Court Advisory

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

Contact: Michael A. Cruz, Clerk of the Court
Phone: (210) 335-2510

FOR IMMEDIATE RELEASE
July 21, 2020

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral argument in one appeal on Thursday, July 23, 2020, beginning at 9:00 a.m., before the following panel of justices: Justice Rebeca C. Martinez, Justice Irene Rios, and Justice Beth Watkins.

The following case will be presented:

Arty Straehla and Ken Kinsey v. AL Global Servs., LLC - In this accelerated interlocutory appeal, Arty Straehla and Ken Kinsey challenge the trial court's denial of their motions to dismiss under the Texas Citizens Participation Act ("TCPA"). Under the TCPA, a party may file a motion to dismiss a "legal action" that is "based on, relates to, or is in response to a party's exercise of the right of free speech, right to petition, or right of association." TEX. CIV. PRAC. & REM. CODE § 27.003(a). Straehla and Kinsey argue this action, which concerns allegations that they assisted a third individual with his breach of a purported fiduciary duty, fits within the scope of the TCPA. Further, Straehla and Kinsey argue that AL Global Services, LLC has not met its burden to establish by clear and specific evidence a prima facie case for each essential element of its claims. *See id.* § 27.005(c). Straehla and Kinsey also argue that they have established the essential elements of valid defenses by a preponderance of the evidence. *See id.* § 27.005(d). Last, Straehla and Kinsey argue the trial court abused its discretion when it overruled their objections to evidence related to the trial court's TCPA determination.

In accordance with the Texas Supreme Court's emergency orders in response to the COVID-19 pandemic, the oral argument will be held through the Fourth Court of Appeals' Zoom license.

The argument can be accessed using the following link: https://www.youtube.com/channel/UCiaWJQ7eW5OQIALdyLN6s3A