



# THE SUPREME COURT OF TEXAS

Orders Pronounced June 14, 2019

## ORDERS ON CAUSES

16-0966 THOMAS A. LALONDE, JR., P.E., INDIVIDUALLY AND D/B/A LEE ENGINEERING CO., LEE ENGINEERING CO., STANLEY HAROLD PRATHER AND PRATHER ENGINEERING CONSULTANTS, INC. v. PAUL GOSNELL AND KIM GOSNELL; from Denton County; 2nd Court of Appeals District (02-15-00250-CV, 559 SW3d 559, 08-31-16)

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

Justice Guzman delivered the opinion of the Court, in which Justice Green, Justice Lehrmann, Justice Devine, Justice Brown, and Justice Busby joined.

Justice Boyd delivered a dissenting opinion, in which Chief Justice Hecht and Justice Blacklock joined.

18-0329 JOY WORSDALE, INDIVIDUALLY AND AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF SCOTT WORSDALE, ET AL. v. THE CITY OF KILLEEN, TEXAS; from Bell County; 3rd Court of Appeals District (03-17-00640-CV, 567 SW3d 377, 02-28-18)

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

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

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

18-0443 IN RE GEOMET RECYCLING LLC, RICHARD GOLDBERG, KENNETH GOLDBERG, JOSH APPLEBAUM, ALICIA MCKINNEY, ELOISA MEDINA, LEE WAKSER, SPENCER LIEMAN, MIKEL SHECHT, LAURA MYERS, HENRY JACKSON, AND KELLY COUCH; from Dallas County; 5th Court of Appeals District (05-18-00261-CV)

The Court conditionally grants the writ of mandamus.

Justice Blacklock delivered the opinion of the Court.

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

17-0058 LARRY EDDINGTON, VINCENT J. AURENTZ, AND WILLIAM J. BUTLER v. DALLAS POLICE AND FIRE PENSION SYSTEM AND WILLIAM F. QUINN, IN HIS OFFICIAL CAPACITY AS BOARD CHAIR; from Dallas County; 5th Court of Appeals District (05-15-00839-CV, 508 SW3d 774, 12-13-16)

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 14-0151 JERRY MULLENDORE v. KURT MICHAEL MUEHLSTEIN; from Denton County; 8th Court of Appeals District (08-12-00140-CV, 441 SW3d 426, 01-15-14)  
abatement order issued January 30, 2015, lifted  
petition reinstated
- 17-0474 JENNIFER FRAME, GREG GRIFFITH, CHERYL BURRIS, AND DIANA PULIDO v. CITY OF AUSTIN; from Travis County; 3rd Court of Appeals District (03-15-00292-CV, \_\_\_ SW3d \_\_\_, 05-05-17)
- 17-0926 EP ENERGY E&P COMPANY, L.P. F/K/A EL PASO E&P COMPANY, L.P. v. FAIRFIELD INDUSTRIES, INC. D/B/A FAIRFIELDNODAL; from Harris County; 14th Court of Appeals District (14-15-00586-CV, 531 SW3d 234, 07-06-17)
- 18-0076 DLA PIPER LLP (US) v. CHRIS LINEGAR; from Travis County; 11th Court of Appeals District (11-12-00201-CV, 539 SW3d 512, 12-21-17)
- 18-0232 IN THE INTEREST OF G.V., III AND G.V., CHILDREN; from Tarrant County; 2nd Court of Appeals District (02-17-00220-CV, 543 SW3d 342, 12-18-17)
- 18-0285 RICHARD FORD AND RAQUEL GONZALES, AS WRONGFUL DEATH BENEFICIARIES OF DESIREE FORD, DECEASED v. MICHAEL V. KELLY, II, M.D., COMPOUNDING PLUS LLC D/B/A DIAMOND PHARMACY, TAMARA MITCHELL, JOYCE JAMES, R.PH., CHRISTIAN SCHWALM, AND DIAMOND PHARMACY, LLC; from Harris County; 14th Court of Appeals District (14-17-00180-CV; 14-17-00226-CV; 14-17-00497-CV, 543 SW3d 383, 01-30-18)

(Justice Busby not sitting)

- 18-0455 PROGRESO INDEPENDENT SCHOOL DISTRICT v. MICHAEL MORATH, IN HIS OFFICIAL CAPACITY AS TEXAS COMMISSIONER OF EDUCATION; AND MICHAEL BERRY, IN HIS OFFICIAL CAPACITY AS DEPUTY COMMISSIONER OF EDUCATION; from Travis County; 3rd Court of Appeals District (03-16-00254-CV, \_\_\_ SW3d \_\_\_, 12-07-17)
- 18-0465 ETHELVINA I. FELAN v. MAVERICK COUNTY, ET AL.; from Maverick County; 4th Court of Appeals District (04-17-00393-CV, 551 SW3d 229, 04-11-18)

