



THE SUPREME COURT OF TEXAS

Orders Pronounced June 1, 2018

ORDERS ON CAUSES

- 16-0505 MURPHY EXPLORATION & PRODUCTION COMPANY—USA, A DELAWARE CORPORATION v. SHIRLEY ADAMS, CHARLENE BURGESS, WILLIE MAE HERBST JASIK, WILLIAM ALBERT HERBST, HELEN HERBST, AND R. MAY OIL & GAS COMPANY, LTD.; from Atascosa County; 4th Court of Appeals District (04-15-00118-CV, 497 SW3d 510, 06-15-16)

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

Justice Lehrmann delivered the opinion of the Court, in which Chief Justice Hecht, Justice Devine, Justice Brown, and Justice Blacklock joined.

Justice Johnson delivered a dissenting opinion, in which Justice Green, Justice Guzman and Justice Boyd joined.

- 17-0140 SKY VIEW AT LAS PALMAS, LLC AND ILAN ISRAELY v. ROMAN GERONIMO MARTINEZ MENDEZ AND SAN JACINTO TITLE SERVICES OF RIO GRANDE VALLEY, LLC; from Hidalgo County; 13th Court of Appeals District (13-15-00019-CV, ___ SW3d ___, 01-19-17)

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

Justice Green delivered the opinion of the Court.

- 17-0198 WASSON INTERESTS, LTD. v. CITY OF JACKSONVILLE, TEXAS; from Cherokee County; 12th Court of Appeals District (12-13-00262-CV, 513 SW3d 217, 12-09-16)

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

Justice Boyd delivered the opinion of the Court.

- 17-0245 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, A SUBROGEE OF CHITRA CHANDRASEKARAN v. LISA SIMONE BELL F/K/A LISA SIMONE OVERMAN, F/K/A LISA SIMONE, AND ROBIN W. GOLDSMITH; from Tarrant County; 2nd Court of Appeals District (02-15-00207-CV, ___ SW3d ___, 12-15-16)

The Court affirms the court of appeals' judgment.

Justice Green delivered the opinion of the Court.

THE FOLLOWING CAUSE IS DISMISSED AS MOOT:

17-0264 IN RE FORD MOTOR COMPANY; from Harris County; 1st Court of Appeals District (01-17-00128-CV, ___ SW3d ___, 03-28-17)
real parties in interest's motion to dismiss mandamus as moot granted

(Justice Guzman not sitting)

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

16-0651 DUDLEY CONSTRUCTION, LTD., RICHARD MARK DUDLEY, AND HARTFORD FIRE INSURANCE COMPANY v. ACT PIPE AND SUPPLY, INC.; from Brazos County; 6th Court of Appeals District (06-15-00045-CV, 531 SW3d 744, 07-14-16)

17-0262 ANNETTE KNOPF AND STANLEY GRAY v. WILLIAM ROBERT GRAY, KAREN ANN GRAY, AND POLASEK FARMS, LLC; from Robertson County; 10th Court of Appeals District (10-15-00273-CV, 541 SW3d 200, 01-11-17)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

16-0874 MICHAEL JOE SORRELL AND SORRELL FAMILY, LTD PARTNERS v. ESTATE OF BENJAMIN HARDY CARLTON, III; from Brazoria County; 14th Court of Appeals District (14-15-00361-CV, 504 SW3d 379, 08-11-16)

[Note: The date and time for oral argument are yet to be determined.]

16-0966 THOMAS A. LALONDE, JR., P.E., INDIVIDUALLY AND D/B/A LEE ENGINEERING CO., LEE ENGINEERING CO., STANLEY HAROLD PRATHER AND PRATHER ENGINEERING CONSULTANTS, INC. v. PAUL GOSNELL AND KIM GOSNELL; from Denton County; 2nd Court of Appeals District (02-15-00250-CV, ___ SW3d ___, 08-31-16)

[Note: The date and time for oral argument are yet to be determined.]

16-0998 RSL FUNDING, LLC AND RSL SPECIAL-IV LIMITED PARTNERSHIP v. RICKEY NEWSOME; from Dallas County; 5th Court of Appeals District (05-15-00718-CV, ___ SW3d ___, 08-30-16)

[Note: The date and time for oral argument are yet to be determined.]

16-1013 ANADARKO PETROLEUM CORPORATION AND ANADARKO E&P COMPANY, L.P. v. HOUSTON CASUALTY COMPANY, ET AL.; from Montgomery County; 9th Court of Appeals District (09-14-00459-CV, ___ SW3d ___, 11-17-16)

[Note: The date and time for oral argument are yet to be determined.]

