

# Court Advisory

Fourth Court of Appeals  
Cadena-Reeves Justice Center  
300 Dolorosa, Suite 3200  
San Antonio, Texas 78205-3037



Contact: Keith Hottle, Clerk of the Court  
Phone: (210) 335-2510

FOR IMMEDIATE RELEASE  
September 6, 2018

## Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, September 12, 2018, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Patricia O. Alvarez.

The following case will be presented:

*Konark Limited Partnership v. BTX Schools, Inc. and Basis Schools, Inc.* – Konark Limited Partnership challenges the trial court’s order granting BTX Schools, Inc.’s and Basis Schools, Inc.’s joint plea to the jurisdiction on the basis of governmental immunity. This appeal involves a determination of whether a charter school and its corporate parent are entitled to assert governmental immunity from a claim for damages pursuant to the Texas Water Code.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, September 12, 2018, beginning at 10:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Luz Elena D. Chapa, and Justice Irene Rios.

The following case will be presented:

*CHW-Lattas Creek, L.P. v. City of Alice* - CHW-Lattas Creek, L.P. appeals the trial court’s order granting a plea to the jurisdiction filed by the City of Alice asserting the trial court erred in granting the City’s plea because: (1) the City was engaged in a proprietary function for which the City’s immunity was waived; (2) the Development Agreement between CHW and the City waived the City’s immunity under section 271.152 of the Texas Local Government Code, and the relief sought by CHW was allowed under section 271.153; (3) courts cannot interfere with the exercise of municipal legislative discretion; and (4) the City is estopped from claiming immunity. CHW also contends the trial court erred in granting the City’s objections to the affidavit of William W. Ochse, the manager of CHW’s general partner.

# Court Advisory

Fourth Court of Appeals  
Cadena-Reeves Justice Center  
300 Dolorosa, Suite 3200  
San Antonio, Texas 78205-3037



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