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 18-0473 LAURA PERILLA-VARGAS v. BAYLOR COLLEGE OF MEDICINE, SHAFEEQ SHEIKH, M.D.; from Harris County; 1st Court of Appeals District (01-17-00018-CV, \_\_\_ SW3d \_\_\_, 04-10-18)
- 18-0505 IN THE MATTER OF R.S.; from Tom Green County; 3rd Court of Appeals District (03-17-00557-CV, \_\_\_ SW3d \_\_\_, 04-19-18)
- 18-0580 MICHAEL QUINN SULLIVAN v. TEXAS ETHICS COMMISSION; from Travis County; 3rd Court of Appeals District (03-17-00392-CV, 551 SW3d 848, 05-17-18)
- 18-0647 NTS COMMUNICATIONS, 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 (03-16-00771-CV, \_\_\_ SW3d \_\_\_, 06-07-18)
- 18-0717 TRUCK INSURANCE EXCHANGE AND TEAM HEALTH, INC. v. MARCUS HERNANDEZ AND DIANE HERNANDEZ; from Tarrant County; 2nd Court of Appeals District (02-17-00046-CV, 553 SW3d 689, 06-21-18)  
2 petitions
- 18-0757 KEVIN TAYLOR AND MICHELLE TAYLOR, INDIVIDUALLY AND AS SOLE HEIRS ON BEHALF OF THE ESTATE OF CHRISTIAN AMADEUS TAYLOR v. TEXAS A&M UNIVERSITY; from Brazos County; 10th Court of Appeals District (10-17-00288-CV, \_\_\_ SW3d \_\_\_, 07-03-18)
- 18-0950 LEE LAVERNE TABLER v. MOMENTUM ENGINEERING, LLC; from Harris County; 14th Court of Appeals District (14-18-00002-CV, \_\_\_ SW3d \_\_\_, 08-23-18)  
(Justice Busby not sitting)
- 18-0955 IN THE INTEREST OF J.E.P., A CHILD; from Dallas County; 5th Court of Appeals District (05-17-00095-CV, \_\_\_ SW3d \_\_\_, 08-20-18)
- 18-1015 JOE MURPHY, YORAM BEN AMRAM AND GALTEX DEVELOPMENT, LLC v. THE CITY OF GALVESTON TEXAS; from Galveston County; 14th Court of Appeals District (14-17-00063-CV, 557 SW3d 235, 06-05-18)  
(Justice Busby not sitting)

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 18-1030 IN THE MATTER OF THE EXPUNCTION OF V.H.B.; from El Paso County; 8th Court of Appeals District (08-16-00224-CV, \_\_\_ SW3d \_\_\_, 09-28-18)
- 18-1039 CINTHYA ANGELES v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Travis County; 3rd Court of Appeals District (03-18-00034-CV, \_\_\_ SW3d \_\_\_, 09-19-18)
- 18-1043 STACEY R. HAMMER v. RICHARD HAMMER; from Travis County; 3rd Court of Appeals District (03-18-00028-CV, \_\_\_ SW3d \_\_\_, 09-18-18)
- 18-1058 LEANNA MARIA MUGFORD v. JAMES ROBERT MUGFORD; from Galveston County; 14th Court of Appeals District (14-16-00436-CV, \_\_\_ SW3d \_\_\_, 05-22-18)  
(Justice Busby not sitting)
- 18-1062 DAVID LAWRENCE "LARRY" GLASS , LACY CREEK RANCHES, LLC, AND GLASS PROPERTIES, LTD. v. FRANK GLASS FAMILY PARTNERSHIP, LTD., FRANK GLASS, AND CAROL A. STROTHER; from Glasscock County; 11th Court of Appeals District (11-16-00047-CV, \_\_\_ SW3d \_\_\_, 08-30-18)
- 18-1073 BENJAMIN S. EMMONS AND SOURCE CAPITAL, LLC v. CITY OF WHITE SETTLEMENT, TEXAS AND WHITE SETTLEMENT ECONOMIC DEVELOPMENT CORPORATION; from Tarrant County; 2nd Court of Appeals District (02-17-00358-CV, \_\_\_ SW3d \_\_\_, 09-27-18)
- 18-1101 MICHAEL MCDOUGAL AND MCDOUGAL 2012, INC. v. DELBERT AND CAROLYN MCDOUGAL AND D. MARC MCDOUGAL AND THE MCDOUGAL TRUST; from Lubbock County; 7th Court of Appeals District (07-16-00422-CV, \_\_\_ SW3d \_\_\_, 10-10-18)
- 18-1117 IN THE MATTER OF THE ESTATE OF VAUGHN KUYAMJIAN, A/K/A VAHAN KUYAMJIAN; from Hays County; 3rd Court of Appeals District (03-18-00257-CV, \_\_\_ SW3d \_\_\_, 08-08-18)
- 18-1124 BERIT MCMILLAN AND GERALD MCMILLAN v. TALLY TWO INVESTMENT GROUP, LLC; from Travis County; 3rd Court of Appeals District (03-18-00040-CV, \_\_\_ SW3d \_\_\_, 08-14-18)

