



# THE SUPREME COURT OF TEXAS

Orders Pronounced June 12, 2020

## ORDERS ON CAUSES

17-0970 OFFICE OF THE ATTORNEY GENERAL OF TEXAS v. LAURA G. RODRIGUEZ; from El Paso County; 8th Court of Appeals District (08-14-00054-CV, 535 SW3d 54, 10-16-17)

The Court reverses the court of appeals' judgment and renders judgment.

Justice Bland delivered the opinion of the Court.

(Justice Boyd and Justice Blacklock not participating)

17-1010 DAWN NETTLES v. GTECH CORPORATION; from Dallas County; 5th Court of Appeals District (05-15-01559-CV, 581 SW3d 234, 07-21-17)

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

*~ consolidated with ~*

18-0159 GTECH CORPORATION v. JAMES STEELE, ET AL.; from Travis County; 3rd Court of Appeals District (03-16-00172-CV, 549 SW3d 768, 01-11-18)

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

Justice Busby delivered the opinion of the Court, in which Justice Lehrmann, Justice Devine, and Justice Bland joined, in Part III of which Chief Justice Hecht, Justice Green, and Justice Blacklock joined, and in Parts I and II of which Justice Boyd joined.

Chief Justice Hecht delivered an opinion concurring in part and dissenting in part, in which Justice Green and Justice Blacklock joined.

Justice Boyd delivered an opinion concurring in part and dissenting in part.

(Justice Guzman not participating)

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, 592 SW3d 467, 07-27-18)  
motion for leave to file joint response brief granted

The Court reverses the court of appeals' judgment and renders judgment.

Chief Justice Hecht delivered the opinion of the Court.

Justice Guzman delivered a concurring opinion.

(Justice Lehrmann not participating)

19-0077 ANTHONY A. RIEDER, ED RAPEE, III, AND CADBURY SOLUTIONS, LLC v. KENNY WOODS, ALAN MEEKER, AND CQUENTIA SERIES, LLC; from Tarrant County; 2nd Court of Appeals District (02-17-00176-CV, 587 SW3d 32, 10-18-18)

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

Justice Guzman delivered the opinion of the Court.

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)

The Court affirms the court of appeals' judgment.

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

Justice Blacklock delivered a dissenting opinion, in which Justice Boyd joined.

(Justice Bland not participating)

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES  
ARE DENIED:

18-0426 WILLIAM A. BREWER III v. LENNOX HEARTH PRODUCTS, LLC;  
TURNER & WITT PLUMBING, INC.; STRONG CUSTOM BUILDERS,  
LLC; THERMO DYNAMIC INSULATION, LLC; STATE FARM LLOYDS  
INSURANCE COMPANY; KEN AND BECKY TEEL; ROSS AND MEG  
RUSHING; from Lubbock County; 7th Court of Appeals District (07-16-  
00121-CV, 546 SW3d 866, 03-26-18)

Justice Boyd dissents from the denial of the motion for rehearing.

(Justice Bland not participating)

18-0989 CITY OF CONROE, TEXAS; CITY OF MAGNOLIA, TEXAS; AND CITY  
OF SPLENDORA, TEXAS v. SAN JACINTO RIVER AUTHORITY AND  
KEN PAXTON, ATTORNEY GENERAL OF TEXAS; from Travis County;  
3rd Court of Appeals District (03-16-00785-CV, 559 SW3d 656, 08-31-18)

The Court's opinion issued March 27, 2019 is corrected.

(Justice Blacklock not participating)

18-1065 HOMER HILLIS v. HENRY MCCALL; from Gillespie County; 4th Court of  
Appeals District (04-17-00410-CV, 562 SW3d 98, 08-22-18)  
as amended

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE SET FOR  
ORAL ARGUMENT:

19-0656 IN RE TEXAS NEW MEXICO POWER COMPANY; from Harris County;  
1st Court of Appeals District (01-18-01075-CV, 579 SW3d 784, 06-20-19)

*~ consolidated for oral argument with ~*

19-0662 IN RE ONCOR ELECTRIC DELIVERY COMPANY, LLC; from Dallas  
County; 5th Court of Appeals District (05-19-00288-CV, \_\_\_ SW3d \_\_\_, 07-  
23-19)

*~ consolidated for oral argument with ~*

19-0777 IN RE CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC.; from Harris  
County; 1st Court of Appeals District (01-19-00478-CV, \_\_\_ SW3d \_\_\_, 08-  
13-19)

[**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:

