



# THE SUPREME COURT OF TEXAS

Orders Pronounced June 5, 2020

## ORDERS ON CAUSES

18-1134 W&T OFFSHORE, INC. v. WESLEY FREDIEU; from Harris County; 14th Court of Appeals District (14-16-00511-CV, 584 SW3d 200, 10-30-18)

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

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

Justice Boyd delivered a dissenting opinion.

(Justice Lehrmann did not participate)

## ORDERS ON CASES GRANTED

### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

18-0781 ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC. v. PANDA POWER GENERATION INFRASTRUCTURE FUND, LLC D/B/A PANDA POWER FUNDS, ET AL.; from Grayson County; 5th Court of Appeals District (05-17-00872-CV, 552 SW3d 297, 04-16-18)

*~ consolidated for oral argument with ~*

18-0792 IN RE PANDA POWER INFRASTRUCTURE FUND, LLC, D/B/A PANDA POWER FUNDS, ET AL.; from Grayson County; 5th Court of Appeals District (05-17-00872-CV, 552 SW3d 297, 04-16-18)

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

18-0944 LEMUEL DAVID HOGAN v. STEPHANIE MONTAGNE ZOANNI;  
from Harris County; 1st Court of Appeals District (01-16-00584-CV, 555  
SW3d 321, 07-19-18)

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

(Justice Bland not participating)

18-1181 EMERSON ELECTRIC CO. D/B/A FUSITE AND EMERSON CLIMATE  
TECHNOLOGIES, INC. v. CLARENCE JOHNSON; from Tarrant County;  
2nd Court of Appeals District (02-16-00173-CV, \_\_\_ SW3d \_\_\_, 10-18-18)

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

18-1187 ENDEAVOR ENERGY RESOURCES, L.P. v. ENERGEN RESOURCES  
CORPORATION, ET AL.; from Howard County; 11th Court of Appeals  
District (11-17-00028-CV, 563 SW3d 449, 10-25-18)

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

19-0280 LOUIS HINOJOS v. STATE FARM LLOYDS AND RAUL PULIDO;  
from El Paso County; 8th Court of Appeals District (08-16-00121-CV, 569  
SW3d 304, 01-18-19)

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

19-0400 SAN JACINTO RIVER AUTHORITY v. VICENTE MEDINA, ET AL.,  
MICHAEL A. BURNEY, ET AL., AND CHARLES J. ARGENTO, ET AL.;  
from Harris County; 1st Court of Appeals District (01-18-00407-CV, 570  
SW3d 820, 12-04-18)

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

19-0561 IN RE THE COMMITMENT OF JEFFERY LEE STODDARD; from  
Tarrant County; 2nd Court of Appeals District (02-17-00364-CV, \_\_\_  
SW3d \_\_\_, 05-30-19)

[**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:

- 19-0025 CITY OF AUSTIN, TEXAS AND SPENCER CRONK, CITY MANAGER OF THE CITY OF AUSTIN v. TEXAS ASSOCIATION OF BUSINESS; NATIONAL FEDERATION OF INDEPENDENT BUSINESS, AMERICAN STAFFING ASSOCIATION; LEADINGEDGE PERSONNEL, LTD.; STAFF FORCE, INC., HT STAFFING LTD. D/B/A THE HT GROUP; THE BURNETT COMPANIES CONSOLIDATED, INC. D/B/A BURNETT SPECIALISTS; SOCIETY FOR HUMAN RESOURCE MANAGEMENT; TEXAS STATE COUNCIL OF THE SOCIETY FOR HUMAN RESOURCE MANAGEMENT; AUSTIN HUMAN RESOURCE MANAGEMENT ASSOCIATION; STRICKLAND SCHOOL, LLC; AND THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-18-00445-CV, 565 SW3d 425, 11-16-18)
- 19-0107 LEROY TORRES v. TEXAS DEPARTMENT OF PUBLIC SAFETY; from Nueces County; 13th Court of Appeals District (13-17-00659-CV, 583 SW3d 221, 11-20-18)
- 19-0186 BTX SCHOOLS, INC. AND BASIS SCHOOLS, INC. v. KONARK LIMITED PARTNERSHIP; from Bexar County; 4th Court of Appeals District (04-17-00558-CV, 580 SW3d 194, 11-07-18)
- 19-0225 COLUMBIA VALLEY HEALTH CARE SYSTEM, L.P. D/B/A VALLEY REGIONAL MEDICAL CENTER v. MARIA ZAMARRIPA, AS GUARDIAN OF THE ESTATES OF R.F.R. AND R.J.R., MINORS; from Cameron County; 13th Court of Appeals District (13-18-00231-CV, \_\_\_ SW3d \_\_\_, 02-28-19)
- 19-0538 CHESAPEAKE EXPLORATION, LLC, ET AL. v. STANTON P. BELL, ET AL.; from Bexar County; 4th Court of Appeals District (04-18-00129-CV, \_\_\_ SW3d \_\_\_, 03-13-19)

(Justice Bland not participating)

