



THE SUPREME COURT OF TEXAS

Orders Pronounced January 13, 2023

ORDERS ON CAUSES

21-0194 THE TEXAS EDUCATION AGENCY; MIKE MORATH, COMMISSIONER OF EDUCATION IN HIS OFFICIAL CAPACITY; AND DORIS DELANEY, IN HER OFFICIAL CAPACITY v. HOUSTON INDEPENDENT SCHOOL DISTRICT; from Travis County; 3rd Court of Appeals District (03-20-00025-CV, 609 SW3d 569, 12-30-20)

The Court reverses the court of appeals' judgment, vacates the temporary injunction, and remands the case to the trial court.

Justice Bland delivered the opinion of the Court.

21-0291 TEXAS MEDICINE RESOURCES, LLP; TEXAS PHYSICIAN RESOURCES, LLP; AND PEDIATRIC EMERGENCY MEDICINE GROUP, LLP, v. MOLINA HEALTHCARE OF TEXAS, INC.; from Dallas County; 5th Court of Appeals District (05-19-01447-CV, 620 SW3d 458, 02-23-21)

The Court affirms the court of appeals' judgment.

~ consolidated for oral argument with ~

22-0138 UNITEDHEALTHCARE INSURANCE COMPANY; UNITEDHEALTHCARE OF TEXAS, INC. v. ACS PRIMARY CARE PHYSICIANS SOUTHWEST, P.A.; HILL COUNTY EMERGENCY MEDICAL ASSOCIATES, P.A.; LONGHORN EMERGENCY MEDICAL ASSOCIATES, P.A.; CENTRAL TEXAS EMERGENCY ASSOCIATES, P.A.; EMERGENCY ASSOCIATES OF CENTRAL TEXAS, P.A.; EMERGENCY SERVICES OF TEXAS, P.A. (U.S. Fifth Circuit 21-20168)

The Court answers the question certified by the United States Court of Appeals for the Fifth Circuit.

Chief Justice Hecht delivered the opinion of the Court.

21-0913 MARCUS & MILLICHAP REAL ESTATE INVESTMENT SERVICES OF NEVADA, INC. v. TRIEX TEXAS HOLDINGS, LLC, AND BRYAN WEINER; from Lubbock County; 7th Court of Appeals District (07-20-00107-CV, ___ SW3d ___, 09-23-21)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and reinstates the trial court's judgment.

Per Curiam Opinion

THE FOLLOWING CAUSES ARE RESET FOR ORAL ARGUMENT:

21-0130 THE STATE OF TEXAS v. VOLKSWAGEN AKTIENGESELLSCHAFT;
from Travis County; 3rd Court of Appeals District (03-19-00453-CV, ___
SW3d ___, 12-22-20)

~ consolidated for oral argument with ~

21-0133 THE STATE OF TEXAS v. AUDI AKTIENGESELLSCHAFT; from Travis
County; 3rd Court of Appeals District (03-20-00022-CV, ___ SW3d ___, 12-
22-20)

[**Note:** These cases have been reset for oral argument at 9:00 a.m., February
21, 2023.]

Time allotted to argue: 20/20 minutes

Chief Justice Sudderth and Justice Tijerina sitting by commission pursuant to
Section 22.005 of the Texas Government Code.

(Justice Blacklock and Justice Young not participating)

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

22-0313 PECOS COUNTY APPRAISAL DISTRICT AND KINDER MORGAN
PRODUCTION COMPANY, LLC, INDIVIDUALLY AND AS
SUCCESSOR IN INTEREST TO KINDER MORGAN PRODUCTION
COMPANY, LP v. IRAAN-SHEFFIELD INDEPENDENT SCHOOL
DISTRICT; from Pecos County; 8th Court of Appeals District (08-20-00122-
CV, 645 SW3d 827, 04-08-22)

respondent's motion to recuse denied

(Justice Bland not participating)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

22-0113 NORMA JEAN FARLEY v. GABRIEL MIRANDA JR., DECEASED, MARIA FUENTES, GABRIEL MIRANDA SR., ALEXANDRA SUZANNE DELEON, REUBEN ANTONIO DELEON III, AND JON HIDALGO DOE; from Hidalgo County; 13th Court of Appeals District (13-21-00061-CV, ___ SW3d ___, 01-06-22)

abatement order issued November 4, 2022, lifted

petition reinstated

joint motion to effectuate settlement granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court grants the petition for review, vacates the judgment of the court of appeals, and remands the case to the court of appeals for consideration of the parties' request that the court withdraw its opinion and to dismiss the appeal and underlying lawsuit in accordance with the parties' settlement agreement.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

