



# THE SUPREME COURT OF TEXAS

Orders Pronounced June 22, 2018

## ORDERS ON CAUSES

16-0256 RICHARD T. ARCHER, DAVID B. ARCHER, CAROL ARCHER BUGG, JOHN V. ARCHER, KAREN ARCHER BALL, AND SHERRI ARCHER v. T. MARK ANDERSON AND CHRISTINE ANDERSON, AS CO-EXECUTORS OF THE ESTATE OF TED ANDERSON; from Travis County; 3rd Court of Appeals District (03-13-00790-CV, 490 SW3d 175, 03-02-16)

The Court affirms the court of appeals' judgment.

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

Justice Johnson delivered an opinion, concurring in part and dissenting in part, and concurring in the judgment, in which Justice Lehrmann, Justice Boyd, and Justice Brown joined.

16-0549 DR. BEHZAD NAZARI, D.D.S., ET AL. v. THE STATE OF TEXAS; XEROX CORPORATION; AND XEROX STATE HEALTHCARE, LLC, F/K/A ACS STATE HEALTHCARE, LLC; from Travis County; 3rd Court of Appeals District (03-15-00252-CV, 497 SW3d 169, 06-17-16)

The Court affirms the court of appeals' judgment.

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

Justice Lehrmann delivered an opinion concurring in part and dissenting in part, in which Justice Johnson joined.

(Justice Boyd and Justice Blacklock not sitting)

16-0671 IN RE XEROX CORPORATION AND XEROX STATE HEALTHCARE, LLC F/K/A ACS STATE HEALTHCARE, LLC; from Travis County; 3rd Court of Appeals District (03-15-00401-CV, \_\_\_ SW3d \_\_\_, 02-26-16)

The Court denies the petition for writ of mandamus.

Justice Guzman delivered the opinion of the Court.

(Justice Boyd and Justice Blacklock not sitting)

16-0748 CITY OF LAREDO, TEXAS v. LAREDO MERCHANTS ASSOCIATION; from Webb County; 4th Court of Appeals District (04-15-00610-CV, \_\_\_ SW3d \_\_\_, 08-17-16)

The Court affirms the court of appeals' judgment.

Chief Justice Hecht delivered the opinion of the Court.

Justice Guzman delivered a concurring opinion, in which Justice Lehrmann joined.

(Justice Blacklock not sitting)

- 16-0842 ANDREW ANDERSON v. JERRY V. DURANT, JERRY V. DURANT, INC. D/B/A DURANT TOYOTA AND D/B/A JERRY DURANT TOYOTA, JERRY DURANT HYUNDAI, LLC, DOYLE MAYNARD, AND ROBERT G. COTE, SR., GARY MICHAEL DEERE, JERRY RASH, AND ELLIOT "SCOOTER" MICHELSON; from Tarrant County; 2nd Court of Appeals District (02-14-00283-CV, \_\_\_ SW3d \_\_\_, 02-11-16)

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

Justice Guzman delivered the opinion of the Court.

(Justice Lehrmann not sitting)

- 17-0033 BRIAN DEROECK, MELINDA YOUNG, AND KATHRYN BOYKIN, CO-TRUSTEES OF THE WALTER A. DEROECK QTIP TRUST, ASSIGNEE OF TEXAS CAPITAL BANK NATIONAL ASSOCIATION v. DHM VENTURES, LLC, JAMES W. MORITZ, AND NATHAN W. HALSEY; from Travis County; 3rd Court of Appeals District (03-15-00713-CV, \_\_\_ SW3d \_\_\_, 08-09-16)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition 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

- 17-0049 STEPHEN MORALE D/B/A ACTION COLLISION REPAIR AND KIMBERLY MORALE v. THE STATE OF TEXAS; from Denton County; 2nd Court of Appeals District (02-15-00322-CV, \_\_\_ SW3d \_\_\_, 12-29-16)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and reinstates the trial court's judgment.

Per Curiam Opinion

- 17-0122 IN RE MELISSA DAWSON; from Tarrant County; 2nd Court of Appeals District (02-16-00405-CV, \_\_\_ SW3d \_\_\_, 12-01-16)

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 16-0457 THE STATE OF TEXAS v. BERNARD MORELLO; from Travis County; 3rd Court of Appeals District (03-15-00428-CV, 539 SW3d 330, 05-06-16)

- 16-0542 FORT WORTH TRANSPORTATION AUTHORITY, MCDONALD TRANSIT ASSOCIATES, INC., MCDONALD TRANSIT, INC., AND LESHAWN VAUGHN v. MICHELE RODRIGUEZ AND NEW HAMPSHIRE INSURANCE COMPANY; from Tarrant County; 2nd Court of Appeals District (02-14-00340-CV, \_\_\_ SW3d \_\_\_, 06-23-16)

The dissenting opinion issued April 27, 2018 is corrected.

16-0662 CONOCOPHILLIPS COMPANY AND BURLINGTON RESOURCES OIL & GAS CO., L.P. v. RALPH WADE KOOPMANN, KAREN MARIE KOENIG, LORENE H. KOOPMANN, AND LOIS STRIEBER, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF JERRY STRIEBER; from De Witt County; 13th Court of Appeals District (13-14-00402-CV, 542 SW3d 643, 05-19-16)

The Court's opinion issued March 23, 2018 is corrected.