18-1133 IN THE INTEREST OF K.K.W., A MINOR CHILD; from Dallas County; 5th Court of Appeals District (05-16-00795-CV, \_\_\_ SW3d \_\_\_, 08-20-18)

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

18-1135 BENJAMIN JOSEPH GUTIÉRREZ v. THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION; from Travis County; 3rd Court of Appeals District (03-16-00748-CV, \_\_\_ SW3d \_\_\_, 06-14-18)

18-1147 ASMA SAID v. SUGAR CREEK COUNTRY CLUB, INC.; from Harris County; 14th Court of Appeals District (14-17-00079-CV, \_\_\_ SW3d \_\_\_, 08-31-18)

(Justice Busby not sitting)

18-1154 DOW JONES & COMPANY, INC. v. HIGHLAND CAPITAL MANAGEMENT, L.P., AND PATRICK DAUGHERTY; from Dallas County; 5th Court of Appeals District (05-17-00770-CV, 564 SW3d 852, 11-02-18)

18-1195 SUBHASH C. BATRA, M.D. v. COVENANT HEALTH SYSTEM D/B/A COVENANT MEDICAL CENTER/COVENANT MEDICAL CENTER-LAKESIDE; from Lubbock County; 7th Court of Appeals District (07-18-00012-CV, 562 SW3d 696, 10-09-18)

as redrafted

18-1229 TEXAS BRANDON CORPORATION, INC. v. EOG RESOURCES, INC., KARHUHN OIL, ROBERT E. BRANDT, JOACHIM K. LEICHT, DICK A. TRACEY, CHAD E. BRANDT, ALICAT ENERGY L.L.C. AND FRED LEVINE; from Karnes County; 4th Court of Appeals District (04-18-00708-CV, \_\_\_ SW3d \_\_\_, 11-21-18)

as redrafted

19-0090 IN THE INTEREST OF J.D.G AKA J.G., JR., A.E G.J. AKA A.G.; from Harris County; 1st Court of Appeals District (01-18-00578-CV, 570 SW3d 839, 12-11-18)

19-0098 HARLANDALE INDEPENDENT SCHOOL DISTRICT v. JASMINE ENGINEERING, INC.; from Bexar County; 4th Court of Appeals District (04-18-00388-CV, \_\_\_ SW3d \_\_\_, 10-31-18)

19-0194 JAVIER MORA v. ANNA MORA; from Bexar County; 4th Court of Appeals District (04-17-00428-CV, \_\_\_ SW3d \_\_\_, 10-10-18)

19-0197 ELDO E. FREZZA, M.D. v. MELISSA FLORES; from Webb County; 4th Court of Appeals District (04-18-00040-CV, 567 SW3d 417, 11-21-18)

