



THE SUPREME COURT OF TEXAS

Orders Pronounced June 19, 2020

ORDERS ON CAUSES

17-0557 CLINTON W. (“BUDDY”) PIKE, SR., DANIEL L. WALKER, W. TOBIN WILSON, VHSC CEMENT, LLC, AND FEW READY MIX CONCRETE CO. v. TEXAS EMC MANAGEMENT, LLC, TEXAS EMC PRODUCTS, LP, AND EMC CEMENT, BV; from Limestone County; 10th Court of Appeals District (10-14-00274-CV, 579 SW3d 390, 06-07-17)
2 petitions

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

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

Justice Bland delivered an opinion dissenting in part.

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)

The Court affirms the court of appeals' judgment.

Justice Lehrmann delivered the opinion of the Court.

18-0977 WILLIAM MARCHBANKS v. LIBERTY INSURANCE CORPORATION; from Waller County; 14th Court of Appeals District (14-17-00004-CV, 558 SW3d 308, 08-23-18)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

19-0210 DELLA R. PERRY v. UNITED SERVICES AUTOMOBILE ASSOCIATION; from Coryell County; 7th Court of Appeals District (07-18-00031-CV, ___ SW3d ___, 12-07-18)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

19-0260 IN RE THE COMMITMENT OF GREGORY A. JONES; from Wichita County; 2nd Court of Appeals District (02-18-00019-CV, 571 SW3d 880, 02-28-19)

motion for rehearing granted

The Court's opinion and judgment issued April 24, 2020 are withdrawn and the opinion and judgment issued this date are substituted.

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

18-0932 EX PARTE E.H.; from Denton County; 2nd Court of Appeals District (02-17-00419-CV, 582 SW3d 445, 08-16-18)

18-1041 IN RE COLTON LESTER; from Polk County (WR-88,227-01)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

18-0309 BERKEL & COMPANY CONTRACTORS, INC. v. TYLER LEE AND LEIGH ANN LEE, INDIVIDUALLY AND AS NEXT FRIEND OF S.R.L., A MINOR; from Brazoria County; 14th Court of Appeals District (14-15-00787-CV, 543 SW3d 288, 01-23-18)

2 petitions

as reinstated

motion for leave to file brief granted

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

(Justice Lehrmann and Justice Busby not participating)

18-0418 XTO ENERGY, INC. AND MOBIL PRODUCING TEXAS AND NEW MEXICO, INC. v. REILLY MCNEEL DILLON, ET AL.; from Atascosa County; 4th Court of Appeals District (04-17-00046-CV, 554 SW3d 127, 04-04-18)

joint motion to lift abatement, granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court grants the petition for review, vacates the judgments of the court of appeals and trial court, and remands the case to the trial court for rendition of judgment in accordance with the parties' settlement agreement.

19-0673 HOUSECANARY, INC. F/K/A CANARY ANALYTICS, INC. v. TITLE SOURCE, INC., REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, AND HOUSTON FORWARD TIMES; from Bexar County; 4th Court of Appeals District (04-18-00844-CV, ___ SW3d ___, 07-10-19)

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

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

19-0790 TEXAS TECH UNIVERSITY HEALTH SCIENCES EL PASO v. LORETTA K. FLORES; from El Paso County; 8th Court of Appeals District (08-18-00151-CV, 587 SW3d 831, 07-26-19)

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

19-0835 NORTHLAND INDUSTRIES, INC. D/B/A MAGNUM FITNESS , JHTNA MANUFACTURING, L.L.C., AND JOHNSON HEALTH TECH NORTH AMERICA, INC. v. GILBERT KOUBA, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF AUDREY KOUBA, KAREN WILLIAMS AND CURTIS KOUBA; from Colorado County; 1st Court of Appeals District (01-18-00252-CV, 583 SW3d 857, 08-13-19)

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

(Justice Bland not participating)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

18-0808 EX PARTE C.D.; from Smith County; 12th Court of Appeals District (12-17-00309-CV, ___ SW3d ___, 07-25-18)

18-0969 EX PARTE J.H.; from Tarrant County; 2nd Court of Appeals District (02-17-00338-CV, ___ SW3d ___, 08-23-18)

19-0102 TEXAS EDUCATION AGENCY v. S.E.H.; from Fort Bend County; 1st Court of Appeals District (01-16-00420-CV, 571 SW3d 372, 12-28-18)

(Justice Bland not participating)

19-0542 AAON v. CJO ENTERPRISES, INC.; from Nueces County; 13th Court of Appeals District (13-17-00547-CV, ___ SW3d ___, 04-18-19)

19-0554 EX PARTE M.S.; from Tarrant County; 2nd Court of Appeals District (02-18-00384-CV, ___ SW3d ___, 05-23-19)

19-0677 EX PARTE JAKE ALEXANDER GARCIA; from Bexar County; 4th Court of Appeals District (04-18-00218-CV, ___ SW3d ___, 06-26-19)

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

19-0780 RICHARD STEPHEN CALKINS, INDIVIDUALLY AND AS AGENT-IN-FACT, FOR MARY OLIVE CALKINS, AND MICHAEL EASTON v. G. WESLEY URQUHART, G. WESLEY URQUHART, P.C. AND MARY ELIZABETH URQUHART; from Harris County; 1st Court of Appeals District (01-17-00256-CV, ___ SW3d ___, 07-10-19)

respondents' motion to dismiss petition for review denied

(Justice Boyd and Justice Bland not participating)

19-0838 LYNN BERNSSEN ALLISON v. DIANNA BERNSSEN; from Nueces County; 13th Court of Appeals District (13-17-00591-CV, ___ SW3d ___, 08-08-19)

