



THE SUPREME COURT OF TEXAS

Orders Pronounced February 16, 2024

ORDERS ON CAUSES

22-0103 POLK COUNTY PUBLISHING COMPANY AND VALERIE REDDELL v. TOMMY LAMAR COLEMAN; from Polk County; 9th Court of Appeals District (09-20-00298-CV, 668 SW3d 385, 12-30-21)

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

Justice Blacklock delivered the opinion of the Court, in which Chief Justice Hecht, Justice Lehrmann, Justice Devine, Justice Busby, Justice Bland, Justice Huddle, and Justice Young joined.

Justice Boyd concurred in the judgment and joined the opinion of the Court as to Part III.C.

22-0169 MIKE MORATH, COMMISSIONER OF EDUCATION FOR THE STATE OF TEXAS; BELLPAS, INC.; AND COPPERAS COVE INDEPENDENT SCHOOL DISTRICT v. LAMPASAS INDEPENDENT SCHOOL DISTRICT; from Travis County; 3rd Court of Appeals District (03-21-00010-CV, 644 SW3d 866, 01-21-22)

2 petitions

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

Justice Devine delivered the opinion of the Court.

22-0424 NATHAN D. ALBERT AND CHISHOLM TRAIL REDI-MIX, LLC v. FORT WORTH & WESTERN RAILROAD COMPANY; from Johnson County; 10th Court of Appeals District (10-18-00219-CV, ___ SW3d ___, 02-23-22)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court affirms in part and reverses in part the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

22-0987 IN RE A.R.C.; from El Paso County; 8th Court of Appeals District (08-22-00149-CV, 657 SW3d 585, 09-21-22)

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

Justice Young delivered the opinion of the Court.

THE FOLLOWING CAUSE IS DISMISSED:

23-0656 THE STATE OF TEXAS; OFFICE OF ATTORNEY GENERAL OF TEXAS; ANGELA COLMENERO, IN HER OFFICIAL CAPACITY AS PROVISIONAL ATTORNEY GENERAL; OFFICE OF THE TEXAS SECRETARY OF STATE; AND JANE NELSON, IN HER OFFICIAL CAPACITY AS TEXAS SECRETARY OF STATE v. HARRIS COUNTY, TEXAS AND CLIFFORD TATUM; from Travis County
abatement order issued November 27, 2023, lifted
cause reinstated
unopposed motion to dismiss appeal granted
appellee Tatum's Rule 56.2 motion dismissed as moot

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

23-0037 OCCIDENTAL PERMIAN, LTD., OCCIDENTAL PETROLEUM CORPORATION, OXY USA, OXY USA WTP LP, AND RODEO MIDLAND BASIN, LLC v. CITATION 2002 INVESTMENT LLC; from Reagan County; 8th Court of Appeals District (08-21-00029-CV, 662 SW3d 550, 12-22-22)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 21, 2024.]

Time allotted to argue: 20/20 minutes

(Justice Huddle and Justice Young not participating)

23-0138 ONCOR ELECTRIC DELIVERY COMPANY NTU, LLC v. WILBARGER COUNTY APPRAISAL DISTRICT AND WILBARGER COUNTY APPRAISAL REVIEW BOARD; from Wilbarger County; 7th Court of Appeals District (07-21-00264-CV, 660 SW3d 760, 10-25-22)

~ consolidated for oral argument with ~

23-0145 MILLS CENTRAL APPRAISAL DISTRICT AND MILLS COUNTY APPRAISAL REVIEW BOARD v. ONCOR ELECTRIC DELIVERY COMPANY NTU LLC; from Mills County; 3rd Court of Appeals District (03-21-00027-CV, 660 SW3d 288, 12-06-22)

2 petitions

[**Note:** These cases have been set for oral argument at 9:00 a.m., March 21, 2024.]

