



# THE SUPREME COURT OF TEXAS

Orders Pronounced December 13, 2019

## ORDERS ON CAUSES

- 18-0273 IN THE INTEREST OF R.R.K., A CHILD; from Collin County; 5th Court of Appeals District (05-17-00794-CV, 581 SW3d 259, 10-25-17)

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

Justice Bland delivered the opinion of the Court.

- 18-0413 TOWN OF SHADY SHORES v. SARAH SWANSON; from Denton County; 2nd Court of Appeals District (02-15-00338-CV, 544 SW3d 426, 01-18-18)

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

Justice Lehrmann delivered the opinion of the Court.

### THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 17-0640 BARBARA TECHNOLOGIES CORPORATION v. STATE FARM LLOYDS; from Bexar County; 4th Court of Appeals District (04-16-00420-CV, 566 SW3d 294, 04-19-17)

- 17-1048 OSCAR ORTIZ v. STATE FARM LLOYDS; from Bexar County; 4th Court of Appeals District (04-17-00252-CV, 568 SW3d 156, 11-08-17)

## ORDERS ON CASES GRANTED

### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 18-0216 TEXAS MUTUAL INSURANCE COMPANY, HARTFORD UNDERWRITERS INSURANCE COMPANY, TASB RISK MANAGEMENT FUND, TRANSPORTATION INSURANCE COMPANY, TRUCK INSURANCE EXCHANGE, TWIN CITY FIRE INSURANCE COMPANY, VALLEY FORGE INSURANCE COMPANY, ET AL. v. PHI AIR MEDICAL, LLC; from Travis County; 3rd Court of Appeals District (03-17-00081-CV, 549 SW3d 804, 01-31-18)

2 petitions  
as reinstated

[**Note:** This case has been set for oral argument at 9:00 a.m., February 25, 2020.]  
Time allotted to argue: 20/20 minutes

18-0566 LOCKHEED MARTIN CORPORATION v. GLENN HEGAR, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS; AND KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-16-00303-CV, 550 SW3d 855, 06-08-18)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 30, 2020.]  
Time allotted to argue: 20/20 minutes

18-0676 CHICAGO TITLE INSURANCE COMPANY v. COCHRAN INVESTMENTS, INC.; from Harris County; 14th Court of Appeals District (14-16-00119-CV, 550 SW3d 196, 06-14-18)  
as reinstated

[**Note:** This case has been set for oral argument at 9:00 a.m., January 30, 2020.]  
Time allotted to argue: 20/20 minutes

18-0852 MO-VAC SERVICE COMPANY, INC. v. PRIMITIVO ESCOBEDO, INDIVIDUALLY, SAN JUANITA ESCOBEDO, INDIVIDUALLY, AND MARTHA ESCOBEDO, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF FABIAN ESCOBEDO; from Hidalgo County; 13th Court of Appeals District (13-16-00435-CV, \_\_\_ SW3d \_\_\_, 07-27-18)  
motion for rehearing granted  
denial of petition for review on June 21, 2019, withdrawn  
petition reinstated

[**Note:** This case has been set for oral argument at 9:00 a.m., February 26, 2020.]  
Time allotted to argue: 20/20 minutes

19-0016 THE CITY OF DALLAS v. DALLAS COMPANION ANIMAL PROJECT; from Dallas County; 5th Court of Appeals District (05-18-00453-CV, \_\_\_ SW3d \_\_\_, 10-26-18)  
motion for rehearing granted  
dismissal as moot of the petition for review on August 30, 2019, withdrawn  
petition reinstated

Pursuant to Texas Rule of Appellate Procedure 56.2, without considering the merits, the Court grants the petition for review, vacates the judgments of the court of appeals and trial court, and dismisses the case as moot.

