

# Court Advisory

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



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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 Wednesday, December 4, 2019, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Rebeca C. Martinez, and Justice Beth Watkins.

The following appeal will be presented:

*In re Estate of Bradley Keith Johnson* - This is an appeal from a probate court's order granting a motion to dismiss under the Texas Citizens Participation Act ("TCPA"). The probate court dismissed business disparagement and intentional infliction of emotional distress claims that appellant Mary Ann Johnson asserted against her stepdaughter, appellee Chandler Elizabeth Johnson, and her mother-in-law, appellee Mary M. Johnson, in the dependent administration of the estate of Mary Ann's husband, Bradley Keith Johnson. Mary Ann argues that the TCPA is unconstitutional—and therefore void—because it violates the Texas Bill of Rights and the separation of powers doctrine. Because she contends that the TCPA is void, she argues that the probate court lacked jurisdiction to apply it to her claims against Chandler and Mary. She also argues that even if the probate court had jurisdiction to apply the TCPA, its dismissal order should be reversed because: (a) it failed to properly analyze the reasonableness and necessity of the attorney's fees it awarded to Chandler and Mary; and (b) Mary Ann's pleadings and evidence satisfied the TCPA's "clear and specific evidence" standard. Chandler and Mary argue that the TCPA is constitutional and the probate court properly applied it by dismissing Mary Ann's claims and awarding attorney's fees.

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