

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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San Antonio, Texas 78205-3037



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FOR IMMEDIATE RELEASE
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Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, October 22, 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 cases will be presented:

Harold Gaskill, III, MD and Harold Gaskill, III, MDPA v. VHS San Antonio Partners, LLC d/b/a Baptist Health System and d/b/a North Central Baptist Hospital, et al. – This is an appeal of the trial court’s order, pursuant to Rule 91a of the Texas Rules of Civil Procedure, dismissing appellants’ causes of action arising out of a medical peer review process. The issues include whether appellants were given proper notice of a hearing on appellees’ motion to expedite the Rule 91a hearing; whether the trial court erred in granting the motion to expedite; whether the trial court erred in hearing and granting the Rule 91a motion with no formal notice to appellants; and whether the trial court erred in ruling that the causes of action alleged in appellants’ petition have no basis in law or fact.

Adriana P. Perez v. Webb County - In the underlying lawsuit, Amanda Perez sued Webb County for injuries she allegedly sustained when the vehicle she was driving was struck by a marked patrol car driven by Corporal Horacio Yzaguirre of the Webb County Sheriff’s Office. There is no dispute that Yzaguirre’s vehicle’s emergency lights were engaged, but his siren was not, when he drove through a red light, hitting Perez’s car. Webb County filed a motion to dismiss the suit for lack of jurisdiction. The County alleged Yzaguirre’s actions, at the time of impact, were at most negligent, which is insufficient to defeat the County’s immunity under the emergency exception to the waiver of immunity. The trial court granted the motion, and Perez now appeals.

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