

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
November 23, 2010

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, December 1, 2010, beginning at 9:00 a.m., before the following panel of justices: Justice Rebecca Simmons, Justice Steven C. Hilbig, and Justice Marialyn Barnard.

The following case will be presented:

- (1) *Guardianship of C.E.M.-K, a Minor* - This appeal arises out of a suit affecting the parent-child relationship. The appeal raises challenges to the probate court's decision to award sole managing conservatorship to a minor child's former stepfather instead of the biological father. The biological father contends the stepfather lacked standing, and the trial court erred in awarding sole managing conservatorship to a non-parent over a parent.

The Fourth Court of Appeals will hear oral argument in two appeals on Thursday, December 2, 2010, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Phyllis Speedlin, and Justice Rebecca Simmons.

The following cases will be presented:

- (1) *Water Exploration Company, Ltd. v. Bexar Metropolitan Water District* - Water Exploration Company, Ltd. appeals the trial court's granting of Bexar Metropolitan Water District's plea to the jurisdiction. This case concerns a Water Supply Agreement entered into by Water Exploration Co. and Bexar Metropolitan Water District. At issue in this appeal is whether section 271.152 of the Texas Local Government Code, which waives sovereign immunity for breach of contract suits where the essential terms of the contract provide goods or services to the local governmental entity, applies to the Water Supply Agreement.
- (2) *Anastacio G. Garza and Barbara T. Garza v. Alejandro E. Villarreal, Jr., et al.* - This appeal arises from a lawsuit in which landowners sought specific performance of preference rights (rights of first refusal) contained in a partition deed. Other claims, including declaratory judgment claims, were also brought in the lawsuit.

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The parties mediated their claims and entered into a settlement agreement. The primary issues presented on appeal are whether the trial court erred in (1) granting a motion to enforce the settlement agreement, and (2) awarding attorney’s fees.

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