- 19-0205 FATIH OZCELEBI, M.D. v. K.V. CHOWDARY, M.D., INDIVIDUALLY AND D/B/A VALLEY GASTROENTEROLOGY CLINIC, P.A.: VALLEY GASTROENTEROLOGY CLINIC P.A.; from Hidalgo County; 13th Court of Appeals District (13-16-00346-CV, \_\_\_ SW3d \_\_\_, 09-13-18)
- 19-0386 IN THE INTEREST OF C.M.J. AKA C.W., CHILD; from Harris County; 1st Court of Appeals District (01-18-00885-CV, 573 SW3d 404, 03-05-19)
- 19-0555 JACE HARKEY, ROBERT H. HOLMES AND THE HOLMES LAW FIRM, INC., AND TRUSTEE, AREYA HOLDER AURZADA v. ADM MILLING CO., INC.; from Dallas County; 5th Court of Appeals District (05-17-00778-CV, \_\_\_ SW3d \_\_\_, 12-28-18)
- 19-0646 JANE DOE, INDIVIDUALLY AND AS NEXT FRIEND OF S.D., A MINOR CHILD AND DAUGHTER OF JANE DOE v. CITY OF DALLAS; from Dallas County; 5th Court of Appeals District (05-18-00771-CV, \_\_\_ SW3d \_\_\_, 06-21-19)
- 19-0734 AN JEDADIAH MATHEWS, CHELSEA MATHEWS, INDIVIDUALLY AND AS NEXT FRIEND FOR G.M. AND J.M. JR. AND ROBERT MARINES v. SAMMI MACHINERY CO. LTD.; from Jefferson County; 9th Court of Appeals District (09-19-00017-CV, \_\_\_ SW3d \_\_\_, 07-11-19)
- 19-0776 ROLAND AND DEBORAH KELLER v. LEGEND HOME CORPORATION, LEGEND CLASSIC HOMES, LTD., AND WUIC INSURANCE AGENCY INC., D/B/A HOME OF TEXAS; from Montgomery County; 9th Court of Appeals District (09-17-00199-CV, \_\_\_ SW3d \_\_\_, 05-30-19)  
2 petitions
- 19-0904 MARIA ALCANTAR v. THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER; from Dallas County; 5th Court of Appeals District (05-18-01320-CV, \_\_\_ SW3d \_\_\_, 08-21-19)
- 19-1004 WAYNE GUIDRY AND KAT GUIDRY v. HENRY NEAL; from Hays County; 3rd Court of Appeals District (03-17-00525-CV, \_\_\_ SW3d \_\_\_, 05-15-19)

- 19-1014 MARIA DURIA CHAVELAS, INDIVIDUALLY, ALSO KNOWN AS, MARIA DURIA WILHELM, D/B/A INTERNATIONAL LEGAL SERVICES-ABOGADOS, D/B/A ABOGADOS SIN FRONTERAS, D/B/A INTERNATIONAL LEGAL SERVICES, AND D/B/A ATTORNEYS WITHOUT BORDERS, LLC v. THE STATE OF TEXAS; from El Paso County; 8th Court of Appeals District (08-19-00081-CV, \_\_\_ SW3d \_\_\_, 08-07-19)  
as amended
- 19-1087 SONIA RILEY AND FLOYD RILEY v. THE BANK OF NEW YORK MELLON, from Jefferson County; 9th Court of Appeals District (09-18-00403-CV, \_\_\_ SW3d \_\_\_, 10-10-19)
- 19-1124 FRANK ZHANG AND DAXWELL GROUP, LLC v. CAPITAL PLASTIC & BAGS, INC.; from Harris County; 14th Court of Appeals District (14-17-00991-CV, 587 SW3d 82, 08-15-19)
- 19-1125 THE MIAN DEVELOPMENT CORPORATION v. THE STATE OF TEXAS; from Dallas County; 5th Court of Appeals District (05-17-01385-CV, \_\_\_ SW3d \_\_\_, 07-18-19)
- 20-0027 ROBERT S. JOHNSON v. JEFF WILLIAMS, MAYOR; THE CITY OF ARLINGTON, TEXAS; ZACK MAXWELL; AND FAITH BUSSEY; from Tarrant County; 2nd Court of Appeals District (02-19-00089-CV, \_\_\_ SW3d \_\_\_, 11-27-19)
- (Justice Boyd not participating)
- 20-0052 ROY JORDAN, JR. v. CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC; from Harris County; 14th Court of Appeals District (14-18-00663-CV, \_\_\_ SW3d \_\_\_, 10-29-19)
- 20-0085 KRISU HOSPITALITY, LLC v. MUKESH BHAKTA; from Gray County; 7th Court of Appeals District (07-18-00156-CV, \_\_\_ SW3d \_\_\_, 05-01-18)
- 20-0098 BILLY RAY JOHNSON v. JUAN PENA GARCIA; from Bowie County; 6th Court of Appeals District (06-19-00082-CV, \_\_\_ SW3d \_\_\_, 01-15-20)
- 20-0100 IN THE INTEREST OF C.V.L., A CHILD; from Dallas County; 5th Court of Appeals District (05-19-00506-CV, 591 SW3d 734, 12-13-19)
- 20-0106 IN THE INTEREST OF S.R., JR., A CHILD; from Madison County; 10th Court of Appeals District (10-19-00235-CV, \_\_\_ SW3d \_\_\_, 12-31-19)
- 20-0166 ANTHONY DELEON v ANGELA VILLAREAL AND ROBERT MILLER; from Tarrant County; 2nd Court of Appeals District (02-19-00133-CV, \_\_\_ SW3d \_\_\_, 01-09-20)