19-0167 CONWAY WAAK, JR. AND MARLENE WAAK D/B/A CARMINE CHAROLAIS RANCH AND CARMINE CHAROLAIS RANCH v. RAUL AMPARO ZUNIGA RODRIGUEZ AND ANA MARIA ORTIZ MARTINEZ, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVES, AND HEIRS OF THE ESTATE OF RAUL AMPARO ZUNIGA ORTIZ JR.; AND JUANA GUADALUPE MARTINEZ, AS NEXT FRIEND OF SEBASTIAN ZUNIGA AND WENDY ZUNIGA, ET AL.; from Fayette County; 1st Court of Appeals District (01-17-00755-CV, 562 SW3d 570, 08-21-18)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 30, 2020.]  
Time allotted to argue: 20/20 minutes

(Justice Bland not participating)

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 18-0658 BELL HELICOPTER TEXTRON, INC. v. BRIAN BURNETT; from Tarrant County; 2nd Court of Appeals District (02-16-00489-CV, 552 SW3d 901, 06-14-18)  
(Justice Green not participating)
- 18-0678 CAROWEST LAND, LTD. v. CITY OF NEW BRAUNFELS, TEXAS AND Y.C. PARTNERS, LTD., D/B/A YANTIS COMPANY; from Comal County; 3rd Court of Appeals District (03-16-00249-CV, 549 SW3d 163, 06-29-17)
- 18-0739 SILICON LABORATORIES INC. v. GLENN HEGAR, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-17-00061-CV, \_\_\_ SW3d \_\_\_, 07-13-18)
- 18-1038 THE STATE OF TEXAS v. CPS ENERGY F/K/A CITY PUBLIC SERVICE F/K/A/ SAN ANTONIO PUBLIC SERVICE COMPANY; from Bexar County; 4th Court of Appeals District (04-18-00063-CV, \_\_\_ SW3d \_\_\_, 07-18-18)
- 18-1115 PATRICK LAMBKIN D/B/A RAW HAPPINESS JUICE BAR v. WONG GROCERY CO., LLC; from Bexar County; 4th Court of Appeals District (04-16-00831-CV, \_\_\_ SW3d \_\_\_, 07-11-18)
- 19-0041 PETER BEASLEY v. SOCIETY OF INFORMATION MANAGEMENT, DALLAS AREA CHAPTER; from Dallas County; 5th Court of Appeals District (05-17-01286-CV, \_\_\_ SW3d \_\_\_, 11-01-18)
- 19-0081 ROBERT KUBBERNUS AND BALATON GROUP, INC. v. ECAL PARTNERS, LTD., ET AL.; from Harris County; 1st Court of Appeals District (01-16-00174-CV, 574 SW3d 444, 12-20-18)
- 19-0206 JAMES M. BASS, IN HIS OFFICIAL CAPACITY AS THE EXECUTIVE DIRECTOR OF THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE TEXAS DEPARTMENT OF TRANSPORTATION v. WHALEN'S FURNITURE, INC.; from Travis County; 13th Court of Appeals District (13-17-00030-CV, 567 SW3d 771, 11-15-18)
- 19-0237 RAMI BAR v. GIL COHEN; from Harris County; 1st Court of Appeals District (01-18-00082-CV, 569 SW3d 764, 12-18-18)  
motion to withdraw dismissed as moot

