

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
October 8, 2010

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, October 12, 2010, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Steven C. Hilbig.

The following cases will be presented:

- (1) *Antonio Reyes-Vidal v. Commission for Lawyer Discipline* – This is an appeal from a final judgment of disbarment rendered against Antonio Reyes-Vidal for making false statements of material fact in connection with a disciplinary matter, wrongfully retaining client funds, and engaging in conduct involving dishonesty, deceit, or misrepresentation. The appeal raises challenges to the legal and factual sufficiency of the evidence, as well as to the sufficiency of the pleadings.
- (2) *Gene Rosas v. Commission for Lawyer Discipline* - This is an appeal of a judgment disbaring Gene Rosas from the practice of law. The appeal raises challenges to the sufficiency of the evidence to support the trial court’s findings that Rosas violated Rules 1.08 and 8.04 of the Texas Disciplinary Rules of Professional Conduct. The appeal also claims the trial court’s sanction of disbarment was not the appropriate sanction for the alleged misconduct.

The Fourth Court of Appeals will hear oral argument in two appeals on Wednesday, October 13, 2010, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Phylis Speedlin, and Justice Rebecca Simmons.

The following cases will be presented:

- (1) *Stage Run Owners Association, Inc. v. Davinder Singh Bains and Parmjit K. Bains* - This appeal concerns the interpretation of a deed restriction prohibiting a homeowner from erecting a “structure” on his lot without approval from the homeowners’ association.

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(2) *Drury Southwest, Inc. v. Louis Ledeaux #1, Inc.* – This appeal arises from a commercial lease dispute. Louie Ledeaux #1, Inc. prevailed at trial. On appeal, Drury Southwest, Inc. alleges multiple points of error: (1) the trial court failed to limit the consideration of damages; (2) the amount of damages awarded exceeded the evidence; (3) the evidence was insufficient to support the DTPA claims; (4) Ledeaux failed to properly plead the elements of damages; (5) the trial court improperly charged the jury with respect to the specific elements of damages; (6) the trial court erred in refusing to allow impeachment evidence; (7) the evidence was insufficient to support the attorney’s fees award; and (8) the trial court failed to grant Drury an offset to the damages awarded to Ledeaux.

The Fourth Court of Appeals will hear oral argument in one appeal on Thursday, October 14, 2010, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Sandee Bryan Marion, and Justice Rebecca Simmons.

The following case will be presented:

(1) *ZYZY Corporation v. Gloria Hernandez* – This is a libel case about an article that appeared in the Eagle Pass News-Guide. The issues involve whether the plaintiff, an attorney for the Kickapoo Traditional Tribe of Texas, is a limited purpose public figure, whether the paper has shown an absence of malice as a matter of law, and whether Hernandez’s lawsuit is barred by the statute of limitations.

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