

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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San Antonio, Texas 78205-3037



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FOR IMMEDIATE RELEASE
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Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, September 15, 2015, beginning at 9:00 a.m., before the following panel of justices: Justice Rebeca C. Martinez, Justice Patricia O. Alvarez, and Justice Luz Elena D. Chapa.

The following cases will be presented:

West 17th Resources, LLC, Pamela Mika Wolf and Thomas Mika v. Lucian A. Pawelek and Carleen J. Pawelek – West 17th Resources, LLC, Thomas Mika, and Pamela Mika Wolf appeal the trial court’s summary judgment in favor of appellees, Lucian and Carleen Pawelek. In seventeen issues, appellants argue the Paweleks failed to establish they owned the entire subject property, including an undivided 1/10 interest appellants claim they obtained from a trust in their suit for trespass to try title. The issues on appeal relate to whether the trial court properly granted the Paweleks’ motion for summary judgment, which was based on the following grounds: (1) Irene Mika (Thomas and Pamela’s mother) conveyed the trust’s 1/10 interest by a 1994 deed, even though she did not sign “as trustee”; (2) appellants are estopped from denying the 1994 deed did not convey all of the subject property; (3) the Paweleks adversely possessed the 1/10 interest under the three-year, five-year, and ten-year statute of limitations.

Laura Leticia Zepeda Vasquez, Individually and on behalf of the Estate of Jose Abraham Vasquez, Jr. v. Legend Natural Gas III, LP, Legend Natural Gas, LLC, Lewis Energy Group, LP, and Lewis Petro Properties, Inc. - This is an appeal from a Texas Rules of Civil Procedure Rule 91a dismissal of a wrongful death and survival cause of action on the ground that Appellant’s cause of action has no basis in law.

Appellant contends Appellees’ use of a La Salle County road caused her husband’s death when his vehicle overturned and fell into a ditch. Appellant argues Appellees’ negligent and gross negligent use and operation of their vehicles on the county road created a dangerous condition. They allege that Appellees, by using heavy equipment, caused the road to degrade into a dirt road with potholes, bumps, crevices, and no markings left to determine lanes of travel. Appellant contends the operators, knowing La Salle County could not repair the road as fast as the operators destroyed it, created a dangerous condition for all drivers on that road and failed to warn drivers of the road’s condition.

Appellees, most of whom are operators of oil and gas wells located in the vicinity of the county road, contend they have no duty to act for non-negligent use of a public road, have no duty to repair the county road, and have no duty to warn of its defects.

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, September 15, 2015, beginning at 1:30 p.m., before the following panel of justices: Justice Rebeca C. Martinez, Justice Patricia O. Alvarez, and Justice Luz Elena D. Chapa.

The following case will be presented:

Adan Flores v. State - In appealing his convictions on five counts of aggravated sexual assault of a child and one count of indecency with a child by contact, appellant raises several issues relating to the outcry witness's testimony, the jury charge, and the sufficiency of the evidence. In addition, appellant complains that the trial court granted the State's motion to amend the indictment without notice to him.

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