- 19-0649 BBB INDUSTRIES, LLC v. CARDONE INDUSTRIES, INC.; from Tarrant County; 2nd Court of Appeals District (02-18-00025-CV, \_\_\_ SW3d \_\_\_, 05-09-19)
- 19-0713 JEFFREY ERDNER, D.O. AND THE EMERGENCY CENTER AT WEST 7TH, LLC v. HIGHLAND PARK EMERGENCY CENTER, LLC; from Dallas County; 5th Court of Appeals District (05-18-00654-CV, 580 SW3d 269, 05-22-19)
- 19-0759 GRACIE NGUYEN; PATRICK SANCHEZ; TAMARA AND DERRICK O'NEAL, INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF DE'ANDRE TATUM, DECEASED; ERICA D. HALL; CURTISHA DAVIS; ARTHUR ZAMARRIPA, AS NEXT FRIEND OF A.Z.; AND WILLIAM JOSMA v. SXSX HOLDINGS, INC.; SXSX LLC; PATRICK LOWE; TRANSPORTATION DESIGN CONSULTANTS; AND CITY OF AUSTIN; from Travis County; 14th Court of Appeals District (14-17-00575-CV, 580 SW3d 774, 07-18-19)

(Justice Busby not participating)

- 19-0766 DALLAS WORLD AQUARIUM CORP. 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 (03-18-00209-CV, \_\_\_ SW3d \_\_\_, 06-19-19)
- 19-0955 ANCOR HOLDINGS, LP, TIMOTHY MCKIBBEN, JOSEPH RANDALL KEENE, AND ANCOR PARTNERS, INC. v. PETERSON, GOLDMAN & VILLANI, INC.; from Tarrant County; 2nd Court of Appeals District (02-18-00102-CV, 584 SW3d 556, 07-18-19)
- 19-0974 CALENA MORRIS, R.N., MICHEAUX THOMAS, R.N. AND WENDY CALVERT, R.N. v. BRENDA PONCE AND RICCO GONZALEZ, AS NATURAL PARENTS, NEXT FRIENDS AND LEGAL GUARDIANS OF E.G., A MINOR; from Harris County; 14th Court of Appeals District (14-17-00997-CV, 584 SW3d 922, 09-24-19)

(Justice Guzman not participating)

- 19-0998 READYONE INDUSTRIES, INC. v. MARIA G. GUILLEN-CHAVEZ; from El Paso County; 8th Court of Appeals District (08-17-00046-CV, 588 SW3d 281, 06-21-19)

- 19-1006 MADISON PLAZA, LP v. WALLACE CONSTRUCTION & DEVELOPMENT COMPANY; from Jefferson County; 9th Court of Appeals District (09-18-00364-CV, \_\_\_ SW3d \_\_\_, 05-30-19)
- 19-1038 THE FAN EXPO, LLC v. NATIONAL FOOTBALL LEAGUE; from Dallas County; 5th Court of Appeals District (05-17-01304-CV, \_\_\_ SW3d \_\_\_, 05-22-19)
- 19-1044 GIA THORNTON, INDIVIDUALLY, AS THE REPRESENTATIVE FOR ALL WRONGFUL DEATH BENEFICIARIES, AND AS AN HEIR AT LAW AND REPRESENTATIVE OF THE ESTATE OF MCQUESTER J. SOLOMON, DECEASED v. COLUMBIA MEDICAL CENTER OF PLANO SUBSIDIARY, L.P. D/B/A MEDICAL CITY PLANO, FORMERLY KNOWN AS MEDICAL CENTER OF PLANO, AND JANE LEE, R.N.; from Collin County; 5th Court of Appeals District (05-18-01010-CV, \_\_\_ SW3d \_\_\_, 09-12-19)
- 19-1094 IN THE MATTER OF D.K., A CHILD; from Denton County; 2nd Court of Appeals District (02-19-00119-CV, 589 SW3d 861, 10-31-19)
- 19-1127 MATT MALOUF, ET AL. v. STERQUELL PSF SETTLEMENT, L.C.; from Dallas County; 5th Court of Appeals District (05-17-01343-CV, \_\_\_SW3d \_\_\_, 11-07-19)
- 20-0064 T. MARK ANDERSON AND CHRISTINE ANDERSON, AS CO-EXECUTORS OF THE ESTATE OF TED ANDERSON v. RICHARD T. ARCHER, ET AL.; from Travis County; 3rd Court of Appeals District (03-19-00003-CV, \_\_\_ SW3d \_\_\_, 11-21-19)  
2 petitions
- 20-0069 CHRISTOPHER MITCHELL AND TIFFANY MITCHELL v. CALVIN PRESTON; from Harris County; 1st Court of Appeals District (05-18-01383-CV, \_\_\_ SW3d \_\_\_, 01-28-20)
- 20-0192 PMC CHASE, LLP AND STEVE TURNBOW v. BRANCH STRUCTURAL SOLUTIONS, LLC; from Dallas County; 5th Court of Appeals District (05-18-01383-CV, \_\_\_ SW3d \_\_\_, 01-28-20)

