

Court Advisory

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



Contact: Keith Hottle, Clerk of the Court
Phone: (210) 335-2510

FOR IMMEDIATE RELEASE
January 9, 2014

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, January 15, 2014, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Karen Angelini, and Justice Luz Elena D. Chapa.

The following cases will be presented:

Salvador G. Mora v. Sylvia Ramon Mora - This appeal and cross-appeal challenge the trial court's modified final decree of divorce and judgment. The issues raised on appeal primarily relate to the characterization and division of assets, reimbursement claims, and the trial court's decision not to award attorney's fees.

The City of San Antonio and the City of San Antonio Board of Adjustment v. Asher Reilly and Five Aces/SA, Ltd. - The issue presented in this appeal is whether The City of San Antonio Board of Adjustment correctly upheld a decision by the city's historic preservation officer to deny the demolition of a structure located in the River Road Historic District.

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, January 16, 2014, beginning at 9:00 a.m., before the following panel of justices: Justice Sandee Bryan Marion, Justice Rebeca C. Martinez, and Justice Patricia O. Alvarez.

The following case will be presented:

Hill Country Achievement Center v. Trejo - This appeal stems from an alleged breach of the standard of care applicable to an Adult Day Care facility by failing to monitor or assist Rene Trejo as he exited a van after a facility outing. The appellee filed an Original Petition alleging medical negligence in accordance with Chapter 74 of the Texas Civil Practice and Remedies Code. In its Original Answer, Hill Country contested it was a health care provider under Chapter 74. Hill Country subsequently notified the appellee that the 120 day deadline for serving expert reports had passed and extended her the opportunity to amend her pleadings to

Court Advisory

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



assert a cause of action not sounding in medical negligence. In Appellee's Third Amended Petition, she deleted the Chapter 74 medical negligence claim but maintained all other claims against Hill Country. Two months later, Hill Country filed its First Amended Answer pleading it was a health care provider and also filed a motion to dismiss based on Appellee's failure to file an expert report pursuant to section 74.351 of the Texas Civil Practice and Remedies Code. In response, Appellee moved for sanctions and asked that Hill Country's pleading be struck based on its amended pleadings asserting its status as a health care provider. The trial court denied relief to both parties and Hill Country brought this appeal.

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