



THE SUPREME COURT OF TEXAS

Orders Pronounced December 14, 2018

ORDERS ON CAUSES

THE FOLLOWING CAUSE IS SET FOR SUBMISSION:

17-0925 ENDEAVOR ENERGY RESOURCES, L.P. v. EVELYN CUEVAS, ET AL.; from Midland County; 11th Court of Appeals District (11-15-00157-CV, 531 SW3d 375, 10-05-17)

[**Note:** This cause has been set for oral argument at 9:00 a.m., February 19, 2019.]
Time allotted to argue: 20/20 minutes

THE FOLLOWING CAUSES ARE RESET FOR ORAL ARGUMENT:

17-0365 CHAMBERS-LIBERTY COUNTIES NAVIGATION DISTRICT, ET AL. v. THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-15-00744-CV, ___ SW3d ___, 07-08-16)

2 petitions

- consolidated for oral argument with -

17-0404 IN RE SUSTAINABLE TEXAS OYSTER RESOURCE MANAGEMENT, L.L.C.; from Travis County; 3rd Court of Appeals District (03-15-00744-CV, ___ SW3d ___, 07-08-16)

[**Note:** The causes have been reset for oral argument at 9:00 a.m., January 23, 2019.]
Time allotted to argue: 20/20 minutes

17-0563 BAYLOR SCOTT AND WHITE, HILLCREST MEDICAL CENTER v. RUTHEN JAMES WEEMS III; from McLennan County; 6th Court of Appeals District (06-17-00018-CV, ___ SW3d ___, 05-11-17)

[**Note:** Oral argument of this cause is reset and will be conducted on Thursday, January 31, 2019 at 9:00 a.m. at Texas High School, Texarkana, Texas. *See* Tex. Const. art. V, § 3(a).]

Time allotted to argue: 20/20 minutes

17-0730 UNIVERSITY OF TEXAS M.D. ANDERSON CANCER CENTER v. LANCE MCKENZIE, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF COURTNEY MCKENZIE-THUE (DECEASED), DEBORAH DIVER, INDIVIDUALLY AND AS NEXT FRIEND OF J.O., A MINOR; from Harris County; 14th Court of Appeals District (14-16-00681-CV, 529 SW3d 177, 08-03-17)

[**Note:** This cause has been reset for oral argument at 9:00 a.m., February 19, 2019.]
Time allotted to argue: 20/20 minutes

18-0099 PHI, INC. v. TEXAS JUVENILE JUSTICE DEPARTMENT F/K/A TEXAS YOUTH COMMISSION; from Cooke County; 2nd Court of Appeals District (02-17-00013-CV & 02-17-00014-CV, 537 SW3d 707, 12-21-17)

[**Note:** Oral argument of this cause is reset and will be conducted on Thursday, January 31, 2019 at 9:00 a.m. at Texas High School, Texarkana, Texas. *See* Tex. Const. art. V, § 3(a).]
Time allotted to argue: 20/20 minutes

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

16-0120 STEVEN PAINTER; TONYA WRIGHT, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF EARL A. WRIGHT, III, DECEASED; VIRGINIA WEAVER, INDIVIDUALLY AND AS NEXT FRIEND OF A.A.C., A MINOR; AND TABITHA R. ROSELLO, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF ALBERT CARILLO, DECEASED v. AMERIMEX DRILLING I, LTD.; from Pecos County; 8th Court of Appeals District (08-14-00134-CV, 511 SW3d 700, 11-03-15)

16-0549 DR. BEHZAD NAZARI, D.D.S., ET AL. v. THE STATE OF TEXAS; XEROX CORPORATION; AND XEROX STATE HEALTHCARE, LLC, F/K/A ACS STATE HEALTHCARE, LLC; from Travis County; 3rd Court of Appeals District (03-15-00252-CV, 497 SW3d 169, 06-17-16)

(Justice Boyd and Justice Blacklock not sitting)

18-0660 IN RE OCCIDENTAL CHEMICAL CORPORATION, OXY INGLESIDE ENERGY CENTER, LLC, OXY INGLESIDE LPG TERMINAL LLC, AND OXY INGLESIDE OIL TERMINAL LLC

