

# 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  
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## Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, May 4, 2016, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Rebeca C. Martinez, and Justice Patricia O. Alvarez.

The following case will be presented:

*Gemini Insurance Company & Berkley Oil & Gas Specialty Services, LLC v. Drilling Risk Management, Inc.* - This appeal concerns insurance coverage for re-drilling expenses under a "Control of Well" policy issued by Gemini and underwritten by Berkley after DRMI experienced two underground blowouts in the well it was drilling. Summary judgment was granted in favor of the insured, DRMI, on the coverage and deductible issues. DRMI's remaining common law and statutory claims against Gemini and Berkley for deceptive acts and practices and unfair settlement practices in violation of the Insurance Code were tried to a jury which found in favor of DRMI. Gemini and Berkley appeal the trial court's judgment, arguing that under the plain language of the policy the cost of routine drilling materials is not a covered loss and each blowout constituted a separate occurrence. They also argue the evidence does not support the jury's finding of deceptive acts or practices or its assessment of damages.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, May 4, 2016, beginning at 2:00 p.m., before the following panel of justices: Justice Karen Angelini, Justice Rebeca C. Martinez, and Justice Patricia O. Alvarez.

The following case will be presented:

*In the Matter of the Estate of William H. Matthews, III, Deceased* - William (Billy) Henry Matthews III was a veteran of Operation Iraqi Freedom who developed multiple sclerosis and was medically discharged as 100% disabled. For approximately seven years before his death, he was treated for multiple sclerosis, depression, and post-traumatic stress disorder. He also had an ongoing history of marijuana and alcohol abuse.

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Appellant Katherine Sanchez Matthews met Billy in 2007 when she served him as his home health aide. They married on June 1, 2010, and Billy died of a self-inflicted gunshot wound on August 8, 2010. Billy's will devised all his property to his father, William H. Matthews Jr., and named his father as executor. After Billy's death, his father William applied to probate Billy's will. Later, Katherine filed an application to determine heirship and claimed an interest in Billy's property.

As executor, William petitioned the court to annul the marriage. He argued Billy lacked capacity to consent to marriage and never regained capacity. William and Katherine reached a settlement agreement, but after a dispute, William moved to set aside the agreement.

The trial court set aside the agreement, and the case was tried to a jury. The jury found Billy did not have capacity to consent to marriage, and Katherine exercised undue influence on Billy to consent to the marriage. The trial court annulled the marriage and declared it void.

On appeal, Katherine argues there is no remaining live controversy and the case must be dismissed, the evidence is legally and factually insufficient to support the jury's findings, and Texas law does not recognize undue influence as a basis for post-death annulment of a marriage.

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