- 20-0350 EWING CONSTRUCTION CO., INC. v. BENAVIDES INDEPENDENT SCHOOL DISTRICT; from Duval County; 4th Court of Appeals District (04-19-00797-CV, \_\_\_ SW3d \_\_\_, 03-18-20)
- 20-0352 IN THE INTEREST OF H.L.M., A CHILD; from Travis County; 3rd Court of Appeals District (03-19-00490-CV, \_\_\_ SW3d \_\_\_, 12-11-19)
- 20-0395 IN THE INTEREST OF D.C., J.C. III, J.C., AND J.C., CHILDREN; from Dallas County; 5th Court of Appeals District (05-19-01217-CV, \_\_\_ SW3d \_\_\_, 03-04-20)
- 20-0409 IN THE INTEREST OF I.N.D., D.M.R., A.M.R., L.F.R., AND A.R.R., CHILDREN; from Bexar County; 4th Court of Appeals District (04-20-00121-CV, \_\_\_ SW3d \_\_\_, 05-13-20)
- 20-0418 IN THE INTEREST OF Y.M.L., A CHILD; from Bexar County; 4th Court Appeals District (04-19-00168-CV, \_\_\_ SW3d \_\_\_, 04-08-20)

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED:

- 18-0028 MACINA, BOSE, COPELAND AND ASSOCIATES D/B/A MBC ENGINEERS, MCCORD ENGINEERING, INC. AND JORDAN & SKALA ENGINEERS, INC. v. ERIKA YANEZ, INDIVIDUALLY AND AS NEXT FRIEND OF JOSE MANUEL LOPEZ, E.L.Y., A MINOR, AND X.L.Y., A MINOR; from Dallas County; 5th Court of Appeals District (05-17-00180-CV, \_\_\_ SW3d \_\_\_, 10-26-17)  
4 petitions  
joint motion to lift abatement granted  
abatement order issued February 19, 2020, lifted  
joint motion to dismiss appeal granted
- 19-0917 IN THE INTEREST OF A.L.P., A CHILD; Fort Bend County; 1st Court of Appeals District (01-19-00144-CV, \_\_\_ SW3d \_\_\_, 08-22-19)

*See* TEX. R. APP. P. 53.7(a)

**ORDERS ON MOTIONS FOR REHEARING**

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW  
IS GRANTED:**

19-0238 CATHAY BANK v. LYDA SWINERTON BUILDERS, INC.; from Harris County; 14th Court of Appeals District (14-17-00030-CV, 566 SW3d 836, 12-18-18)  
denial of petition for review on February 14, 2020, withdrawn  
petitions reinstated

(Justice Busby not participating)

**THE MOTIONS FOR REHEARING OF 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)

19-0828 PE SERVICES, LLC, LANDRY ARCHITECTS, AND FABRISTRUCURE, INC. v. KERRVILLE FITNESS PROPERTY, LLC, J. HOUSER CONSTRUCTION, INC., AND JOSH HOUSER D/B/A HOUSER CONSTRUCTION; from Dallas County; 5th Court of Appeals District (05-17-01317-CV, \_\_\_ SW3d \_\_\_, 08-21-19)

19-1063 CHARLIE WILSON, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF DEBRA WILSON v. DALLAS COUNTY HOSPITAL DISTRICT D/B/A PARKLAND HEALTH & HOSPITAL SYSTEM; from Dallas County; 1st Court of Appeals District (05-18-01049-CV, \_\_\_ SW3d \_\_\_, 12-03-19)

19-1114 BOW GROVE v. MARION GINE FRANKE AND BRENDA KAY LYNCH; from Montgomery County; 9th Court of Appeals District (09-18-00119-CV, \_\_\_ SW3d \_\_\_, 10-17-19)

## MISCELLANEOUS

### THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 19-0636 IN RE RIG QA INTERNATIONAL, INC.; from Harris County; 14th Court of Appeals District (14-19-00174-CV, \_\_\_ SW3d \_\_\_, 05-16-19)
- 19-1091 IN RE GEORGE WEIMER, BOB ROBERTS, JR., JAMES HUGHES, DUSTIN NAVARRO, JOSE PEREZ, MORRIS SALZMAN, GORDAN HITZFELDER, BRIAN SULLIVAN, AND BONNIE TAPP; from Bandera County; 4th Court of Appeals District (04-19-00750-CV, \_\_\_ SW3d \_\_\_, 11-13-19)
- 20-0042 IN RE BRIAN E. VODICKA AND STEVEN B. AUBREY; from Dallas County; 5th Court of Appeals District (05-19-01067-CV, \_\_\_ SW3d \_\_\_, 01-10-20)  
motion for orders denied  
stay order issued January 30, 2020, lifted  
stay order issued February 4, 2020, lifted
- 20-0429 IN RE LANCE GOODEN; from Travis County; 14th Court of Appeals District (14-20-00358-CV, \_\_\_ SW3d \_\_\_, 05-12-20)

[**Note:** The petition is denied. The Court's stay order issued in *In re State of Texas*, 20-0401, remains in effect while that petition is pending.]