- 19-0288 WILLIE LEE GRIFFIN, JR., D/B/A GRIFFIN MORTUARY v. CHARLETTE (NECOLE) TANNER-STARR AND MARCIE TANNER; from Lubbock County; 7th Court of Appeals District (07-17-00068-CV, \_\_\_ SW3d \_\_\_, 02-20-19)
- 19-0325 IN THE INTEREST OF M.D.B. III; from Jefferson County; 9th Court of Appeals District (09-18-00257-CV, \_\_\_ SW3d \_\_\_, 03-07-19)
- 19-0336 MARY ANN YAMIN, TEXAS BLACK IRON, INC. AND 5310 WOODWAY, LLC v. CARROLL WAYNE CONN, L.P; from Harris County; 14th Court of Appeals District (14-16-00715-CV, 574 SW3d 50, 12-21-18)
- 19-0359 IN THE INTEREST OF J.G.S., A CHILD; from Harris County; 1st Court of Appeals District (01-18-00844-CV, 574 SW3d 101, 03-14-19)
- 19-0387 NORBERTO 'BETO' SALINAS v. ARMANDO O'CAÑA; from Hidalgo County; 13th Court of Appeals District (13-18-00563-CV, \_\_\_ SW3d \_\_\_, 03-29-19)
- 19-0453 HOUSING AUTHORITY OF ALICE v. TEXAS MUNICIPAL LEAGUE SELF-INSURANCE FUND AKA TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL; from Jim Wells County; 4th Court of Appeals District (04-17-00465-CV, \_\_\_ SW3d \_\_\_, 08-08-18)
- 19-0527 MICHAEL FORTIER v. BRIAN CARESS; from Harris County; 1st Court of Appeals District (01-18-00071-CV, 576 SW3d 778, 05-09-19)  
respondent's motion to dismiss for want of jurisdiction denied
- 19-0532 IN THE ESTATE OF WILLIAM L. MOORE, JR., DECEASED; from Dallas County; 5th Court of Appeals District (05-18-00019-CV, \_\_\_ SW3d \_\_\_, 05-14-19)
- 19-0537 ROBBINS RANCH SUBDIVISION HOMEOWNERS' ASSOCIATION AND WILLIAM A. RHYNE, ET UX, INDIVIDUALLY v. PARTNERS OF BENCHMARK PROPERTIES, L.P., ET AL.; from Gregg County; 12th Court of Appeals District (12-18-00317-CV, \_\_\_ SW3d \_\_\_, 05-15-19)
- 19-0549 KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS v. CITY OF DALLAS; from Travis County; 6th Court of Appeals District (06-18-00095-CV, \_\_\_ SW3d \_\_\_, 05-15-19)
- 19-0563 JAMES NOTEWARE v. SYLVESTER TURNER, MAYOR OF THE CITY OF HOUSTON, TEXAS AND CITY OF HOUSTON, TEXAS; from Harris County; 1st Court of Appeals District (01-18-00663-CV, 576 SW3d 835, 05-21-19)

(Justice Guzman not participating)

- 19-0613 DONALD E. GHIDONI v. HARRY SKEINS JR., PAULA K. WILLIAMSON AND SKEINS & WILLIAMSON, P.C.; from Bexar County; 5th Court of Appeals District (05-18-00355-CV, \_\_\_ SW3d \_\_\_, 05-10-19)
- 19-0615 SAVANNAH COURT PARTNERSHIP; PSJ PROPERTIES, LTD.; V. PATRICK GRAY CUSTOM HOMES, INC.; HOME CREEK, L.L.C.; JMJ TORIAN PROPERTIES L.L.C.; CHEATHAM PARTNERS; MICHAEL P. AND SARAH NEUSTADT; JAMES D. AND VIVIAN S. COLLIER, ET AL. v. LESTER J. STRAIT AND KENNETH TAYLOR AND SHANNON TAYLOR, INDIVIDUALLY AS ASSIGNEES OF LESTER J. STRAIT; from Tarrant County; 2nd Court of Appeals District (02-18-00036-CV, 576 SW3d 802, 05-16-19)
- 19-0664 HILDA GONZALEZ GARZA v. THE PRUNEDA LAW FIRM, PLLC; from Hidalgo County; 13th Court of Appeals District (13-18-00222-CV, \_\_\_ SW3d \_\_\_, 06-06-19)
- 19-0686 KAUFMAN COUNTY COMMISSIONERS COURT, THE HONORABLE BRUCE WOOD, COUNTY JUDGE IN HIS OFFICIAL CAPACITY, MIKE HUNT, COUNTY COMMISSIONER IN HIS OFFICIAL CAPACITY, SKEET PHILLIPS, COUNTY COMMISSIONER IN HIS OFFICIAL CAPACITY, TERRY BARBER, COUNTY COMMISSIONER IN HIS OFFICIAL CAPACITY, JACKIE ALLEN, COUNTY COMMISSIONER IN HIS OFFICIAL CAPACITY v. EARL LASSITER AND SUE LASSITER; from Kaufman County; 5th Court of Appeals District (05-18-01059-CV, \_\_\_ SW3d \_\_\_, 06-28-19)
- 19-0731 TOMA INTEGRITY, INC., AND JOHN DIAL v. WINDERMERE OAKS WATER SUPPLY CORPORATION; from Burnet County; 6th Court of Appeals District (06-19-00005-CV, \_\_\_ SW3d \_\_\_, 06-21-19)
- 19-0788 HIGHLAND CORYELL RANCH, LLC v. MARK DAVIS; from Navarro County; 7th Court of Appeals District (07-18-00185-CV, 578 SW3d 242, 06-18-19)
- 19-0794 ELLEN L. ADAMS AND STEVEN ADAMS v. BHAVNA GODHANIA AND VIKAS GODHANIA; from Travis County; 3rd Court of Appeals District (03-18-00371-CV, \_\_\_ SW3d \_\_\_, 05-30-19)  
petitioners' emergency motion for stay denied
- 19-0800 HAWK STEEL INDUSTRIES, INC. v. WILLIE JAMES STAFFORD, JR.; from Tarrant County; 2nd Court of Appeals District (02-19-00040-CV, \_\_\_ SW3d \_\_\_, 08-15-19)  
petitioner's emergency motion to stay denied

