Case Summaries
April 24, 2026

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DECIDED CASES

Webb Consol. Indep. Sch. Dist. v. Marshall, ___ S.W.3d ___, 2026 WL ___ (Tex. Apr. 24, 2026) [24-0339]

The issues in this case are whether school board members Amy and Robert Marshall prevailed for purposes of attorney's fees and whether they were required to exhaust their administrative remedies before bringing suit.

The Marshalls requested documents from Webb Consolidated Independent School District under Section 11.1512(c) of the Texas Education Code, which grants school board members an "inherent right" to access district information. The Marshalls then filed suit against the District alleging that it had withheld the requested information and seeking injunctive relief. In September 2020, the trial court issued a temporary injunction ordering the District to produce certain documents. By November 2022, the Marshalls were no longer school board members. The District filed a plea to the jurisdiction and a traditional and no-evidence motion for summary judgment, which the trial court denied. The court of appeals affirmed.

The Supreme Court affirmed and remanded for a determination of the Marshalls' reasonable and recoverable attorney's fees. In an opinion by Justice Lehrmann, the Court held that, although generally a party does not prevail by obtaining a temporary injunction, the Marshalls prevailed because the injunction here effectively granted the Marshalls the final relief authorized under Section 11.1512. The Court explained that the injunction ordered the District to turn over documents, so it was effectively dispositive as to those documents. Thus, the Marshalls prevailed on their claims relating to those documents before leaving the school board and could accordingly seek attorney's fees under the statute. The Court also held that Section 11.1512(c-2) creates an exception to the general administrative exhaustion requirement.

Justice Hawkins filed a concurring opinion, emphasizing the general principle that a party does not prevail merely by obtaining a temporary injunction.

Muth v. Voe, ___ S.W.3d ___, 2026 WL ___ (Tex. Apr. 24, 2026) (per curiam) [24-0384, 24-0385]

The issue in this case is whether a series of temporary injunction orders should be vacated as moot.

The Department of Family and Protective Services declared that it would investigate reports that a child was receiving certain medical procedures for the purpose of gender transitioning. Four families with a child diagnosed with gender dysphoria, an advocacy organization, and a psychologist sought injunctive relief to prohibit these investigations. The trial court issued three separate temporary injunctions against DFPS and its Commissioner, which the court of appeals affirmed.

The Supreme Court reversed and vacated the temporary injunctions for lack of jurisdiction. The Court held that the claims for injunctive relief by the families were moot either because DFPS had permanently closed its investigation or the family no longer had any minor children subject to investigation. The Court concluded that the advocacy group's claim was likewise moot because the claims of its members in the lawsuit were moot. Finally, the Court held that the psychologist lacked standing because her alleged injuries were speculative.

Chief Justice Blacklock filed a concurring opinion. He would have held that the psychologist had standing to challenge DFPS's actions but that the temporary injunctions were improper on the merits.

In re Bell Helicopter Servs. Inc., ___ S.W.3d ___, 2026 WL ___ (Tex. Apr. 24, 2026) [24-0883]

This case concerns whether a federal statute of repose bars a personal-injury suit.

Mr. Kawamura died when the helicopter he was piloting crashed. His family sued the manufacturer, Bell Helicopter, alleging that the crash occurred when an engine cowling came loose. Bell sought summary judgment under the federal General Aviation Revitalization Act, which provides that no action against a manufacturer may be brought if the accident occurred more than 18 years after the manufacturer delivered the aircraft to its first purchaser. Here the accident occurred more than 18 years after Bell delivered the aircraft. However, GARA provides, under a "rolling provision," that if the manufacturer replaces or adds a "new" part that is "alleged to have caused" the accident, the 18-year clock restarts from the date of the replacement or addition.

The plaintiffs argued that the 18-year clock had reset under the rolling provision because the alleged defect was the helicopter manual's failure to explicitly warn in the preflight checklist that a loose cowling was dangerous. Plaintiffs pointed out that the manual had been revised several times during the 18-year repose period. The district court denied the summary judgment motion. The court of appeals denied mandamus relief sought by Bell.

The Supreme Court granted mandamus relief, directing the district court to grant summary judgment for Bell. The Court interpreted the rolling provision to mean that the relevant "part" is not the preflight-check subsection or manual as a

whole. Instead, the plaintiff must show that the revision to the manual caused the accident. Here, the manual's original preflight checklist provided that the pilot should confirm that the cowling is secured. This provision was never revised. The revisions to the manual were unrelated to the accident. Therefore, Bell was entitled to summary judgment. The Court noted that a denial of summary judgment does not typically merit mandamus relief. But here statutory language providing that no action "may be brought" weighed in favor of mandamus relief allowing a defendant to avoid litigation altogether. The Court noted that it had recognized an entitlement to mandamus relief in two recent cases where a federal statute prescribed when civil actions "may" or "may not" be brought.

Boren Descendants v. Fasken Oil & Ranch, Ltd., and ***The Mabee Ranch Royalty P'ship, L.P. v. Fasken Oil & Ranch, Ltd.***, ___ S.W.3d ___, 2026 WL ___ (Tex. Apr. 24, 2026) (per curiam) [25-0010, 25-0012]

The issues in this case are how to interpret a double fraction in an oil-and-gas deed, whether the court of appeals had jurisdiction to consider the presumed-grant doctrine in a permissive appeal, and whether the presumed-grant doctrine applies.

Under a 1933 deed, Fasken holds a reserved "undivided one-fourth (1/4th) of the usual one eighth (1/8th) royalty in and to all oil, gas and other minerals in, to, and under or that may at any time hereafter be produced from" certain lands. For about 85 years, the parties to the deed and their successors treated the instrument as reserving a fixed 1/32 royalty interest. In 2019, Fasken filed suit and alleged that the deed actually reserved a floating 1/4 royalty interest. The trial court granted partial summary judgment in Fasken's favor and authorized a permissive appeal. The court of appeals affirmed in part, reversed in part, and held that it lacked jurisdiction to consider the presumed-grant doctrine because the trial court did not specifically identify that doctrine in its order certifying a permissive appeal.

The Supreme Court held that the court of appeals had jurisdiction to consider the presumed-grant doctrine. That doctrine was fairly included in the issues certified for a permissive appeal. The doctrine was also closely tied to the issue of deed construction. The Supreme Court further noted that its recent decision in *Clifton v. Johnson*, ___ S.W.3d ___, 2026 WL 705763 (Tex. Mar. 13, 2026), clarified the law regarding double fractions and the presumed-grant doctrine and that the parties may argue the effect of *Clifton* to the court of appeals on remand.

Accordingly, the Supreme Court granted the petitions for review, reversed the court of appeals' judgment as to its purported lack of jurisdiction, vacated that court's judgment on the merits, and remanded the case to the court of appeals for further proceedings.