

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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San Antonio, Texas 78205-3037



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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 one appeal on Thursday, February 21, 2019, beginning at 9:00 a.m., before the following panel of justices: Justice Rebeca C. Martinez, Justice Irene Rios, and Justice Beth Watkins.

The following case will be presented:

Calvin Day, Jr., M.D. v. Federation of State Medical Boards of the United States, Incorporated - Calvin Day Jr., M.D. (Day) sued the Federation of State Medical Boards of the United States, Inc. (the Federation) for defamation and tortious interference with prospective business relationships. The suit involved a statement posted on the Federation's website about a Texas Medical Board action against Day. The Federation moved to dismiss the suit under the Texas Citizens Participation Act (TCPA), arguing the suit sought to prevent the Federation from truthfully reporting the Texas Medical Board's action. The trial court granted the Federation's motion, dismissed Day's suit, and awarded the Federation attorney's fees.

On appeal, Day argues the trial court erred in dismissing the suit because (1) the TCPA did not apply to his claims, and (2) even if the TCPA did apply to his claims, Day met his burden to establish, by clear and specific evidence, a prima facie case for each element of his claims. Day further argues the trial court erred in awarding attorney's fees to the Federation.

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