Time allotted to argue: 20/20 minutes

23-0376 FOSSIL GROUP, INC. v. NICOLE HARRIS; from Collin County; 5th Court of Appeals District (05-21-01018-CV, ___ SW3d ___, 02-06-23)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 21, 2024.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 22-0425 NATHAN D. ALBERT AND CHISHOLM TRAIL REDI-MIX, LLC v. FORT WORTH & WESTERN RAILROAD COMPANY, DAVOIL, INC AND WILLIAM S. DAVIS; from Johnson County; 10th Court of Appeals District (10-19-00084-CV, ___ SW3d ___, 02-23-22)
- 22-0713 CENTRAL MUTUAL INSURANCE COMPANY v. RELIANCE PROPERTY MANAGEMENT, INC.; from Dallas County; 5th Court of Appeals District (05-21-00071-CV, ___ SW3d ___, 05-25-22)
- 23-0422 WILLIAM KORIOETH; WTK DEVELOPMENT, LLC; KONA COAST LLC; GUADALUPE 306, LP; AND GUADALUPE 306 GP, LLC v. WHITEWATER INVESTMENT PARTNERS, LLC; OXBOW LAND PARTNERS, LLC; HIDEOUT ON THE HORSESHOE, LLC; WHITEWATER SPORTS, LLC; AND KONA COAST VENTURE, LTD; from Comal County; 3rd Court of Appeals District (03-22-00683-CV, ___ SW3d ___, 05-02-23)
- 23-0490 BRENT SOLOWAY AND ANNA LIU SOLOWAY v. THE IRELAND FAMILY LIMITED PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP; from Montgomery County; 9th Court of Appeals District (09-22-00192-CV, ___ SW3d ___, 03-16-23)
- 23-0559 NAVIGATOR OIL & MINERALS, INC.; WARRIOR EXPLORATION, LLC; PATRICK BANAISE BLAKE; MITCHELL C. MEYERS; MICHAEL J. DANIEL; SPENCER EVANS BLAKE; RILEY BLAKE LEADER; AND PATRICIA DALBY MATTHIES v. VAN MARTIN GASKINS, TRUSTEE OF THE VAN MARTIN GASKINS FAMILY TRUST; KELLY JOE GASKINS, TRUSTEE OF THE KELLY JOE GASKINS FAMILY TRUST; KAYLA GASKINS MCDONNELL, TRUSTEE OF THE KAYLA GASKINS MCDONNELL FAMILY TRUST; from Howard County; 11th Court of Appeals District (11-21-00201-CV, 670 SW3d 391, 06-08-23)

- 23-0648 GROUP OF INVESTORS v. 3CM, LLC D/B/A 3CM MULTIFAMILY; from Bandera County; 4th Court of Appeals District (04-22-00233-CV, ___ SW3d ___, 03-29-23)
- 23-0654 2017 YALE DEVELOPMENT, LLC v. STEADFAST FUNDING, LLC, ET. AL.; from Harris County; 1st Court of Appeals District (01-20-00027-CV, ___ SW3d ___, 05-02-23)
as amended
- 23-0691 IN THE MATTER OF THE MARGARET M. MARQUART AND DAVID D. MARQUART TRUST; from Kendall County; 4th Court of Appeals District (04-23-00008-CV, 675 SW3d 57, 07-12-23)
- 23-0713 LOUIS ROSALES, SR. v. ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY; from Dallas County; 5th Court of Appeals District (05-22-00676-CV, 672 SW3d 146, 05-16-23)
- 23-0730 IN THE INTEREST OF V.J. AND V.J., CHILDREN; from Tarrant County; 2nd Court of Appeals District (02-22-00233-CV, ___ SW3d ___, 08-10-23)
- 23-0746 WELLNESS AND AESTHETICS INSTITUTE, PA AND THE ESTATE OF CONSTANTINE KOTSANIS v. JB&B CAPITAL, LLC; from Tarrant County; 2nd Court of Appeals District (02-22-00330-CV, ___ SW3d ___, 07-27-23)
- 23-0816 IN THE INTEREST OF J.P.H., ET AL.; from Bexar County; 4th Court of Appeals District (04-23-00131-CV, ___ SW3d ___, 08-16-23)
- 23-0844 EAGLE RAILCAR SERVICES, L.P., EAGLE RAILCAR SERVICES - ROSCOE, INC., EAGLE RAILCAR SERVICES - CAIRO, OHIO, LLC AND EAGLE RAILCAR SERVICES - WICHITA FALLS, TEXAS, LLC v. MATHESON TRI-GAS, INC.; from Anderson County; 12th Court of Appeals District (12-22-00103-CV, ___ SW3d ___, 07-21-23)
2 petitions
- 23-0884 TYRA COBB, INDIVIDUALLY AND AS NEXT FRIEND OF N.F., A MINOR, AND QUENTIN PRINCE v. ALNA PROPERTIES II, LLC; from Dallas County; 5th Court of Appeals District (05-22-00166-CV, ___ SW3d ___, 09-06-23)