(Justice Guzman not sitting)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

18-0071 GERALD GODOY v. WELLS FARGO BANK, N.A.; from Harris County; 14th Court of Appeals District (14-16-00599-CV, 542 SW3d 50, 10-31-17)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 19, 2019.]
Time allotted to argue: 20/20 minutes

(Justice Johnson not sitting)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

17-0182 JEFFORY BLACKARD v. ATTORNEY PRO TEM KENT A. SCHAFFER, IN HIS OFFICIAL CAPACITY, ET AL.; from Collin County; 5th Court of Appeals District (05-16-00408-CV, ___ SW3d ___, 01-18-17)

- 17-0756 DOUBLE EAGLE DEVELOPMENT, LLC v. APACHE DEEPWATER, LLC; from Reagan County; 8th Court of Appeals District (08-16-00038-CV, 557 SW3d 650, 08-23-17)
- 17-0876 FRANCIS MICHAEL LYNCH v. DONNA FALCON LYNCH; from Harris County; 1st Court of Appeals District (01-16-00573-CV, ___ SW3d ___, 09-14-17)
- 17-1043 CHERYL D. HOLE v. COMMISSION FOR LAWYER DISCIPLINE; from Hidalgo County; 13th Court of Appeals District (13-15-00522-CV, ___ SW3d ___, 08-24-17)
- 17-1044 RONALD G. HOLE v. COMMISSION FOR LAWYER DISCIPLINE; from Hidalgo County; 13th Court of Appeals District (13-15-00528-CV, ___ SW3d ___, 08-24-17)
- 18-0236 LISA RENEE WARD v. VIRGIL BRENT WARD; from Liberty County; 9th Court of Appeals District (09-17-00024-CV, ___ SW3d ___, 12-07-17)
- 18-0371 RANBAXY, INC. (F/K/A RANBAXY PHARMACEUTICALS, INC.), RANBAXY LABORATORIES, LTD., VENKATACHALAM KRISHNAN, AND ARUN SAWHNEY v. SIGNATURE PHARMACEUTICALS, LLC, SIGNATURE R&D HOLDINGS, LLC, AMERICAN GENERICS, INC., AND MCCORMICK HOLDINGS, LLC; from Collin County; 5th Court of Appeals District (05-17-00412-CV, ___ SW3d ___, 03-12-18)
- 18-0373 ANTONIO MENCHACA, JR. AND PERLA NEVAREZ v. THE STATE OF TEXAS; from Cameron County; 13th Court of Appeals District (13-16-00602-CV, ___ SW3d ___, 02-15-18)
as redrafted
- 18-0391 DWAYNE R. DAY, P.C. AND DWAYNE R. DAY v. DONALD YOUNG AND DORIS YOUNG; from Galveston County; 1st Court of Appeals District (01-16-00325-CV, ___ SW3d ___, 03-27-18)
2 petitions
- 18-0441 IN THE ESTATE OF BARBARA R. DEAN, DECEASED; from Jim Wells County; 4th Court of Appeals District (04-17-00009-CV, ___ SW3d ___, 02-28-18)
- 18-0594 STEPHEN EMERY GEIS v. LYNN GEIS; from Tarrant County; 2nd Court of Appeals District (02-17-00308-CV, ___ SW3d ___, 04-19-18)
- 18-0630 STEVE F. MONTOYA, JR., M.D.; WEST TEXAS RENAL CARE; AND WEST TEXAS NEPHROLOGY v. SAN ANGELO COMMUNITY MEDICAL CENTER AND KIRK BREWER, M.D.; from Tom Green County; 3rd Court of Appeals District (03-16-00510-CV,

