

# 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  
January 18, 2018

## Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, January 24, 2018, beginning at 9:00 a.m., before the following panel of justices: Justice Patricia O. Alvarez, Justice Luz Elena D. Chapa, and Justice Irene Rios.

The following case will be presented:

*Maverick County, et al. v. Ethelvina I. Felan* – In the underling case, the parties’ dispute centers on the 2016 Rollback Tax Rate for Maverick County. Maverick County adopted a tax rate, but there was an error in the calculation, and the Commissioner’s Court rescinded the erroneous rate. Appellee Ethelvina A. Felan gathered signatures for a rollback petition, and filed it. Appellants Maverick County and its county commissioners found the petition to be invalid.

Felan sued and sought a writ of mandamus, a permanent injunction, a request for disclosure, and declaratory relief. Felan also moved for summary judgment. Appellants filed a plea to the jurisdiction and a motion for summary judgment. The trial court denied Appellants’ plea and motion for summary judgment, and now Maverick County and its commissioners appeal.

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, January 25, 2018, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Luz Elena D. Chapa.

The following case will be presented:

*Thilo Burzlaff, M.D., P.A. and Tamela Arabit-Burzlaff v. Janet M. Weber* - This is an accelerated appeal from the trial court’s interlocutory order denying appellants’ motion to dismiss a health care liability claim asserted against them by appellee. In her underlying lawsuit, appellee Janet Weber asserted separate claims against Thilo Burzlaff, M.D., P.A. (“the Practice”) and against the Practice administrator, Tamela Arabit-Burzlaff (collectively, “appellants”). Weber did not sue her physician, Dr. Thilo Burzlaff, individually. Weber filed an expert report

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pursuant to Texas Civil Practice and Remedies Code section 74.351. Appellants objected to the expert's report and jointly moved to dismiss Weber's claims. The trial court denied the motion. The trial court determined the claims against Arabit-Burzlaff were not healthcare liability claims and overruled the Practice's objections to the report. This appeal ensued.

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