

Supreme Court of Texas

No. 26-0118

Blanchard Refining Company LLC and Marathon Petroleum
Company LP,

Petitioners,

v.

Industrial Specialists, LLC,

Respondent

On Petition for Review from the
Court of Appeals for the First District of Texas

PER CURIAM

This appeal concerns a dispute about whether the parties' contract creates an enforceable entitlement to comparative indemnification. The court of appeals' resolution of this case and the resulting petition for review both preceded this Court's decision in *S&B Engineers & Constructors, Ltd. v. Scallon Controls, Inc.*, 734 S.W.3d 869 (Tex. 2026). The response to the petition and the reply, which both came after *S&B*, reflect the parties' agreement that *S&B* is relevant to their dispute. The parties differ sharply as to how, with each side forcefully

contending that *S&B* supports its respective position. Several amici curiae have filed a detailed brief that likewise addresses *S&B* at length. The court of appeals had neither *S&B* nor the views of the parties and amici concerning how *S&B* might affect its consideration of the case.

This Court generally prefers for the lower courts to address legal issues in the first instance. *See, e.g., In re Troy S. Poe Tr.*, 646 S.W.3d 771, 780-81 (Tex. 2022). As in other cases where an intervening decision of this Court may affect the parties' dispute, therefore, we remand this case for the court of appeals to make that determination. *See, e.g., Thomson v. Hoffman*, 674 S.W.3d 927, 928-29 (Tex. 2023). We express no view as to the proper outcome.

Accordingly, without hearing oral argument, we grant the petition for review, vacate the court of appeals' judgment, and remand the case to that court for further proceedings in light of *S&B*. *See* TEX. R. APP. P. 59.1.

OPINION DELIVERED: October 9, 2026