___ SW3d ___, 05-31-18)

2 petitions

- 18-0662 DIPAK GIRI v. DR. J. SCOT ESTEP, DVM, DACVP; from Comal County; 3rd Court of Appeals District (03-17-00759-CV, ___ SW3d ___, 05-04-18)
- 18-0671 CAROLYN CASTERLINE v. ONEWEST BANK, F.S.B.; from San Patricio County; 13th Court of Appeals District (13-17-00118-CV, ___ SW3d ___, 04-12-18)
- 18-0684 CHARLES WILLIAM JOHNSON v. TIMOTHY JOHN WHALEN AND THE WHALEN LAW FIRM, PLLC; from Dallas County; 5th Court of Appeals District (05-16-00473-CV, ___ SW3d ___, 05-31-18)
- 18-0706 ROBERT W. SKLOSS AND JACLYN H. NGUYEN v. GARY BEAVERS CONSTRUCTION, GARY W. BEAVERS, INDIVIDUALLY, AND AMY BEAVERS, INDIVIDUALLY; from Edwards County; 4th Court of Appeals District (04-17-00112-CV, ___ SW3d ___, 06-20-18)
- 18-0723 FEMI ONABAJO AND CHRISTY ONABAJO v. WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST A; from Travis County; 3rd Court of Appeals District (03-17-00486-CV, ___ SW3d ___, 06-07-18)
- 18-0733 LUIS FRANCISCO & ELSA FRANCISCO-SOTO v. THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Montgomery County; 9th Court of Appeals District (09-18-00156-CV, ___ SW3d ___, 08-30-18)
emergency motion for stay dismissed as moot
second emergency motion for stay dismissed as moot
- 18-0760 JEFFREY D. WESTBROOK v. DAVID A. DOUGHTY; from Jefferson County; 9th Court of Appeals District (09-18-00054-CV, ___ SW3d ___, 06-28-18)
- 18-0786 STEVE M. HILL, D/B/A HILL ROOFING & CONSTRUCTION v. JANET AND ROBERT SPRACKLEN; from Tarrant County; 5th Court of Appeals District (05-17-00829-CV, ___ SW3d ___, 07-12-18)
motion to dismiss petition for review dismissed as moot
- 18-0788 SAM RAYBURN MUNICIPAL POWER AGENCY v. RALPH J. GILLIS, GILLIS BORCHARDT & BARTHEL LLP, OBAIN ASSOCIATES LIMITED AND THE JASPER/VPPA SETTLEMENT TRUST; from Liberty County; 9th Court of Appeals District (09-16-00339-CV, ___ SW3d ___, 07-26-18)

- 18-0818 GNJ REALTY INVESTMENTS LLC v. CITY OF EDINBURG; from Hidalgo County; 13th Court of Appeals District (13-17-00290-CV, ___ SW3d ___, 06-07-18)
- 18-0825 IN THE INTEREST OF V.L.M, A CHILD; from Bexar County; 4th Court of Appeals District (04-18-00100-CV, ___ SW3d ___, 07-25-18)
- 18-0845 R2 RESTAURANTS, INC. v. MINEOLA COMMUNITY BANK, SSB; from Wood County; 12th Court of Appeals District (12-17-00328-CV, ___ SW3d ___, 07-25-18)
- 18-0856 TEXAS INPATIENT CONSULTANTS, LLP v. JULIUS B. TABE, M.D.; from Harris County; 1st Court of Appeals District (01-16-00971-CV, 555 SW3d 382, 07-26-18)
- 18-0857 VICKI PRUITT JOHNSON v. JOHN GILMER JOHNSON, JOEL DAVID JOHNSON, JUDY FOWLER, ROSS GRIFFITH, CARY SCHROEDER, JAMES HOLLIDAY, DYANN MCCULLY, JOHN DOWDY, AND WILLIAM RIDGEWAY; from Tarrant County; 2nd Court of Appeals District (02-18-00011-CV, ___ SW3d ___, 06-28-18)
- 18-0883 JAMES ANDY FRY v. RICHARD F. DAVIS, SUSAN A. SWETE AND RHETT HOESTENBACH; from Burnet County; 3rd Court of Appeals District (03-17-00516-CV, ___ SW3d ___, 08-23-18)
- 18-0899 JOE SVADLENAK v. THE CITY OF STAFFORD, TEXAS; from Fort Bend County; 14th Court of Appeals District (14-18-00089-CV, ___ SW3d ___, 08-07-18)
- 18-0912 IN RE THE COMMITMENT OF JERRY WAYNE HUTYRA; from Fort Bend County; 14th Court of Appeals District (14-17-00669-CV, ___ SW3d ___, 08-16-18)
- 18-0924 GRACIELA QUIROZ, INDIVIDUALLY, A/N/F OF "JOHN DOE 1" AND "JOHN DOE 2", MINORS, AND ROBERT SULLIVAN, INDIVIDUALLY, A/N/F OF "JOHN DOE 3" v. JUMPSTREET8, INC., JUMPSTREET, INC. AND JUMPSTREET CONSTRUCTION, INC.; from Dallas County; 5th Court of Appeals District (05-17-00948-CV, ___ SW3d ___, 07-09-18)
- 18-0945 IASIS HEALTHCARE CORPORATION AND SJ MEDICAL CENTER, LLC D/B/A ST. JOSEPH MEDICAL CENTER v. ALAN PEAN; from Harris County; 1st Court of Appeals District (01-17-00638-CV, ___ SW3d ___, 06-21-18)
- 18-0951 LEVU GP, LLC v. PACIFICO PARTNERS, LTD. AND GP PACIFICO; from Dallas County; 5th Court of Appeals District (05-16-01167-CV, ___ SW3d ___, 08-23-18)
- 18-0958 DARNELL PETTWAY, M.D. v. MARIA OLVERA; from Harris County; 14th Court of

