

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
April 24, 2013

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, May 2, 2013, 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 case will be presented:

City of San Antonio v. Greater San Antonio Builders Association & Indian Springs, Ltd. - This is an accelerated appeal of the trial court's denial of the City's plea to the jurisdiction in a case challenging the validity of the City's Fair Notice Ordinance. In its plea, the City asserted the Greater San Antonio Builders Association and Indian Springs, Ltd. lacked standing to pursue their declaratory judgment claim because no justiciable controversy existed.

The Fourth Court of Appeals will hear consolidated oral arguments in three appeals on Thursday, May 2, 2013, beginning at 1:30 p.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Karen Angelini, and Justice Rebeca C. Martinez.

The following cases will be presented:

Williamsburg Care Co., L.P. d/b/a Princeton Place Rehabilitation and Healthcare Medical Center v. Acosta, et al.; Fredericksburg Care Co., L.P. d/b/a Princeton Place Rehabilitation and Healthcare Medical Center v. Perez, et al. & Fredericksburg Care Co., L.P. d/b/a Princeton Place Rehabilitation and Healthcare Medical Center v. Lira, as Representative of the Estate of Guadalupe Quesada, Deceased - Appellants, The Williamsburg Care Company, L.P. and The Fredericksburg Care Company, L.P., owners of senior care nursing facilities in San Antonio, appeal the trial court's denial of their motions to compel arbitration under the Federal Arbitration Act (FAA) in the underlying healthcare liability lawsuits brought by former patients of the nursing facilities, or by their estates and heirs. The sole issue raised in this interlocutory appeal is whether Texas Civil

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Practice and Remedies Code section 74.451, the arbitration provision of the Texas Medical Liability Act, is a law “enacted for the purpose of regulating the business of insurance” within the meaning of the federal McCarran-Ferguson Act (MFA). If so, section 74.451 falls within the scope of the MFA and is protected from federal preemption by the FAA.

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