

# Court Advisory

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



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FOR IMMEDIATE RELEASE  
September 12, 2014

## Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, September 16, 2014, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Karen Angelini, and Justice Rebeca C. Martinez.

The following case will be presented:

*Leonard K. Hoskins v. Colonel Clifton Hoskins and Hoskins Inc.* - Pursuant to an order of a bankruptcy court, Leonard K. Hoskins, Colonel Clifton Hoskins and Hoskins, Inc. (the "Company") were all parties to an arbitration proceeding. After a final arbitration award was entered with regard to Leonard's claims against Clifton and the Company, Leonard filed a motion to vacate the arbitration award, while Clifton and the Company filed a motion to confirm the arbitration award. Leonard now appeals the trial court's order granting the motion to confirm and denying the motion to vacate.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, September 17, 2014, beginning at 9:00 a.m., before the following panel of justices: Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Luz Elena D. Chapa.

The following case will be presented:

*Smith-Regan & Associations, Inc. d/b/a Smith-Regan Insurance Agency v. Fort Ringgold Limited, Pete Diaz III, Aaron Diaz, and Monica Aguillon* - In September 2001, the family-owned Fort Ringgold Motor Inn sustained extensive damage following a storm. At the time, the hotel was covered under an insurance policy issued by Highlands Insurance Company. Appellant, Smith-Regan & Associates, Inc. d/b/a Smith-Regan Insurance Agency, is the Highlands agent that sold the policy to Fort Ringgold. Although Highlands paid claims submitted by the hotel, it refused to pay any claim associated with business interruption losses on the grounds that the policy did not include business interruption coverage. The hotel's owners sued Smith-Regan and others. After the plaintiffs/appellees settled

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with the other defendants, the case went to trial, and the jury returned a verdict against Smith-Reagan and in favor of appellees. On appeal, Smith-Reagan (1) challenges the sufficiency of the evidence in support of the jury's findings and the amount of damages awarded; (2) asserts the trial court erred by failing to apply a settlement credit; and (3) asserts the trial court erred in various evidentiary rulings.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, September 17, 2014, beginning at 2:00 p.m., before the following panel of justices: Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Luz Elena D. Chapa.

The following case will be presented:

*Kathryn Vause v. Liberty Insurance Corporation and Justin A. Smith* - This is an appeal from a summary judgment rendered in favor of appellees, Liberty Insurance Corp. and Justin A. Smith. In the underlying lawsuit, appellant, Kathryn Vause, sued appellees for violations of the Texas Insurance Code and for violations of the Texas Civil Practice and Remedies Code arising from appellees' denial of appellant's October 16, 2006 knee injury she sustained while at work.

The oral arguments will be held in the Fourth Court's Courtroom, Caden-Reeves Justice Center, Third Floor, 300 Dolorosa, San Antonio, Texas.