Appeals District (14-17-00532-CV, ___ SW3d ___, 08-23-18)

- 18-0967 TEXAS HEALTH AND HUMAN SERVICES COMMISSION AND OFFICE OF THE INSPECTOR GENERAL v. LEE'S PHARMACY AND MEDICAL EQUIPMENT, INC.; from Travis County; 3rd Court of Appeals District (03-16-00797-CV, ___ SW3d ___, 07-05-18)
- 18-0979 GEORGE JOSEPH ASSETS, LLC, AND THE ACKEL HEIRS (GEORGE ACKEL, III, ADAM A. ACKEL, ALANA ACKEL TALLO AND ALEXANDER ACKEL). v. JERILYN LEA CHENEVERT, F/K/A JERILYN LEA ACKEL AND J CHENEVERT PROPERTIES, LLC; from Harris County; 14th Court of Appeals District (14-16-00743-CV, 557 SW3d 755, 07-10-18)
- 18-1014 AMANDA JANE REYNOLDS v. STEPHEN DUANE WELLMAN; from Montgomery County; 9th Court of Appeals District (09-17-00459-CV, ___ SW3d ___, 09-20-18)
motions for emergency relief dismissed as moot
motion to request answers dismissed as moot
motion to request to question person dismissed as moot
- 18-1025 IN THE INTEREST OF P.L.F., A CHILD; from Johnson County; 10th Court of Appeals District (10-18-00153-CV, ___ SW3d ___, 09-19-18)
- 18-1049 QAMAR U. ARFEEN, ET AL. v. JOE R. CHAPMAN; from Jefferson County; 9th Court of Appeals District (09-16-00272-CV, ___ SW3d ___, 08-30-18)
- 18-1056 BRADFORD COOPER v. M.N. GUMBERT CORPORATION, ET AL.; from Bexar County; 4th Court of Appeals District (04-17-00833-CV, ___ SW3d ___, 09-19-18)
- 18-1094 IN THE INTEREST OF C.A.G., AKA C.G., J.P.G., AKA J.G., CHILDREN; from Harris County; 14th Court of Appeals District (14-18-00368-CV, ___ SW3d ___, 10-02-18)
counsel's motion to withdraw granted
- 18-1095 IN THE INTEREST OF J.I.L. AND A.V.L., CHILDREN; from Harris County; 1st Court of Appeals District (01-18-00319-CV, ___ SW3d ___, 09-27-18)
counsel's motion to withdraw granted
- 18-1132 IN THE INTEREST OF E.T., A CHILD; from Potter County; 7th Court of Appeals District (07-18-00254-CV, ___ SW3d ___, 09-18-18)
- 18-1141 IN THE INTEREST OF C.A.D.; from Polk County; 9th Court of Appeals District (09-18-00179-