- 20-0203 JESSE ROBLES v. MOUNT FRANKLIN FOODS, L.L.C. D/B/A AZAR NUT COMPANY; from El Paso County; 8th Court of Appeals District (08-18-00170-CV, 591 SW3d 158, 08-14-19)
- 20-0298 IN THE INTEREST OF K.W. AND T.W.; from Montgomery County; 9th Court of Appeals District (09-19-00442-CV, \_\_\_ SW3d \_\_\_, 04-09-20)
- 20-0355 MARY CATHERINE PERSON v. MARTHA PYRON; from Travis County; 3rd Court of Appeals District (03-19-00063-CV, \_\_\_ SW3d \_\_\_, 03-18-20)
- 20-0358 KENNETH C. HANCOCK, M.D., NOELLE CLOVEN, M.D., AND TEXAS ONCOLOGY, P.A. v. ARTHUR ROSSE, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF CAROL ROSSE, JERALD ROSSE, INDIVIDUALLY, JOELLYN MIMS, INDIVIDUALLY, DEANNA CHRONISTER, INDIVIDUALLY, BRENDA BACA, INDIVIDUALLY AND BRADLEY ROSSE, INDIVIDUALLY LLC; from Tarrant County; 2nd Court of Appeals District (02-19-00126-CV, \_\_\_ SW3d \_\_\_, 01-30-20)

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

- 19-0915 JAIME DANIEL GRACIA AND RACHEL GRACIA v. CHRISTUS SPOHN HEALTH SYSTEM CORPORATION D/B/A CHRISTUS HOSPITAL CORPUS CHRISTI-SHORELINE; from Nueces County; 13th Court of Appeals District (13-18-00485-CV, \_\_\_ SW3d \_\_\_, 08-26-19)  
joint motion to stay, being treated as a motion to abate, granted  
abatment order issued

[**Note:** This case is removed from the Court's active docket until July 13, 2020, by which time the parties must file a status report or a motion to dismiss.]

**ORDERS ON MOTIONS FOR REHEARING**

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

- 19-0083 MARCELLE GUIMARAES v. CHRISTOPHER SCOTT BRANN; from Harris County; 1st Court of Appeals District (01-16-00093-CV, 562 SW3d 521, 07-24-18)
- 19-0641 IN THE INTEREST OF P.N.T., A CHILD; from Harris County; 14th Court of Appeals District (14-18-01115-CV, 580 SW3d 331, 06-11-19)  
3 rehearings

19-0691 UNIQUE M. GREEN v. FEDERAL NATIONAL MORTGAGE ASSOCIATION & ONEWEST BANK, N.A.; from Harris County; 1st Court of Appeals District (01-18-00258-CV, \_\_\_ SW3d \_\_\_, 04-18-19)

20-0176 IN THE INTEREST OF G.A.M, M.A.S.B. & G.E.E., CHILDREN; from Bexar County; 4th Court of Appeals District (04-19-00710-CV, \_\_\_ SW3d \_\_\_, 02-12-20)

### MISCELLANEOUS

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

19-0150 IN RE JESUS RODRIGUEZ AGUERO, M.D., DECEASED; from Hidalgo County; 13th Court of Appeals District (13-18-00535-CV, \_\_\_ SW3d \_\_\_, 11-26-18)  
as reinstated

19-0708 IN RE AMERICAN AIRLINES, INC.; from Tarrant County; 2nd Court of Appeals District (02-19-00205-CV, \_\_\_ SW3d \_\_\_, 07-23-19)

20-0128 IN RE RODNEY REED; from Bastrop County

20-0362 IN RE JOHNNY PARTAIN; from Hidalgo County; 13th Court of Appeals District (13-16-00516-CV, \_\_\_ SW3d \_\_\_, 09-03-16)

#### THE FOLLOWING PETITION FOR WRIT OF MANAMUS IS ABATED:

20-0165 IN RE VALERO REFINING TEXAS L.P.; from Harris County; 14th Court of Appeals District (14-19-00691-CV, \_\_\_ SW3d \_\_\_, 01-28-20)  
joint motion to abate granted  
abatement order issued

[**Note:** This case is removed from the Court's active docket until August 12, 2020, by which time the parties must file a status report or a motion to dismiss.]

(Justice Lehrmann not participating)

THE FOLLOWING CASE IS REINSTATED:

20-0241 IN RE HUB GROUP TRUCKING, INC.; WAEL AL-ASHQAR;  
MAPLETREE TRANSPORTATION, INC.; AND DENNIS EADS; from  
Dallas County; 5th Court of Appeals District (05-20-00082-CV, \_\_\_ SW3d  
\_\_\_, 02-18-20)  
unopposed motion to reinstate granted  
abatement order issued April 3, 2020, lifted  
mandamus reinstated

[**Note:** The petition for writ of mandamus remains pending before the Court.]