17-0058 LARRY EDDINGTON, VINCENT J. AURENTZ AND WILLIAM J. BUTLER v. DALLAS POLICE AND FIRE PENSION SYSTEM AND SAMUEL L. FRIAR, IN HIS OFFICIAL CAPACITY AS BOARD CHAIR; from Dallas County; 5th Court of Appeals District (05-15-00839-CV, 508 SW3d 774, 12-13-16)

[**Note:** The date and time for oral argument are yet to be determined.]
(Justice Guzman and Justice Brown not sitting)

17-0065 COMPASS BANK v. FRANCISCO CALLEJA-AHEDO; from Harris County; 1st Court of Appeals District (01-15-00210-CV, 508 SW3d 791, 12-15-16)

[**Note:** The date and time for oral argument are yet to be determined.]

17-0200 EXXON MOBIL CORPORATION v. THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA; from Harris County; 1st Court of Appeals District (01-15-00453-CV, 506 SW3d 498, 07-14-16)

motion for rehearing granted
denial of petition for review on January 26, 2018, withdrawn
petition reinstated

[**Note:** The date and time for oral argument are yet to be determined.]

(Justice Lehrmann not sitting)

17-0328 TRACY WINDRUM, INDIVIDUALLY, AS REPRESENTATIVE OF THE ESTATE OF LANCER WINDRUM, AND ON BEHALF OF HER MINOR CHILDREN, B.W., J.W. AND H.W. v. VICTOR KAREH M.D.; from Harris County; 1st Court of Appeals District (01-14-00179-CV, 518 SW3d 496, 03-16-17)

[**Note:** The date and time for oral argument are yet to be determined.]

17-0423 HAYS STREET BRIDGE RESTORATION GROUP v. CITY OF SAN ANTONIO; from Bexar County; 4th Court of Appeals District (04-14-00886-CV, ___ SW3d ___, 03-01-17)

[**Note:** The date and time for oral argument are yet to be determined.]

17-0463 GLASSDOOR, INC., DOE 1 AND DOE 2 v. ANDRA GROUP, LP; from Dallas County; 5th Court of Appeals District (05-16-00189-CV, ___ SW3d ___, 03-24-17)

[**Note:** The date and time for oral argument are yet to be determined.]

17-0588 ERIC D. HILLMAN v. NUECES COUNTY, TEXAS AND NUECES COUNTY DISTRICT ATTORNEY'S OFFICE; from Nueces County; 13th Court of Appeals District (13-16-00012-CV, ___ SW3d ___, 06-08-17)

[**Note:** The date and time for oral argument are yet to be determined.]

17-0660 ROSENBERG DEVELOPMENT CORPORATION v. IMPERIAL PERFORMING ARTS, INC.; from Fort Bend County; 14th Court of Appeals District (14-16-00978-CV, 526 SW3d 693, 07-06-17)

[**Note:** The date and time for oral argument are yet to be determined.]

18-0489 SUE ABSHIRE v. HEALTHSOUTH REHABILITATION HOSPITAL OF BEAUMONT, LLC; from Jefferson County; 9th Court of Appeals District (09-16-00107-CV, ___ SW3d ___, 03-30-17)

joint motion for partial dismissal of petition for review pursuant to Texas Rule of Appellate Procedure 56.3 granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, the Court severs the portion of the proceedings against Respondent HealthSouth Rehabilitation Hospital of Beaumont, LLC from case number 17-0386 into case number 18-0489, styled *Sue Abshire v. HealthSouth Rehabilitation Hospital of Beaumont, LLC*. The Court grants the petition in case number 18-0489 and remands the case to the trial court for rendition of judgment pursuant to the parties' settlement agreement. The remainder of the appeal in case number 17-0386, restyled *Sue Abshire v. Christus Health Southeast Texas d/b/a Christus Hospital-St. Elizabeth*, remains pending before this Court.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

16-0268 NABORS WELL SERVICES, LTD. F/K/A POOL COMPANY TEXAS, LTD. AND LAURO BERNAL GARCIA v. ASUNCION ROMERO, ET AL.; from Pecos County; 8th Court of Appeals District (08-09-00319-CV, 508 SW3d 512, 02-29-16)

as reinstated

16-0305 JOHN DAVIS D/B/A J.D. HOUSE OF STYLE v. NATIONAL LLOYDS INSURANCE COMPANY; from Harris County; 1st Court of Appeals District (01-14-00278-CV, 484 SW3d 459, 10-13-15)

16-0381 AD VILLARAI, LLC v. CHAN PAK; from Dallas County; 5th Court of Appeals District (05-15-00079-CV, ___ SW3d ___, 04-06-16)

as reinstated

16-0913 IN THE INTEREST OF E.J.R., A CHILD; from Cameron County; 13th Court of Appeals District (13-16-00302-CV, 503 SW3d 536, 09-29-16)

17-0254 NANCY HIGGINSON, DEBBIE CHEADLE, EDWARD CHEADLE, ARTHUR CHEADLE, WAYNE CARSON, FINNEY CHEADLE, CHERYL SHOOP AND KEITH SAWAYA v. RAEANNE MARTIN; from Lubbock County; 7th Court of Appeals District (07-15-00343-CV, ___ SW3d ___, 02-14-17)

(Justice Lehrmann not sitting)

17-0450 HARTMAN NEWSPAPERS, LP D/B/A FORT BEND HERALD AND TEXAS COASTER v.