16-0786 JOHN DAVID ADAMS v. STARSIDE CUSTOM BUILDERS, LLC; from Collin County; 5th Court of Appeals District (05-15-01162-CV, \_\_\_ SW3d \_\_\_, 06-28-16)

#### **ORDERS ON CASES GRANTED**

##### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

16-0006 ROHRMOOS VENTURE, ERIC LANGFORD, DAN BASSO AND TOBIN GROVE v. UTSW DVA HEALTHCARE, LLP; from Dallas County; 5th Court of Appeals District (05-14-00774-CV, \_\_\_ SW3d \_\_\_, 10-05-15)

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

17-0409 CHARLES J. HUGHES v. TOM GREEN COUNTY; from Tom Green County; 3rd Court of Appeals District (03-16-00132-CV, \_\_\_ SW3d \_\_\_, 04-20-17)

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

##### THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS SET FOR ORAL ARGUMENT:

17-0020 IN RE CITY OF DICKINSON; from Galveston County; 14th Court of Appeals District (14-16-00677-CV, \_\_\_ SW3d \_\_\_, 12-13-16)

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

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

##### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

17-0577 LINDEMANN PROPERTIES, LTD. v. WARD A. CAMPBELL; from Archer County; 2nd Court of Appeals District (02-15-00392-CV, 524 SW3d 873, 06-22-17)

(Justice Lehrmann not sitting)

17-0745 CITY OF SAN ANTONIO, TEXAS v. SAN ANTONIO FIREFIGHTERS' ASSOCIATION LOCAL 624; from Bexar County; 4th Court of Appeals District (04-15-00819-CV, 533 SW3d 527, 08-23-17)

17-0957 JAMES MARK DUNNE v. BRINKER TEXAS, INC., ET AL.; from Dallas County; 5th Court of Appeals District (05-16-00496-CV, \_\_\_ SW3d \_\_\_, 08-10-17)

- 17-1051 CARRINGTON MORTGAGE SERVICES, LLC AND DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE FOR NEW CENTURY HOME EQUITY LOAN TRUST 2005-2 v. LARRY HUTTO AND BONNIE HUTTO; from Harris County; 14th Court of Appeals District (14-15-00442-CV, \_\_\_ SW3d \_\_\_, 02-14-17)
- 18-0086 NATIONAL OILWELL VARCO, L.P. v. EDWARD BUJNOCH, ET AL.; from Harris County; 14th Court of Appeals District (14-16-00286-CV, 542 SW3d 2, 09-21-17)
- 18-0199 IN THE INTEREST OF L.T., A CHILD; from Bexar County; 4th Court of Appeals District (04-17-00580-CV, \_\_\_ SW3d \_\_\_, 01-17-18)
- 18-0256 HAROLD JOE BISHOP, JR., INDIVIDUALLY AND AS TRUSTEE OF THE BISHOP MANAGEMENT TRUST, GENERAL PARTNER OF J & K BISHOP PARTNERSHIP, LTD., AND AS EXECUTOR OF THE ESTATE OF MELANIE KAY BISHOP v. FRANCES M. BUPP, MARTHA KING BERGLUND, EVELYN SEYDLER MARTIN, ANDREA LEE CASTILLO, MARY C. FORISTER, SHIRLEY DIXON, AND CINDY FORISTER; from Karnes County; 4th Court of Appeals District (04-16-00827-CV, \_\_\_ SW3d \_\_\_, 01-03-18)  
as supplemented
- 18-0304 CHARLES JIA ZHUANG v. RACHEL ZHANG; from Travis County; 1st Court of Appeals District (01-17-00518-CV, \_\_\_ SW3d \_\_\_, 02-13-18)  
as redrafted
- 18-0320 ROMEO URIBE v. HELEN LEYENDECKER; from Bexar County; 4th Court of Appeals District (04-17-00163-CV, \_\_\_ SW3d \_\_\_, 01-17-18)
- 18-0347 R. HASSELL BUILDERS, INC. v. TEXAN FLOOR SERVICE, LTD.; from Harris County; 1st Court of Appeals District (01-17-00027-CV, \_\_\_ SW3d \_\_\_, 03-01-18)
- 18-0348 IN THE INTEREST OF D.S.J., A CHILD; from Harris County; 1st Court of Appeals District (01-17-00678-CV, \_\_\_ SW3d \_\_\_, 02-22-18)  
2 petitions  
counsel's motion to withdraw granted
- 18-0359 VICTOR EGLY v. FARMERS INSURANCE EXCHANGE A/K/A FARMERS INSURANCE; from Travis County; 3rd Court of Appeals District (03-17-00467-CV, \_\_\_ SW3d \_\_\_, 02-15-18)
- 18-0517 IN THE INTEREST OF A.G. AND A.G., CHILDREN; from Potter County; 7th Court of Appeals District (07-17-00440-CV, \_\_\_ SW3d \_\_\_, 04-27-18)