20-0996 DARYL GREG SMITH v. KAREN ANNETTE SMITH; from Tarrant County; 2nd Court of Appeals District (02-20-00064-CV, ___ SW3d ___, 11-05-20)

as reinstated

2 petitions

22-0699 JOHN DOUGLAS MITCHELL, JR. v. THE STATE OF TEXAS; from Jefferson County; 9th Court of Appeals District (09-20-00230-CV, ___ SW3d ___, 06-23-22)

22-0894 TOMAS G. RIOS, M.D. v. BELLA PATEL, M.D., F.C.C.P., RICHARD W. SMALLING, M.D., PH.D., RACKSHUNDA MAJID, PH.D. AND FRANCISCO FUENTES, M.D.; from Harris County; 1st Court of Appeals District (01-20-00856-CV, ___ SW3d ___, 08-25-22)

- 22-0895 CITY OF HOUSTON v. SHADI M. SUKHTA; from Harris County; 1st Court of Appeals District (01-21-00703-CV, ___ SW3d ___, 06-21-22)
- 22-0897 EUGENE SCOTT CRIST, VENTURE PUBLIC PARTNERS, LLP AND ATV III GP, LLC v. RICK C. SPUNG; from Harris County; 1st Court of Appeals District (01-20-00736-CV, ___ SW3d ___, 08-25-22)
- 22-0989 VICTOR ANTHONY CHARLES v. CHERYL HARRIS DIGGS; from Harris County; 14th Court of Appeals District (14-21-00377-CV, ___ SW3d ___, 08-09-22)
- 22-1012 JESSICA VARNER v. CITY OF ANDREWS, TEXAS; from Andrews County; 8th Court of Appeals District (08-20-00072-CV, ___ SW3d ___, 09-28-22)
- 22-1020 IN THE MATTER OF D.M.T., A JUVENILE; from Howard County; 11th Court of Appeals District (11-21-00121-CV, ___ SW3d ___, 09-22-22)
- 22-1032 IN THE INTEREST OF K.R., A CHILD; from Nueces County; 13th Court of Appeals District (13-22-00316-CV, ___ SW3d ___, 10-20-22)
- 22-1058 ADRIENE LEWIS SIBLEY v. CITY OF FREEPORT, BRAZORIA COUNTY, BRAZOSPORT COLLEGE, BRAZOSPORT INDEPENDENT SCHOOL DISTRICT, PORT FREEPORT, SPECIAL ROAD AND BRIDGE DISTRICT AND VELASCO DRAINAGE DISTRICT; from Brazoria County; 1st Court of Appeals District (01-20-00602-CV, ___ SW3d ___, 08-30-22)
- 22-1086 MELISSA WALLACE AND TOP DRAWER PROPERTY SOLUTIONS, LLC v. FIDELITY NATIONAL TITLE INSURANCE COMPANY; from Bexar County; 4th Court of Appeals District (04-21-00164-CV, ___ SW3d ___, 08-24-22)

22-1088 IN THE INTEREST OF K.C.W., A CHILD; from Nueces County; 13th Court of Appeals District (13-22-00220-CV, ___ SW3d ___, 10-13-22)

22-1090 LAW OFFICES OF DAVID W. SHOWALTER, LLP v. IRON TIGGA, LLC AND ABRAHAM QUINTANILLA III; from Nueces County; 13th Court of Appeals District (13-21-00459-CV, ___ SW3d ___, 10-20-22)

22-1141 S.W. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Milam County; 3rd Court of Appeals District (03-22-00189-CV, ___ SW3d ___, 11-04-22)

ORDERS ON MOTIONS FOR REHEARING

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

22-0534 IN THE INTEREST OF E.J.G., Z.M.E.G., AND M.B.G., CHILDREN; from Navarro County; 10th Court of Appeals District (10-21-00217-CV, ___ SW3d ___, 02-25-22)

22-0739 TIANA STAYTON AND MICHAEL CONNER STAYTON v. FCI LENDER SERVICE, INC., WILMINGTON SAVINGS FUND SOCIETY, FSB, AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT OPPORTUNITIES TRUST V-D, AND WILMINGTON SAVINGS FUND SOCIETY, FSB, AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT OPPORTUNITIES TRUST V-E; from Tarrant County; 2nd Court of Appeals District (02-21-00084-CV, ___ SW3d ___, 05-26-22)

MISCELLANEOUS

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

23-0013 IN RE RLB CONTRACTING, INC.; from Harris County; 14th Court of Appeals District (14-21-00399-CV, ___ SW3d ___, 08-23-22)

unopposed motion for temporary relief granted
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]