



# THE SUPREME COURT OF TEXAS

Orders Pronounced October 9, 2015

## ORDERS ON CAUSES

### THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

13-0596 KACHINA PIPELINE COMPANY, INC. v. MICHAEL D. LILLIS; from Concho County; 3rd Court of Appeals District (03-10-00784-CV, \_\_\_ SW3d \_\_\_, 06-18-13)

The Court's opinion issued June 12, 2015 is withdrawn and the opinion issued this date is substituted. The opinion concurring in part and dissenting in part issued June 12, 2015 remains in place. The judgment issued June 12, 2015 remains in place.

The Court affirms the court of appeals' judgment.

Justice Brown delivered the opinion of the Court, in which Justice Johnson, Justice Willett, Justice Guzman, Justice Lehrmann, and Justice Boyd joined.

Chief Justice Hecht delivered an opinion concurring in part and dissenting in part, in which Justice Green and Justice Devine joined.

14-0629 KATY VENTURE, LTD. AND KATY MANAGEMENT, L.L.C. v. CREMONA BISTRO CORP.; from Dallas County; 5th Court of Appeals District (05-13-00048-CV, \_\_\_ SW3d \_\_\_, 06-30-14)

## ORDERS ON CASES GRANTED

### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

14-0692 THE STATE OF TEXAS v. ONE (1) 2004 LINCOLN NAVIGATOR, VIN # 5LM FU27RX4LJ28242; from Nueces County; 13th Court of Appeals District (13-13-00484-CV, \_\_\_ SW3d \_\_\_, 08-28-14)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 4, 2015.]  
Time allotted to argue: 20/20 minutes

14-0714 ALICE M. WOOD AND DANIEL L. WOOD v. HSBC BANK USA, N.A. AND OCWEN LOAN SERVICING, L.L.C.; from Fort Bend County; 14th Court of Appeals District (14-13-00389-CV, 439 SW3d 585, 07-13-14)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 8, 2015.]

Time allotted to argue: 20/20 minutes

14-0747 GLENN HEGAR, IN HIS OFFICIAL CAPACITY AS TEXAS COMPTROLLER; AND KEN PAXTON, IN HIS OFFICIAL CAPACITY AS TEXAS ATTORNEY GENERAL v. TEXAS SMALL TOBACCO COALITION AND GLOBAL TOBACCO, INC.; from Travis County; 3rd Court of Appeals District (03-13-00753-CV, 440 SW3d 304, 08-15-14)

[Note: This case has been set for oral argument at 9:00 a.m., December 8, 2015.]

Time allotted to argue: 20/20 minutes

14-0984 MADELON HYSAW, KATHRYN HYSAW WEAVER, MICHAEL AND CINDY BURRIS FAMILY PARTNERSHIP III, LTD., BYRON M. BURRIS AND JUDITH ANN BURRIS DZIUK v. BRETTON GUY DAWKINS, BRADLEY KEN DAWKINS, JERRY HOWARD OXFORD AND SHARON ANN OXFORD; from Karnes County; 4th Court of Appeals District (04-13-00539-CV, 450 SW3d 147, 07-30-14)

[Note: This case has been set for oral argument at 9:00 a.m., December 8, 2015.]

Time allotted to argue: 20/20 minutes

14-0986 MICHAEL L. WILLIAMS, COMMISSIONER OF EDUCATION v. STERLING CITY INDEPENDENT SCHOOL DISTRICT; HIGHLAND INDEPENDENT SCHOOL DISTRICT; BLACKWELL CONSOLIDATED INDEPENDENT SCHOOL DISTRICT; from Travis County; 11th Court of Appeals District (11-12-00035-CV, 447 SW3d 505, 10-16-14)

[Note: This case has been set for oral argument at 9:00 a.m., December 9, 2015.]

Time allotted to argue: 20/20 minutes

14-1075 HALLMARK MARKETING COMPANY, LLC v. GLENN HEGAR, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 13th Court of Appeals District (13-14-00093-CV, \_\_\_ SW3d \_\_\_, 11-13-14)

motion to withdraw as counsel granted

[Note: This case has been set for oral argument at 9:00 a.m., December 9, 2015.]

Time allotted to argue: 20/20 minutes

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE SET FOR ORAL ARGUMENT:

14-1006 IN RE STACEY BENT AND MARK BENT; from Harris County; 1st Court of Appeals District (01-13-00508-CV, 446 SW3d 162, 08-21-14)

[Note: This case has been set for oral argument at 9:00 a.m., November 4, 2015.]