- 19-0821 KRISTEN TURLEY GIBSON AND BILLY GIBSON, INDIVIDUALLY, AND AS NEXT OF FRIENDS OF K.G., A MINOR v. PLANNED PARENTHOOD GULF COAST; from Harris County; 14th Court of Appeals District (14-18-00498-CV, \_\_\_ SW3d \_\_\_, 07-30-19)
- 19-0836 JULIA MARSHALL AND DENNIS MARSHALL v. ESA MANAGEMENT, LLC; from Harris County; 1st Court of Appeals District (01-18-00403-CV, \_\_\_ SW3d \_\_\_, 07-02-19)  
as reinstated
- 19-0837 KELLY POPE WORLEY AND KEVIN POPE v. CHRYSANTHI AVINGER; from Collin County; 5th Court of Appeals District (05-18-00648-CV, \_\_\_ SW3d \_\_\_, 08-08-19)
- 19-0875 IN RE COMMITMENT CHRISTOPHER JOSEPH FARRO; from Harris County; 1st Court of Appeals District (01-18-00164-CV, \_\_\_ SW3d \_\_\_, 12-20-19)
- 19-0946 SEAN KIRSTEIN v. CITY OF SOUTH PADRE ISLAND, TEXAS; from Cameron County; 13th Court of Appeals District (13-18-00574-CV, \_\_\_ SW3d \_\_\_, 09-05-19)
- 19-1012 IN THE INTEREST OF G.L., A CHILD; from McLennan County; 10th Court of Appeals District (10-19-00233-CV, \_\_\_ SW3d \_\_\_, 10-23-19)  
motion to withdraw as counsel granted

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 19-0455 ANTERO RESOURCES CORPORATION v. ENERQUEST OIL & GAS, L.L.C.; from Tarrant County; 2nd Court of Appeals District (02-18-00178-CV, \_\_\_ SW3d \_\_\_, 04-11-19)  
joint motion to dismiss granted

(Justice Bland not participating)

**ORDERS ON MOTIONS FOR REHEARING**

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

- 18-0717 TRUCK INSURANCE EXCHANGE AND TEAM HEALTH, INC. v. MARCUS HERNANDEZ AND DIANE HERNANDEZ; from Tarrant County; 2nd Court of Appeals District (02-17-00046-CV, 553 SW3d 689, 06-21-18)  
2 rehearings
- 18-0738 HINGA MBOGO, HINGA'S AUTOMOTIVE CO., AND 3516 ROSS AVENUE, DALLAS, TEXAS v. CITY OF DALLAS, AND MICHAEL S. RAWLINGS, IN HIS OFFICIAL CAPACITY AS MAYOR OF THE CITY OF DALLAS, TEXAS, ET AL.; from Dallas County; 5th Court of Appeals District (05-17-00879-CV, \_\_\_ SW3d \_\_\_, 06-29-18)

18-1228 RICHARD O. WEED, TIMOTHY A. WEED, AND REES R. OLIVER, III v. FROST BANK, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF REES R. OLIVER, JR. DECEASED; from Bexar County; 4th Court of Appeals District (04-17-00811-CV, 565 SW3d 397, 11-14-18)

(Justice Guzman not participating)

19-0017 BERNARD MORELLO AND WHITE LION HOLDINGS, LLC v. SEAWAY CRUDE PIPELINE COMPANY, LLC; from Fort Bend County; 1st Court of Appeals District (01-16-00765-CV, \_\_\_ SW3d \_\_\_, 05-22-18)

(Justice Guzman and Justice Bland not participating)