TROY E. NEHLS, SHERIFF, AND FORT BEND COUNTY, TEXAS; from Fort Bend County; 1st Court of Appeals District (01-16-00121-CV, 522 SW3d 23, 04-27-17)

- 17-0468 RLJ II-C AUSTIN AIR, LP; RLJ II-C AUSTIN AIR LESSEE, LP; AND RLJ LODGING FUND II ACQUISITIONS, LLC v. ELNESS SWENSON GRAHAM ARCHITECTS, INC.; from Travis County; 3rd Court of Appeals District (03-14-00738-CV, 520 SW3d 145, 05-03-17)
2 petitions
motion to amend dismissed as moot
- 17-0480 IN THE INTEREST OF X.H., A CHILD; from Lubbock County; 7th Court of Appeals District (07-16-00410-CV, ___ SW3d ___, 05-02-17)
- 17-0523 LAYNE HARDIN AND KATHERINE LEBLANC v. OBSTETRICAL AND GYNECOLOGICAL ASSOCIATES, P.A. N/K/A OBSTETRICAL AND GYNECOLOGICAL ASSOCIATES, PLLC, TEXAS ANDROLOGY SERVICES, LLC AND TOBIE DEVALL; from Harris County; 1st Court of Appeals District (01-15-01004-CV, 527 SW3d 424, 06-06-17)
- 17-0530 WOODLAKE PARTNERS, INC. AND WOODLAKE PARTNERS, L.P. v. GUADALUPE COUNTY; from Guadalupe County; 4th Court of Appeals District (04-16-00253-CV, ___ SW3d ___, 04-12-17)
- 17-0552 TEXAS DEPARTMENT OF CRIMINAL JUSTICE v. MAURIE LEVIN, NAOMI TERR, AND HILARY SHEARD; from Travis County; 3rd Court of Appeals District (03-15-00044-CV, 520 SW3d 225, 05-25-17)
(Justice Blacklock not sitting)
- 17-0686 R. SCOTT PHELAN v. H. SCOTT NORVILLE; from Lubbock County; 10th Court of Appeals District (10-16-00187-CV, ___ SW3d ___, 07-26-17)
(Justice Lehrmann not sitting)
- 17-0855 ANTONIO SISON, M.D. v. ANDREW M. AND CYNTHIA M., BOTH INDIVIDUALLY AND AS GUARDIANS TO C.M., A MINOR CHILD; from Tarrant County; 2nd Court of Appeals District (02-16-00129-CV, ___ SW3d ___, 09-07-17)
- 17-0861 JOHNNIE J. MOORE v. KATHALEAN G. MOORE; from Harris County; 14th Court of Appeals District (14-15-00859-CV, ___ SW3d ___, 07-20-17)
- 17-0890 DAN HAGOOD v. D. BRENT LEMON; from Dallas County; 8th Court of Appeals District (08-15-00309-CV, ___ SW3d ___, 07-26-17)