- 18-0524 IN THE INTEREST OF M.M.M., A CHILD; from Harris County; 1st Court of Appeals District (01-17-00980-CV, \_\_\_ SW3d \_\_\_, 04-26-18)  
counsel's motion to withdraw granted
- 18-0525 IN THE INTEREST OF J.A.M., A CHILD; from Harris County; 1st Court of Appeals District (01-17-00981-CV, \_\_\_ SW3d \_\_\_, 04-26-18)  
counsel's motion to withdraw granted

### **ORDERS ON MOTIONS FOR REHEARING**

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

- 16-0958 AECOM USA, INC. AND TCB, INC. v. JOSE MARIA MATA, INDIVIDUALLY, AS NEXT FRIEND OF MONICA GABRIEL MATA, AND ON BEHALF OF THE ESTATE OF MARTHA ALICIA JIMENEZ-MATA; JUAN GIL MATA, INDIVIDUALLY AND AS NEXT FRIEND OF JUAN GILARDO MATA, GILBERTO MATA, JOSE M. MATA JIMENEZ AND SAIRA MORENO; from Maverick County; 4th Court of Appeals District (04-15-00773-CV, \_\_\_ SW3d \_\_\_, 09-21-16)  
(Justice Blacklock not sitting)
- 17-0047 IN THE INTEREST OF M.M.S., A CHILD; from Harris County; 14th Court of Appeals District (14-16-00349-CV, \_\_\_ SW3d \_\_\_, 10-20-16)
- 17-0812 IN RE THE COMMITMENT OF MICHAEL EDWARD PERDUE; from Tarrant County; 2nd Court of Appeals District (02-17-00017-CV, 530 SW3d 750, 08-17-17)
- 18-0168 IN THE INTEREST OF S.L.F., A.D.T. AND A.A.T., CHILDREN; from Harris County; 1st Court of Appeals District (01-17-00329-CV, \_\_\_ SW3d \_\_\_, 11-10-17)
- 18-0169 IN THE INTEREST OF M.K.F. AND S.M.F., CHILDREN; from Harris County; 1st Court of Appeals District (01-17-00328-CV, \_\_\_ SW3d \_\_\_, 11-10-17)
- 18-0170 IN THE INTEREST OF K.P.M., A CHILD; from Harris County; 1st Court of Appeals District (01-17-00327-CV, \_\_\_ SW3d \_\_\_, 11-10-17)
- 18-0210 LAURIE B. GRADY v. NATIONSTAR MORTGAGE, LLC, AND U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SPECIALTY UNDERWRITING AND RESIDENTIAL FINANCE TRUST MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-BC5; from Tarrant County; 2nd Court of Appeals District (02-16-00481-CV, \_\_\_ SW3d \_\_\_, 11-22-17)

### **MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 17-0570 IN RE MATTHEW SCHKLAIR AND ABIGAIL SCHKLAIR; from Dallas County; 5th Court of Appeals District (05-17-00610-CV, \_\_\_ SW3d \_\_\_, 06-23-17)
- 17-0825 IN RE LUIS FRANCISCO AND ELSA FRANCISCO-SOTO; from Montgomery County; 9th Court of Appeals District (09-17-00346-CV, \_\_\_ SW3d \_\_\_, 09-18-17)  
relators' motion for emergency stay denied
- 17-1005 IN RE JOHN DOE, INDIVIDUALLY AND AS NEXT FRIEND FOR JOHN DOE, JR., A MINOR; from Dallas County; 5th Court of Appeals District (05-17-00493-CV, \_\_\_ SW3d \_\_\_, 10-11-17)  
stay order issued December 8, 2017, lifted
- 18-0188 IN RE LETICIA B. LOYA; from Harris County; 1st Court of Appeals District (01-15-00197-CV, \_\_\_ SW3d \_\_\_, 11-29-16)  
  
(Justice Devine not sitting)
- 18-0195 IN RE WILLIAM E JOHNSON; from Harris County; 1st Court of Appeals District (01-17-00888-CR, \_\_\_ SW3d \_\_\_, 02-13-18)
- 18-0321 IN RE CHARLES CURTIS NOWELL JR., MEDIQ-PRN LIFE SUPPORT SERVICES, INC., HILLENBRAND INDUSTRIES, HILL-ROM HOLDINGS, INC., AND HILL-ROM COMPANY, INC.; from Jefferson County; 9th Court of Appeals District (09-18-00072-CV, \_\_\_ SW3d \_\_\_, 04-05-18)  
relators' motion for emergency temporary relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 18-0366 IN RE C&K KING ENTERPRISES, LLC D/B/A KWIK KAR LUBE AND AUTO CARE-GREENVILLE AVE.; from Dallas County; 5th Court of Appeals District (05-18-00407-CV, \_\_\_ SW3d \_\_\_, 04-20-18)  
agreed motion to dismiss granted

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

- 18-0073 IN RE WILLIAM E. JOHNSON  
  
request to take judicial notice denied

THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE FOLLOWING APPEAL IS  
AFFIRMED:

- 17-0883 CHRISTOPHER GRAHAM v. COMMISSION OF LAWYER DISCIPLINE