CV, ___ SW3d ___, 10-18-18)

18-1144 IN THE INTEREST OF A.W., A CHILD; from Wichita County; 2nd Court of Appeals District (02-18-00147-CV, ___ SW3d ___, 10-18-18)

ORDERS ON MOTIONS FOR REHEARING

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

17-0561 ROLANDO CUMPIAN v. JOERIS GENERAL CONTRACTORS, LTD.; from Bexar County; 4th Court of Appeals District (04-15-00481-CV, 531 SW3d 187, 12-21-16)

17-0701 HARLETON OIL & GAS, INC. v. WAYNE E. FREEMAN, ET AL.; from Harrison County; 6th Court of Appeals District (06-16-00034-CV, 528 SW3d 708, 07-07-17)

(Justice Guzman not sitting)

17-0726 SHERIDAN HILLS DEVELOPMENTS, L.P. v. MIKE SULLIVAN, IN HIS OFFICIAL CAPACITY AS HARRIS COUNTY TAX ASSESSOR COLLECTOR; from Harris County; 14th Court of Appeals District (14-15-00630-CV, ___ SW3d ___, 05-02-17)

17-0732 WHATABURGER OF ALICE, LTD. v. WHATABURGER, INC., CA DEVELOPMENT LLC, CA REAL ESTATE LLC, CINCO AGUILAS LLC, TRES AGUILAS ENTERPRISES LLC, TRES AGUILAS MANAGEMENT LLC, WHATABURGER INTERNATIONAL LLC, WHATABURGER REAL ESTATE LLC, WHATABURGER RESTAURANTS LLC, ET AL.; from Bexar County; 4th Court of Appeals District (04-16-00085-CV, ___ SW3d ___, 06-21-17)

17-0801 G.T. LEACH BUILDERS, L.L.C.-RESIDENTIAL, G.T. LEACH CONSTRUCTION, L.P. AND GARY T. LEACH v. SAPPHIRE CONDOMINIUMS ASSOCIATION, INC.; from Cameron County; 13th Court of Appeals District (13-16-00293-CV, ___ SW3d ___, 08-24-17)

18-0363 NEIL ALBRECHT AND SHELIA ALBRECHT v. THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2005-17; from Dallas County; 5th Court of Appeals District (05-17-00272-CV, ___ SW3d ___, 02-21-18)

18-0474 NORMA PERALES v. ROEL LARA AND ALFONSO SANTOS OBREGON, JR.; from Nueces County; 13th Court of Appeals District (13-16-00285-CV, ___ SW3d ___, 01-11-18)

18-0527 PAUL T. YOUNG v. WILLIAM HEINS, LEAH VIDRINE, EMILY LUECK AND WAYDE SHIPMAN; from Galveston County; 1st Court of Appeals District (01-15-00500-CV, ___ SW3d ___, 06-01-18)

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

18-0851 IN RE DONALD L. BLOOM; from Harris County; 1st Court of Appeals District (01-18-00563-CV, ___ SW3d ___, 08-30-18)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF QUO WARRANTO IS DENIED:

18-0600 IN RE CHARITY COLLEEN CROUSE

motion for waiver of filing fee dismissed
motion for leave to file writ of certiorari denied

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

18-1069 IN RE MICROVAST, INC., AND YANG WU; from Harris County; 1st Court of Appeals District (01-18-00049-CV, ___ SW3d ___, 08-30-18)

18-1120 IN RE PHILIP J. EMERSON, JR.; from Wood County; 6th Court of Appeals District (06-18-00078-CV, ___ SW3d ___, 10-19-18)

as corrected
motions for emergency relief denied

THE DECISIONS OF THE BOARD OF DISCIPLINARY APPEALS IN THE FOLLOWING APPEALS ARE
AFFIRMED:

18-0747 LINDA I. PEREZ v. COMMISSION FOR LAWYER DISCIPLINE

18-0761 ROBERT A. SWEARINGEN v. COMMISSION FOR LAWYER DISCIPLINE (60011)