- 23-0928 BARRETT HORTON v. MMM VENTURES LLC, INDIVIDUALLY AND AS GENERAL PARTNER OF CRESCENT ESTATES CUSTOM HOMES LP, AND CRESCENT ESTATES CUSTOM HOMES LP; from Dallas County; 5th Court of Appeals District (05-22-00006-CV, ___ SW3d ___, 07-12-23)
- 23-0929 CHERYL ANNE HUGHES, AS TRUSTEE OF THE JIMMY CELTYN HUGHES QTIP MARITAL TRUST v. JENNIFER C. CASS AND NICHOLE R. MALICOAT; from Tarrant County; 2nd Court of Appeals District (02-23-00122-CV, ___ SW3d ___, 09-28-23)
- 23-0941 IN THE INTEREST OF A.H.S. AND A.Y.S., CHILDREN; from Wood County; 12th Court of Appeals District (12-23-00042-CV, 676 SW3d 355, 10-06-23)
- 23-0989 IN THE INTEREST OF H.A.L. AND T.A.H., CHILDREN; from Bexar County; 4th Court of Appeals District (04-23-00581-CV, ___ SW3d ___, 11-15-23)
2 petitions
- 23-1008 PAUL JOHNSON v. BASTROP CENTRAL APPRAISAL DISTRICT; from Bastrop County; 7th Court of Appeals District (07-23-00173-CV, ___ SW3d ___, 09-29-23)
- 24-0004 IN THE INTEREST OF S.T.S.; from El Paso County; 8th Court of Appeals District (08-23-00138-CV, ___ SW3d ___, 11-30-23)
- 24-0095 IN THE INTEREST OF J.J.S., JR., K.W. AND R.G., CHILDREN; from Hill County; 10th Court of Appeals District (10-23-00204-CV, ___ SW3d ___, 11-30-23)

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

23-1019 TEXAS REIT, LLC, ALI CHOUDHRI, DALIO HOLDINGS I, LLC AND DALIO HOLDINGS II, LLC v. MOKARAM-LATIF WEST LOOP, LTD AND ALI MOKARAM; from Harris County; 14th Court of Appeals District (14-23-00694-CV, ___ SW3d ___, 10-17-23)
abatement order issued

[**Note:** Effective February 6, 2024, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2, 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

(Justice Huddle and Justice Young not participating)

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:

23-0110 SCOTT + REID GENERAL CONTRACTORS, INC. v. SAM STANTON AND HEATHER STANTON; from Dallas County; 5th Court of Appeals District (05-22-00400-CV, ___ SW3d ___, 10-07-22)

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

23-0843 IN RE STEVEN ROBERT MURPHEY; from Coryell County
motion for suspension of rule granted
motion for temporary relief denied
motions for recusal denied as follows:

Each Justice, having declined to voluntarily recuse, certified the motion to recuse that Justice to the remaining Justices of the Court. TEX. R. APP. P. 16.3(b). Having considered each motion with respect to each Justice without the participation of the Justice under consideration, the Court denies the motions to recuse.

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

23-0518 IN RE ROBERT GANDY

23-0781 IN RE RANDALL KUBOSH; from Matagorda County; 13th Court of Appeals District (13-23-00310-CV, ___ SW3d ___, 07-17-23)

23-0869 IN RE MUSTARD SEED CONSTRUCTION, LLC; from Williamson County; 3rd Court of Appeals District (03-23-00365-CV, ___ SW3d ___, 08-31-23)

24-0034 IN RE STEVEN MICHAEL BACKSTROM; from Burnet County; 3rd Court of Appeals District (03-23-00362-CV, ___ SW3d ___, 06-29-23)
motion for leave to enjoin pleadings and motion for joinder dismissed as moot

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

23-0720 IN RE GARY SINISE FOUNDATION; from Collin County; 5th Court of Appeals District (05-23-00633-CV, ___ SW3d ___, 08-31-23)
abatement order issued February 2, 2024, lifted
mandamus reinstated
relator's unopposed motion to dismiss granted