Time allotted to argue: 20/20 minutes

(Justice Johnson not sitting)

14-1077 IN RE CHRISTUS SANTA ROSA HEALTH SYSTEM D/B/A CHRISTUS SANTA ROSA HOSPITAL - NEW BRAUNFELS; from Comal County; 3rd Court of Appeals District (03-14-00692-CV, \_\_\_ SW3d \_\_\_, 11-13-14)

[Note: This case has been set for oral argument at 9:00 a.m., December 9, 2015.]

Time allotted to argue: 20/20 minutes

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS GRANTED:

- 15-0130 IN RE DAVID MCBRIDE AND GLENN BURNS; from Harris County; 14th Court of Appeals District (14-14-00275-CV, 454 SW3d 145, 12-23-14)  
denial of petition for writ of mandamus on June 5, 2015, withdrawn  
petition reinstated  
(Justice Lehrmann not sitting)

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 14-0126 STATE OF TEXAS v. ARRINGTON OUTDOOR OF FORT WORTH, L.P.; from Tarrant County; 8th Court of Appeals District (08-12-00034-CV, 416 SW3d 237, 11-13-13)
- 14-0498 IMAGINE AUTOMOTIVE GROUP, INC., IMAGINE AUTOMOTIVE GROUP, I., L.P., ECARLINK, L.P., ECARLINK GP, INC., BRETT STACY AND LEN CRITCHER v. BOARDWALK MOTOR CARS, LTD. D/B/A BOARDWALK PORSCHE (FORMERLY THE PORSCHE STORE), BOARDWALK AUTOMOBILES, LTD. D/B/A BOARDWALK AUDI (FORMERLY THE AUDI STORE), BOARDWALK TRANSPORTATION L.P. D/B/A BOARDWALK VOLKSWAGEN; from Collin County; 5th Court of Appeals District (05-11-01119-CV, 430 SW3d 620, 05-07-14)  
2 petitions
- 14-0786 WORLDWIDE CLINICAL TRIALS A/K/A WCT CORPORATION v. HERLINDA ARNOLD; from Bexar County; 4th Court of Appeals District (04-13-00609-CV, 446 SW3d 793, 08-13-14)
- 14-0885 ESCALANTE'S COMIDA FINA, INC. v. HOUSTON, WOODARD, EASON, GENTLE, TOMFORDE AND ANDERSON, INC., D/B/A INSURANCE ALLIANCE; from Harris County; 1st Court of Appeals District (01-11-00746-CV, \_\_\_ SW3d \_\_\_, 06-03-14)
- 14-0894 MERITAGE HOMES OF TEXAS, L.L.C. D/B/A/ MONTEREY HOMES v. JU-AN RUAN, ET AL.; from Dallas County; 5th Court of Appeals District (05-13-00831-CV, \_\_\_ SW3d \_\_\_, 09-16-14)
- 14-0906 WAYNE STANFORD, MORRIS TURMAN, BRANKA KARAKASHEVICH, AND TRAVIS WARD v. R. MICHAEL WARD; from Dallas County; 5th Court of Appeals District (05-12-00855-CV, 443 SW3d 334, 08-14-14)
- 14-0915 HECTOR LUCIO v. LETOSHA GALE, M.D. AND ZOE LIFE WELLNESS CENTER, P.A.; from Fort Bend County; 1st Court of Appeals District (01-13-00543-CV, 445 SW3d 849, 09-25-14)

