

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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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 Wednesday, June 21, 2017, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Marialyn Barnard, and Justice Luz Elena D. Chapa.

The following cases will be presented:

BoRain Capital, LLC v. Syed Hashmi – In this appeal, BoRain Capital, LLC challenges the trial court’s judgment against it in a breach of contract action arising from the sale of a note. At trial, the jury found that BoRain did not have an agreement with the plaintiff, Syed Hashmi. The jury did not reach the issue of whether BoRain breached the agreement. On appeal, BoRain argues the trial court erred in granting judgment against it notwithstanding the jury’s verdict. Additionally, BoRain argues the trial court erred in ordering BoRain to pay attorney’s fees to Hashmi.

VirTex Operating Co., Inc. and VirTex Producing Company, L.P. v. Robert Leon Bauerle and Cynthia Bauerle - This is an oil and gas accommodation doctrine case. On appeal, appellants contend: (1) appellees failed to provide legally or factually sufficient evidence to establish all elements of the accommodation doctrine; (2) appellees are not entitled to attorney’s fees on their accommodation doctrine claim; (3) the evidence established the appellees unreasonably interfered with appellants use of the surface; and (4) the trial court erred in admitting the appellees’ expert testimony and excluding certain photographic evidence.

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