- 17-1047 ALISA RICH v. RANGE RESOURCES CORPORATION AND RANGE PRODUCTION COMPANY; from Parker County; 2nd Court of Appeals District (02-17-00090-CV, 535 SW3d 610, 11-22-17)
- 17-1055 JAMES C. ILER AND LINDA ILER v. RVOS FARM MUTUAL INSURANCE COMPANY; from Liberty County; 9th Court of Appeals District (09-16-00011-CV, ___ SW3d ___, 11-16-17)
- 18-0007 IN THE INTEREST OF C.E., A.M., AND J.M., CHILDREN; from Rains County; 12th Court of Appeals District (12-17-00352-CV, ___ SW3d ___, 11-30-17)
motion for sanctions denied
- 18-0008 IN THE INTEREST OF C.E., A.M., AND J.M., CHILDREN; from Rains County; 12th Court of Appeals District (12-17-00353-CV, ___ SW3d ___, 11-30-17)
motion for sanctions denied
- 18-0058 DON MCCAFFETY v. JOSE PINON; from Harris County; 14th Court of Appeals District (14-17-00430-CV, ___ SW3d ___, 11-07-17)
- 18-0069 KELLY THOMAS v. LOGIC UNDERWRITERS, INC. AND JOY YVONNE SMITH; from Denton County; 2nd Court of Appeals District (02-16-00376-CV, ___ SW3d ___, 11-16-17)
as amended
motion to transfer denied
motion to request correction of opinion denied
motion misleading the court denied
- 18-0151 LISA KRAMER F/K/A LISA KASTLEMAN v. BRYAN KASTLEMAN; from Travis County; 3rd Court of Appeals District (03-13-00133-CV, ___ SW3d ___, 11-03-17)
- 18-0283 TONY R. JIMENEZ AND CYNTHIA L. JIMENEZ v. DAVID MCGEARY; from Tarrant County; 2nd Court of Appeals District (02-17-00085-CV, 542 SW3d 810, 01-25-18)
- 18-0286 ROBERT R. WIGHTMAN-CERVANTES v. MIKE HERNANDEZ; from Tarrant County; 2nd Court of Appeals District (02-17-00155-CV, ___ SW3d ___, 02-09-18)
motion for sanctions dismissed
- 18-0292 RUDOLPH RESENDEZ, JR. v. STATE OF TEXAS, JESUS M. PERALTA, WILLIAM STEPHENS, DAVID BAKER, SYLVIA A. CORTEZ, AND JOE PENN; from Karnes County; 4th Court of Appeals District (04-17-00648-CV, ___ SW3d ___, 01-24-18)

- 18-0298 CARTO PROPERTIES, LLC JEN MARIE RAU, INDIVIDUALLY, KEY MAPS, INC, AND THE JEN MARIE RAU LIFE INSURANCE TRUST v. BRIAR CAPITAL, LP; from Harris County; 1st Court of Appeals District (01-15-01114-CV, ___ SW3d ___, 02-13-18)
- 18-0300 WAYNE M. ENGLISH AND JAMES D. COLLING v. COSTA BAJJALI; from Harris County; 1st Court of Appeals District (01-17-00093-CV, ___ SW3d ___, 12-21-17)
- 18-0302 IN THE INTEREST OF J.L.H. AND E.L.H., CHILDREN; from Harris County; 1st Court of Appeals District (01-17-00729-CV, ___ SW3d ___, 01-30-18)
- 18-0303 IN THE INTEREST OF N.J.D. AND A.W., CHILDREN; from Harris County; 14th Court of Appeals District (14-17-00711-CV, ___ SW3d ___, 02-01-18)
- 18-0317 JAMES J. ZARYCHTA, JR. v. CORNELIA GREENE; from Walker County; 6th Court of Appeals District (06-17-00105-CV, ___ SW3d ___, 02-14-18)
- 18-0405 IN THE INTEREST OF I.M.F., A CHILD; from Harris County; 14th Court of Appeals District (14-17-00758-CV, ___ SW3d ___, 03-06-18)
counsel's corrected motion to withdraw granted

ORDERS ON MOTIONS FOR REHEARING

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

- 16-0455 DR. JAMES JONES v. ANGELO STATE UNIVERSITY; from Tom Green County; 3rd Court of Appeals District (03-14-00112-CV, ___ SW3d ___, 06-10-16)
- 16-0776 SAMSON LONE STAR, LIMITED PARTNERSHIP N/K/A SAMSON EXPLORATION LLC v. CHARLES G. HOOKS III, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF CHARLES G. HOOKS, JR., AS TRUSTEE OF THE SCOTT IRA MCKEEVER TRUST AND THE DAVID WAYNE MCKEEVER TRUST, ET AL.; from Jefferson County; 1st Court of Appeals District (01-09-00328-CV, 497 SW3d 1, 08-16-16)
- 17-0912 STATE FARM LLOYDS v. CHARLES R. ALLEN AND JULIE L. ALLEN; from Dallas County; 5th Court of Appeals District (05-16-00108-CV, ___ SW3d ___, 08-01-17)

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

- 17-0341 IN RE J.P.; from Tarrant County; 2nd Court of Appeals District (02-17-00069-CV, ___ SW3d ___, 04-05-17)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

17-0972 IN RE SCRAP METAL SERVICES, LLC, SMS ALL STAR HOLDINGS, LLC, ALL STAR METALS, LLC, JEFRY K. GERTLER, RICHARD A. GERTLER, AND NIKHIL SHAH; from Hidalgo County; 13th Court of Appeals District (13-17-00642-CV, ___ SW3d ___, 11-29-17) stay order issued February 7, 2018, lifted

18-0364 IN RE JANINE CHARBONEAU; from Collin County; 5th Court of Appeals District (05-18-00233-CV, ___ SW3d ___, 03-09-18)

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

17-0895 IN RE T.P.F., JR.; from Bell County