- 14-1066 MARCO MURILLO v. ONCOR ELECTRIC DELIVERY COMPANY, LLC; from Harris County; 1st Court of Appeals District (01-10-01123-CV, 449 SW3d 583, 10-16-14)
- 15-0132 MELISSA HERNANDEZ v. ANDRES BUENO; from Jim Wells County; 4th Court of Appeals District (04-14-00255-CV, 454 SW3d 178, 12-31-14)
- 15-0159 TERRY GRAHAM v. TEXAS FARM BUREAU UNDERWRITERS; from Smith County; 6th Court of Appeals District (06-13-00132-CV, 450 SW3d 919, 12-05-14)
- 15-0161 ORCA ASSETS, G.P., L.L.C. v. BURLINGTON RESOURCES OIL & GAS COMPANY, L.P., PETROHAWK PROPERTIES, L.P., & GEOSOUTHERN DEWITT PROPERTIES, L.L.C.; from De Witt County; 13th Court of Appeals District (13-13-00462-CV, 464 SW3d 403, 01-15-15)
- (Chief Justice Hecht not sitting)
- 15-0236 CAROL PASELK v. JUSTICE OF THE PEACE, PRECINCT 1, YVONNE KING; from Hopkins County; 6th Court of Appeals District (06-14-00047-CV, 455 SW3d 268, 01-09-15) as amended
- 15-0237 T. JUNE MELTON v. DALE BEEBE FARROW AND GARY W. RABA; from Travis County; 3rd Court of Appeals District (03-13-00542-CV, \_\_\_ SW3d \_\_\_, 02-10-15)
- 15-0249 EDUARDO N. LERMA v. BORDER DEMOLITION & ENVIRONMENTAL, INC.; from El Paso County; 8th Court of Appeals District (08-12-00105-CV, 459 SW3d 695, 02-20-15)
- 15-0250 SIERRA CLUB v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND WASTE CONTROL SPECIALISTS; from Travis County; 3rd Court of Appeals District (03-11-00102-CV, 455 SW3d 214 , 12-30-14)
- 15-0263 SIERRA CLUB v. THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND WASTE CONTROL SPECIALISTS, LLC; from Travis County; 3rd Court of Appeals District (03-12-00335-CV, 455 SW3d 228, 12-30-14)
- 15-0269 SHELLIE K. SMITH v. TARRANT COUNTY, CITY OF ARLINGTON, KENNEDALE INDEPENDENT SCHOOL DISTRICT, TARRANT COUNTY COLLEGE DISTRICT, AND TARRANT COUNTY HOSPITAL DISTRICT; from Tarrant County; 2nd Court of Appeals District (02-14-00207-CV, \_\_\_ SW3d \_\_\_, 04-02-15)
- 15-0353 CTL/THOMPSON TEXAS, LLC v. STARWOOD HOMEOWNER'S ASSOCIATION, INC.;

from Denton County; 2nd Court of Appeals District (02-14-00236-CV, 461 SW3d 627, 03-26-15)

- 15-0426 ALLSTATE INSURANCE COMPANY, ALLSTATE INDEMNITY COMPANY, ALLSTATE PROPERTY & CASUALTY INSURANCE COMPANY, ALLSTATE COUNTY MUTUAL INSURANCE COMPANY, AND ALLSTATE FIRE & CASUALTY INSURANCE COMPANY v. REHAB ALLIANCE OF TEXAS, INC. D/B/A STEEPLECHASE FAMILY HEALTHCARE AND STEEPLECHASE PAIN MANAGEMENT & SURGICAL ASSOCIATES, SHEILA SMITH F/K/A SHEILA GOYER, DENNIS SMITH, D.C., THE DIAGNOSTIC & INJURY CENTER OF HOUSTON, L.L.C., AND IHSAN SHANTI, M.D.; from Harris County; 14th Court of Appeals District (14-13-00459-CV, \_\_\_ SW3d \_\_\_, 04-21-15)
- 15-0551 NEXION HEALTH AT GARLAND, INC. D/B/A PLEASANT VALLEY HEALTHCARE AND REHABILITATION CENTER v. CHRISTINE TOWNSEND, INDIVIDUALLY AND AS THE PERSONAL REPRESENTATIVE ON BEHALF OF THE ESTATE OF ROSALINDA SAGER; from Dallas County; 5th Court of Appeals District (05-15-00153-CV, \_\_\_ SW3d \_\_\_, 06-12-15)
- 15-0574 IN THE MATTER OF R.A.; from Fort Bend County; 14th Court of Appeals District (14-11-00570-CV, 465 SW3d 728, 04-30-15)
- 15-0657 MARCI LUJAN, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF JAMIE LUJAN, DECEASED, AND AS NEXT FRIEND OF S.L. AND S.L., MINORS v. TEXAS BELL JEB APARTMENTS LLC; EMERALD GARDEN APARTMENTS; DTI INVESTMENTS, INC.; BELL JEB APARTMENTS LLC D/B/A EMERALD GARDEN APARTMENTS; PARTY D/B/A EMERALD GARDEN APARTMENTS AND DEBRA WACASEY; from Bell County; 3rd Court of Appeals District (03-13-00558-CV, \_\_\_ SW3d \_\_\_, 06-30-15)
- 15-0659 WAHID YAMMINE, INDIVIDUALLY AND D/B/A YAM YAM TRADING v. HDH FINANCIAL, LLC; from Tarrant County; 7th Court of Appeals District (07-14-00169-CV, \_\_\_ SW3d \_\_\_, 06-12-15)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 15-0446 SCOTT ROTHENBERG v. ROBERT PRIMO; from Harris County; 14th Court of Appeals District (14-13-00794-CV, \_\_\_ SW3d \_\_\_, 06-18-15)  
motion for leave to exceed word-count limitation in the cross-petition for review denied

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(i)(1), (2)(D), and (3), and is struck. Petitioner is ordered to redraw; the petition is due by October 19, 2015."

