The jury found Discount Tire negligent, and awarded Cabanas damages—primarily for past medical expenses.

Discount Tire appeals, arguing that there is no evidence that that it was negligent or caused the accident, the trial court erred in submitting a *res ipsa loquitor* question in the charge, and the trial court erred by denying Discount Tire's request to put on evidence of the medical expenses actually paid and incurred.

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