



# THE SUPREME COURT OF TEXAS

Orders Pronounced April 28, 2017

## ORDERS ON CAUSES

14-0819 CADENA COMERCIAL USA CORP. D/B/A OXXO v. TEXAS ALCOHOLIC BEVERAGE COMMISSION; from Travis County; 3rd Court of Appeals District (03-13-00262-CV, 449 SW3d 154, 09-05-14)

The Court affirms the court of appeals' judgment.

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

Justice Willett delivered a dissenting opinion, in which Chief Justice Hecht joined.

(Justice Boyd not sitting)

14-0979 FOREST OIL CORPORATION, NOW KNOWN AS SABINE OIL & GAS CORPORATION v. EL RUCIO LAND AND CATTLE COMPANY, INC., SAN JUANITO LAND PARTNERSHIP, LTD., MCALLEN TRUST PARTNERSHIP, AND JAMES ARGYLE MCALLEN; from Harris County; 1st Court of Appeals District (01-13-00040-CV, 446 SW3d 58, 07-24-14)

The Court affirms the court of appeals' judgment.

Chief Justice Hecht delivered the opinion of the Court, in which Justice Green, Justice Johnson, Justice Willett, Justice Guzman, Justice Lehrmann, Justice Boyd, and Justice Devine joined.

(Justice Brown not sitting)

15-0123 PEDERNAL ENERGY, LLC v. BRUINGTON ENGINEERING, LTD.; from Zapata County; 4th Court of Appeals District (04-13-00558-CV, 456 SW3d 181, 08-27-14)

The Court reverses the court of appeals' judgment and reinstates the trial court's judgment.

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

Justice Devine delivered a concurring opinion.

15-0338 TOM BENNETT AND JAMES B. BONHAM CORPORATION v. LARRY WAYNE GRANT; from San Saba County; 3rd Court of Appeals District (03-11-00669-CV, 460 SW3d 220, 03-20-15)

The Court affirms in part and reverses in part the court of appeals' judgment and remands the case to that court.

Justice Willett delivered the opinion of the Court.

15-0557 JAMES O. ROGERS, WILLIAM M. BURMEISTER, CONSERVATIVE CARE, INC. AND CARE AFFILIATES, INC. v. VICTOR B. ZANETTI, CHARLES L. PERRY AND ANDREWS KURTH, LLP; from Dallas County; 5th Court of Appeals District (05-14-00733-CV, \_\_\_ SW3d \_\_\_, 06-15-15)

The Court affirms the court of appeals' judgment.

Justice Devine delivered the opinion of the Court.

(Justice Guzman not sitting)

15-0569 BP AMERICA PRODUCTION COMPANY v. RED DEER RESOURCES, LLC; from Lipscomb County; 7th Court of Appeals District (07-14-00032-CV, 466 SW3d 335, 05-18-15)

The Court reverses the court of appeals' judgment and renders judgment.

Justice Green delivered the opinion of the Court.

15-0575 EL PASO HEALTHCARE SYSTEM, LTD., D/B/A LAS PALMAS MEDICAL CENTER v. LAURA MURPHY; from El Paso County; 8th Court of Appeals District (08-13-00285-CV, \_\_\_ SW3d \_\_\_, 06-27-15)

The Court reverses the court of appeals' judgment and renders judgment.

Justice Boyd delivered the opinion of the Court.

15-0610 LEAH ANNE GONSKI MARINO, M.D. F/K/A LEAH ANNE GONSKI, M.D. v. SHIRLEY LENOIR, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SHANA LENOIR, AND CHRISTOPHER MCKNIGHT, INDIVIDUALLY AND AS NEXT FRIEND OF NAYLA MCKNIGHT; from Harris County; 1st Court of Appeals District (01-13-01034-CV, 469 SW3d 669, 07-02-15)

The Court affirms the court of appeals' judgment and remands the case to the trial court.

Justice Willett delivered the opinion of the Court.

15-0687 ETC MARKETING, LTD. v. HARRIS COUNTY APPRAISAL DISTRICT; from Harris County; 1st Court of Appeals District (01-12-00264-CV, 476 SW3d 501, 05-05-15)

The Court affirms the court of appeals' judgment.

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

Justice Brown delivered a concurring opinion, in which Justice Willett joined.

Chief Justice Hecht delivered a dissenting opinion.