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 19-0248 IN THE INTEREST OF A.T.W. JR., CHILD; from Harris County; 1st Court of Appeals District (01-18-00720-CV, \_\_\_ SW3d \_\_\_, 01-29-18)
- 19-0262 JAMIE ISAAC v. UNIVERSITY OF TEXAS AT EL PASO; from El Paso County; 8th Court of Appeals District (08-16-00268-CV, 568 SW3d 175, 09-19-18)
- 19-0271 IN THE INTEREST OF K.F., R.F., AND T.F., CHILDREN; from Tarrant County; 2nd Court of Appeals District (02-18-00187-CV, \_\_\_ SW3d \_\_\_, 12-27-18)
- 19-0272 IN THE INTEREST OF S.A.M., ET AL; from Bexar County; 4th Court of Appeals District (04-18-00607-CV, \_\_\_ SW3d \_\_\_, 02-13-19)
- 19-0293 ESTATE OF JOHN DAVID HARRIS, DECEASED; from Tarrant County; 2nd Court of Appeals District (02-18-00414-CV, \_\_\_ SW3d \_\_\_, 02-28-19)
- 19-0302 IN THE INTEREST OF D.M.M., A CHILD; from Harris County; 14th Court of Appeals District (14-18-00750-CV, \_\_\_ SW3d \_\_\_, 02-12-19)
- 19-0310 IN THE INTEREST OF D.J., A CHILD; from Potter County; 7th Court of Appeals District (07-18-00386-CV, \_\_\_ SW3d \_\_\_, 02-26-19)
- 19-0318 IN THE INTEREST A.N.J. AND K.M.J., CHILDREN; from Bexar County; 4th Court of Appeals District (04-18-00728-CV, \_\_\_ SW3d \_\_\_, 04-03-19)
- 19-0396 IN RE COMMITMENT OF JOHN WAYNE HICKS; from Hardin County; 9th Court of Appeals District (09-17-00186-CV, \_\_\_ SW3d \_\_\_, 03-07-19)
- 19-0449 INTEREST OF I.S., A CHILD; from Guadalupe County; 4th Court of Appeals District (04-18-00990-CV, \_\_\_ SW3d \_\_\_, 04-03-19)

**ORDERS ON MOTIONS FOR REHEARING**

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

- 19-0129 IN THE INTEREST OF K.L.P. AND K.M.R.N. AKA K.M.N., CHILDREN; from Harris County; 14th Court of Appeals District (14-18-00582-CV, \_\_\_ SW3d \_\_\_, 12-20-18)

19-0158 ALI YAZDCHI v. MAKANSAM INC. D/B/A IDEAL TOWING, OAKS CONDOMINIUM ASSC., AREA 5 VEHICLE STORAGE; from Harris County; 1st Court of Appeals District (01-17-00455-CV, \_\_\_ SW3d \_\_\_, 12-04-18)

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

19-0226 MADELEINE CONNOR v. MARC STEPHENSON, CLAUDE SMITH, DOUGLAS HOOKS, AND MEGAN MARRS; from Travis County; 3rd Court of Appeals District (03-18-00750-CV, \_\_\_ SW3d \_\_\_, 12-28-18)

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

18-0383 IN RE EMMA PEREZ TREVINO, CARLOS SANCHEZ, MARCI CALTABIANO-PONCE, VALLEY MORNING STAR, THE MCALLEN MONITOR, AND AIM MEDIA TEXAS, LLC; from Hidalgo County; 13th Court of Appeals District (13-18-00080-CV, \_\_\_ SW3d \_\_\_, 04-11-18)

18-0693 IN RE DAVID FREDERICK CARY

19-0188 IN RE JUAN GUERRA AND JUAN DELTORO; from Dallas County; 5th Court of Appeals District (05-18-01037-CV, \_\_\_ SW3d \_\_\_, 12-12-18)

19-0193 IN RE ASHLEY SCOTT ECHOLS; from Dallas County; 5th Court of Appeals District (05-18-01226-CV, 569 SW3d 776, 12-19-18)

19-0298 IN RE FORD MOTOR COMPANY; from Nueces County; 13th Court of Appeals District (13-19-00083-CV, \_\_\_ SW3d \_\_\_, 04-01-19)  
relator's emergency motion for stay denied

19-0345 IN RE GARY WAYNE WARNER; from Dallas County; 5th Court of Appeals District (05-18-00855-CV, \_\_\_ SW3d \_\_\_, 08-06-18)

19-0372 IN RE JIMMIE LUECKE CHILDREN PARTNERSHIP, LTD. AND JIMMIE LUECKE CHILDREN PARTNERSHIP, LTD. II; from Lee County; 3rd Court of Appeals District (03-18-00553-CV, 569 SW3d 313, 02-20-19)

19-0380 IN RE YAKOV ELMAKISS; from Smith County; 12th Court of Appeals District

19-0436 IN RE BRUINGTON ENGINEERING LTD., SCHLUMBERGER TECHNOLOGY CORP.,  
SCHLUMBERGER SERVICES INC., AND SCHLUMBERGER LIMITED; from Zapata  
County; 4th Court of Appeals District (04-19-00181-CV, \_\_\_ SW3d \_\_\_, 05-15-19)  
relator's emergency motion for stay denied  
relator's supplement to emergency motion for stay denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED AS MOOT:

19-0422 HERBERT FEIST v. DIRECTOR OF PAROLE BOARD