

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

Immediate Release
March 12, 2013

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, March 19, 2013, before the following panel of justices: Chief Justice Catherine Stone, Justice Marialyn Barnard and Justice Luz Elena D. Chapa to hear Case 04-12-00524-CV, *R Vernard Grice v. Alamo Community College* at 9:00 a.m. Justice Karen Angelini, Justice Sandee Bryan Marion and Justice Patricia O. Alvarez to hear 04-12-00407-CV, *Russell Equestrian Center, Inc., John William Russell, Individually And D/B/A Russell Equestrian Center, And Shane Brasher Russell v. Samantha Miller A/K/A Samantha Parker* at 10:00 a.m.

The following cases will be presented:

Vernard Grice v. Alamo Community College District – Vernard Grice sued the Alamo Community College District (ACCD) alleging that it terminated him on the basis of his race and his gender. The trial court granted summary judgment in favor of ACCD.

The following issues are presented on appeal: (1) Whether Grice presented sufficient evidence to raise a fact issue as to each element of his prima facie case of race or gender discrimination; and (2) Whether Grice presented sufficient evidence to raise a fact issue as to whether ACCD's asserted nondiscriminatory reason for terminating Grice's employment was pretextual.

Russell Equestrian Center, Inc., John William Russell, Individually And D/B/A Russell Equestrian Center, And Shane Brasher Russell v. Samantha Miller A/K/A Samantha Parker - This case arises from a collision between Samantha Miller's vehicle and two horses from the Russell Equestrian Center. Miller sued John Russell, Shane Russell, and Russell Equestrian Center, Inc. (collectively Russell Equestrian), for negligence, negligence per se, and gross negligence. The jury found John and Shane negligent and grossly negligent, and held Russell Equestrian Center, Inc. vicariously liable for all damages.

Court Advisory

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



□ □ □ □ □ □ □ □ □ □ □ □ □ □ □

On appeal, Russell Equestrian asserts (1) the expert’s testimony was legally insufficient to support the jury’s verdict and the trial court abused its discretion by failing to exclude it; (2) the evidence was insufficient on proximate causation and thus did not support the jury’s finding of negligence; and (3) the evidence did not satisfy the heightened clear and convincing standard required for a gross negligence finding. Miller contends the evidence was legally sufficient to support the jury’s verdict.

The oral arguments will be held at the St. Mary’s University School of Law – Mock Courtroom Classroom Building, One Camino Santa Maria, San Antonio, Texas 78228.