(Justice Guzman not sitting)

16-0054 BARTUSH-SCHNITZIUS FOODS CO. v. CIMCO REFRIGERATION, INC.; from Denton County; 2nd Court of Appeals District (02-14-00401-CV, \_\_\_ SW3d \_\_\_, 11-25-15)

2 petitions

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petitions for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

#### **ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 17-0018 GESSNER ENGINEERING, LLC v. ST. PARASKEVI GREEK ORTHODOX MONASTERY, INC.; 1st Court of Appeals District (01-16-00320-CV, 507 SW3d 865, 11-22-16)
- 17-0102 IN THE INTEREST OF J.H., V, A CHILD; from San Patricio County; 13th Court of Appeals District (13-16-00511-CV, \_\_\_ SW3d \_\_\_, 01-12-17)
- 17-0106 IN THE INTEREST OF D.E.B., T.A.B. III AKA T.B., JR., AKA T.J., JR., T.B. AKA BABY BOY W., CHILDREN; from Harris County; 1st Court of Appeals District (01-16-00562-CV, \_\_\_ SW3d \_\_\_, 12-22-16)
- 17-0142 IN THE INTEREST OF D.M.M., CHILD; 14th Court of Appeals District (14-16-00664-CV, \_\_\_ SW3d \_\_\_, 01-05-17)  
2 petitions  
counsel's motion to withdraw granted
- 17-0150 EX PARTE MILTON LEE GARDNER; 10th Court of Appeals District (10-15-00372-CV, \_\_\_ SW3d \_\_\_, 10-12-16)
- 17-0213 VICSANDRA JONES AND DARREN JONES, INDIVIDUALLY AND AS NEXT FRIENDS OF JOHN DOE, A MINOR v. JOSI CALDERON SHIPLEY; 1st Court of Appeals District (01-16-00046-CV, 508 SW3d 766, 12-08-16)
- 17-0215 IN THE INTEREST OF A.A.C., M.A.V.M. AND S.Z.A., CHILDREN; 11th Court of Appeals District (11-16-00306-CV, \_\_\_ SW3d \_\_\_, 02-02-17)
- 17-0223 IN THE INTEREST OF M.S., A CHILD; 11th Court of Appeals District (11-16-00292-CV, \_\_\_ SW3d \_\_\_, 02-02-17)
- 17-0226 IN THE INTEREST OF K.M., L.M., AND P.M., CHILDREN; 5th Court of Appeals District (05-16-01048-CV, \_\_\_ SW3d \_\_\_, 02-07-17)

**ORDERS ON MOTIONS FOR REHEARING**

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

- 15-0664 TERESA CORRAL-LERMA v. BORDER DEMOLITION & ENVIRONMENTAL, INC., AS A CORPORATION, RAUL SOLIS, INDIVIDUALLY AND BONNIE SOLIS, INDIVIDUALLY; from El Paso County; 8th Court of Appeals District (08-11-00134-CV, 467 SW3d 109, 05-13-15)
- 15-0904 PLAINS PIPELINE, L.P. v. BP OIL PIPELINE COMPANY; from Harris County; 14th Court of

Appeals District (14-13-00352-CV, 472 SW3d 296, 06-30-15)

- 16-0029 ROSCOE F. "TREY" WHITE, III, WHITE VENTURES ENERGY LLC AND TRI-PROPERTIES, LTD. v. MICHAEL POTTORFF AND MONICA FABBIO, DERIVATELY ON BEHALF OF INVESTORS GROUP, LLC F/K/A WE INVESTORS GROUP, LLC; from Dallas County; 5th Court of Appeals District (05-14-00675-CV, 479 SW3d 409, 08-18-15)  
2 rehearings
- 16-0300 KHANH DAO v. ELISSA GARCIA ON BEHALF OF THE ESTATE OF ROJELIO SALINAS, JR. AND ROJELIO SALINAS, SR.; from Dallas County; 5th Court of Appeals District (05-14-01451-CV, 486 SW3d 618, 01-14-16)
- 16-0732 LINDA GREEN v. TEXAS DEPARTMENT OF INSURANCE-DIVISION OF WORKERS' COMPENSATION; from Harris County; 1st Court of Appeals District (01-15-00321-CV, \_\_\_ SW3d \_\_\_, 05-10-16)
- 17-0056 JOSE EDUARDO FARACH v. ELIZABETH JARUFE; from Harris County; 14th Court of Appeals District (14-16-00016-CV, \_\_\_ SW3d \_\_\_, 11-22-16)

**MISCELLANEOUS**

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 17-0191 IN RE MARCUS JAMES MAYFIELD; from Milam County; 3rd Court of Appeals District (03-16-00217-CR, \_\_\_ SW3d \_\_\_, 04-15-16)