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED FOR WANT OF JURISDICTION:

- 15-0462 MARSA HALL v. INEEQUA A. FISHER AND VELISA RENFRO; from Walker County; 10th Court of Appeals District (10-14-00345-CV, \_\_\_ SW3d \_\_\_, 06-04-15)

*See* TEX. GOV'T CODE § 22.225(b)(1)

15-0549 LEROY STROMAN v. ROBERT RUSSELL TAUTENHAHN; from Brazoria County; 14th Court of Appeals District (14-14-00280-CV, 465 SW3d 715, 04-28-15)

*See* TEX. GOV'T CODE § 22.225(b)(1)

### **ORDERS ON MOTIONS FOR REHEARING**

#### THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 14-0237 THE ROGERS SHAVANO RANCH, LTD, ROGERS 1604 COMMERCIAL, LTD., BITTERBLUE, INC., AND DENTON DEVELOPMENT CORPORATION v. THE CITY OF SAN ANTONIO; from Bexar County; 4th Court of Appeals District (04-13-00623-CV, \_\_\_ SW3d \_\_\_, 02-19-14)
- 14-0265 BRANDON DARBY v. THE NEW YORK TIMES COMPANY AND JAMES C. MCKINLEY, JR.; from Hays County; 7th Court of Appeals District (07-12-00193-CV, \_\_\_ SW3d \_\_\_, 02-26-14)
- 14-0332 ROGER L. GRAHAM, JOHN B. GRAHAM, JOHN REGMUND, GLENN REGMUND, WILMA REGMUND, RAELLEN REGMUND MATTINGLY, RAYANNE REGMUND CHESSER, ALBERT O. MENN AND IRENE C. MENN v. GEORGE J. PROCHASKA, JR., PATRICIA PROCHASKA HOLLAND, JEANETTE PROCHASKA MAZZA, DAWN PROCHASKA SNYDER, FREDERICK JAMES PROCHASKA, II AND REBECCA PROCHASKA WILLIS; from Karnes County; 4th Court of Appeals District (04-12-00755-CV, 429 SW3d 650, 12-31-13)
- 14-0414 THE GUARANTEE COMPANY OF NORTH AMERICA USA v. WEAVER & TIDWELL, L.L.P.; from Dallas County; 5th Court of Appeals District (05-12-00750-CV, 427 SW3d 559, 04-08-14)

### **MISCELLANEOUS**

#### THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 14-0804 IN RE SENECA RESOURCES CORPORATION; from Harris County; 1st Court of Appeals District (01-14-00587-CV, \_\_\_ SW3d \_\_\_, 09-30-14)  
2 petitions
- 15-0082 IN RE KEVAN CASEY, JINSUN LLC, AND FAR EAST STRATEGIES LLC; from Harris County; 14th Court of Appeals District (14-14-00783-CV, \_\_\_ SW3d \_\_\_, 12-23-14)  
emergency motion for temporary relief, as amended, denied

- 15-0109 IN RE GILBERT L. MATHEWS AND LUCIFER LIGHTING COMPANY; from Bexar County; 4th Court of Appeals District (04-14-00730-CV, \_\_\_ SW3d \_\_\_, 12-03-14)
- 15-0266 IN RE EDUARDO N. LERMA; from El Paso County; 8th Court of Appeals District (08-12-00105-CV, \_\_\_ SW3d \_\_\_, 02-20-15)
- 15-0276 IN RE JOSEPH DEGIOANNI AND EMTEL, INC.; from Harris County; 1st Court of Appeals District (01-15-00259-CV, \_\_\_ SW3d \_\_\_, 04-07-15)
- 15-0358 IN RE WILLIAM B. ADAMS; from Dallas County; 5th Court of Appeals District (05-15-00536-CV, \_\_\_ SW3d \_\_\_, 05-08-15)
- 15-0508 IN RE VAUGHN BIRDWELL; from McLennan County
- 15-0661 IN RE AMELIA V. KELLY; from Galveston County; 14th Court of Appeals District (14-14-00944-CV, \_\_\_ SW3d \_\_\_, 11-26-14)

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

- 15-0751 IN RE TEDDY LAWRENCE STEWART; from Hood County; 2nd Court of Appeals District (02-15-00243-CV, \_\_\_ SW3d \_\_\_, 08-26-15)

THE ABATEMENT ORDER IS EXTENDED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

- 14-0749 IN RE JOHN REEDER; from Kaufman County; 5th Court of Appeals District (05-14-01126-CV, \_\_\_ SW3d \_\_\_, 09-12-14)  
abatement order issued

[**Note:** The Court's extended abatement order of September 4, 2015 expired by its own terms on October 5, 2015. The abatement is extended until November 9, 2015, by which time the parties must file either a status report or a motion to dismiss.]