19-0390 EVELYN KELLY, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF DAVID CHRISTOPHER DUNN v. HOUSTON METHODIST HOSPITAL; from Harris County; 1st Court of Appeals District (01-17-00866-CV, \_\_\_ SW3d \_\_\_, 03-26-19)

19-0397 JAMES K. COLLINS AND TONI SHARRETTS COLLINS v. D.R. HORTON-TEXAS LTD.; from Montgomery County; 14th Court of Appeals District (14-17-00764-CV, 574 SW3d 39, 12-20-18)

19-0582 MATEO CORTEZ, AS REPRESENTATIVE OF THE ESTATE OF DEBORAH CORTEZ v. SANDRA FLESHER BROWN, CHARLOTTE FLESHER ASH, CHARLENE FLESHER JOHNSTON, CONNIE LOU KEITH BARRY, RANDALL WAYNE DAVIS, VIRGINIA VILLERS, CHARLES ROBERTS, LISA A. SMITH, PATRICIA CHAPMAN, BETTY J. MARKS WEBB, JAMES BERL MARKS, LINDA MURRAY, ET AL.; from Travis County; 3rd Court of Appeals District (03-17-00365-CV, \_\_\_ SW3d \_\_\_, 02-28-19)

19-0764 REGINA DELL BROWN AND GWENDOLYN GABRIEL v. MERRY OUTLAW; from Dallas County; 5th Court of Appeals District (05-17-01270-CV, \_\_\_ SW3d \_\_\_, 06-27-19)

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

19-0152 IN RE THE CITY OF DALLAS; from Dallas County; 5th Court of Appeals District (05-18-00453-CV, \_\_\_ SW3d \_\_\_, 10-26-18)

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

19-0141 IN RE JUAN FERDIN; from Atascosa County; 4th Court of Appeals District (04-18-00315-CV, \_\_\_ SW3d \_\_\_, 08-22-18)

19-0391 IN RE HOPE CHARITIES, INC.; from Dallas County; 5th Court of Appeals District (05-19-00335-CV, \_\_\_ SW3d \_\_\_, 05-03-19)  
stay order issued May 22, 2019, lifted

- 19-0442 IN RE JUAN CARLOS CERVANTES; from Travis County; 7th Court of Appeals District (07-19-00196-CV)  
motion for temporary relief denied
- 19-0473 IN RE E.O.; from Denton County; 2nd Court of Appeals District (02-19-00183-CV, \_\_\_ SW3d \_\_\_, 05-31-19)
- 19-0566 IN RE MURPHY EXPLORATION & PRODUCTION COMPANY, ET AL.; from Jim Wells County; 4th Court of Appeals District (04-19-00344-CV, \_\_\_ SW3d \_\_\_, 06-05-19)  
relators' emergency motion for stay dismissed as moot
- 19-0910 IN RE R.P.D.. JR.; from Dallas County; 5th Court of Appeals District (05-19-00718-CV, \_\_\_ SW3d \_\_\_, 09-24-19)
- 19-0953 IN RE BRANSCOMB P.C., SHANNON WILDE, JAMES ROBICHAUX, MICHAEL W. STUKENBERG, JAMES CLANCY, OMAR LEAL, KEITH SIECZKOWSKI, JEFFREY S. DICKERSON, RHONDA JOLLEY, AND GRADY JOLLEY; from Nueces County; 13th Court of Appeals District (13-19-00387-CV, \_\_\_ SW3d \_\_\_, 10-04-19)  
relator's emergency motion for temporary relief and stay denied
- 19-0984 IN RE MARCO A. CANTU; from Hidalgo County; 13th Court of Appeals District (13-19-00551-CV)  
motion for emergency relief from stay denied
- 19-0988 IN RE LENNIE JACKSON; from Harris County; 14th Court of Appeals District (14-19-00460-CV, \_\_\_ SW3d \_\_\_, 08-22-19)
- THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:
- 19-0760 IN RE ASHLEY PARDO AND DANIEL PARDO, INDIVIDUALLY AND AS NEXT FRIEND FOR K.D.P., A MINOR; from Kaufman County; 5th Court of Appeals District (05-19-00911-CV, \_\_\_ SW3d \_\_\_, 08-21-19)  
relator's motion to withdraw granted, as amended  
stay order issued October 24, 2019, lifted