19-0839 IN THE GUARDIANSHIP OF LEON R. BERNSSEN, SR., AN ALLEGED INCAPACITATED PERSON; from Nueces County; 13th Court of Appeals District (13-17-00593-CV, ___ SW3d ___, 08-08-19)

motion to dismiss denied

(Justice Green not participating)

19-1065 CITY OF DOUBLE HORN, TEXAS; CATHY SERENO; R. G. CARVER; BOB LINK; JAMES E. MILLARD; LARRY TROWBRIDGE; GLENN LEISEY; AND JOHN OSBORNE v. THE STATE OF TEXAS; from Burnet County; 3rd Court of Appeals District (03-19-00304-CV, ___ SW3d ___, 10-30-19)

20-0043 RODNEY ALLAN HENDERSON v. MEDIAONE, LLC D/B/A THE MONITOR AND AIM MEDIA TEXAS OPERATING, LLC D/B/A THE MONITOR; from Henderson County; 12th Court of Appeals District (12-19-00212-CV, 592 SW3d 933, 12-04-19)

20-0049 A-MEDICAL ADVANTAGE HEALTHCARE SYSTEMS, ASSOCIATED, KEVIN WILLIAMS, M.D., ADVANTAGE MEDICAL CLINIC, INC., JOHN ZACHARIAS AND LINDA RILEY v. JULIA SHWARTS, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF KALMAN SHWARTS, AND KAL SHWARTS, M.D., P.A.; from Navarro County; 10th Court of Appeals District (10-18-00050-CV, ___ SW3d ___, 12-31-19)

20-0086 WILLIAM J. NORBERG JR., M.D., ET AL. v. ALEXIS AMEEL, PIETER AMEEL, AND ACACIA AMEEL; from Hidalgo County; 13th Court of Appeals District (13-18-00165-CV, ___ SW3d ___, 12-19-19)

3 petitions

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 20-0110 ESTATE OF FELIPE A. RADELAT, DECEASED; from Tarrant County; 2nd Court of Appeals District (02-17-00264-CV, ___ SW3d ___, 11-07-19)
- 20-0119 WASSON INTERESTS, LTD. v. CITY OF JACKSONVILLE, TEXAS; from Cherokee County; 12th Court of Appeals District (12-13-00262-CV, ___ SW3d ___, 12-31-19)
- 20-0130 MARGARET ANN COLIA, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF MILTON COLIA v. SCOTT EWING, D.O.; from Tarrant County; 2nd Court of Appeals District (02-19-00109-CV, ___ SW3d ___, 01-16-20)
- 20-0146 LAWRENCE E. MEYERS, AS MANAGER OF THE RAMON BURSTYN IRREVOCABLE TRUST v. 8007 BURNET HOLDINGS, LLC; JOHN REESE NELSON; MAGEN BULLOCK NELSON; ANTONIO CALVO; J.M.N. ENTERPRISES, LLC; AND 8007 BURNET ROAD, AUSTIN, TEXAS, IN REM; from Travis County; 8th Court of Appeals District (08-19-00108-CV, ___ SW3d ___, 01-22-20)
- 20-0185 IN RE COMMITMENT OF BRADLEY JAMES MANUEL; from Harris County; 1st Court of Appeals District (01-18-00650-CV, ___ SW3d ___, 06-13-19)
as corrected
- 20-0194 MOUNT VERNON UNITED METHODIST CHURCH v. HARRIS COUNTY, TEXAS, ET AL.; from Harris County; 1st Court of Appeals District (01-18-01114-CV, ___ SW3d ___, 12-17-19)
- 20-0195 DUMAS INDEPENDENT SCHOOL DISTRICT, ET AL. v. TEXAS AND MIGUEL CUELLAR AND CARMEN CUELLAR; from Moore County; 7th Court of Appeals District (07-18-00268-CV, ___ SW3d ___, 11-12-19)
- 20-0196 WHITE DEER INDEPENDENT SCHOOL DISTRICT, ET AL. v. KELLY MARTIN; from Carson County; 7th Court of Appeals District (07-18-00193-CV, 596 SW3d 855, 11-05-19)
- 20-0211 IN THE INTEREST OF S.S., A CHILD; from Hall County; 7th Court of Appeals District (07-19-00309-CV, ___ SW3d ___, 02-06-20)
- 20-0239 IN THE INTEREST OF A.E.J. AND V.N.J., MINOR CHILDREN; from Hidalgo County; 13th Court of Appeals District (13-19-00406-CV, ___ SW3d ___, 02-13-20)
motion to withdraw as counsel granted

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 20-0338 IN THE INTEREST OF N.A.V. ET AL., CHILDREN; from Bexar County; 4th Court of Appeals District (04-19-00646-CV, ___ SW3d ___, 03-17-20)
- 20-0339 IN THE INTEREST OF M.M., A CHILD; from Randall County; 7th Court of Appeals District (07-19-00324-CV, ___ SW3d ___, 03-16-20)
- 20-0448 IN THE INTEREST OF D.R.C., A CHILD; from Collingsworth County; 7th Court of Appeals District (07-19-00428-CV, ___ SW3d ___, 03-25-20)

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

- 20-0198 RICHARD HAYNES v. UNION PACIFIC RAILROAD COMPANY, A CORPORATION; from Harris County; 1st Court of Appeals District (01-18-00181-CV, 598 SW3d 335, 01-28-20)
joint motion to abate granted
abatement order issued
[**Note:** This case is removed from the Court's active docket until August 18, 2020, by which time the parties must file a status report or a motion to dismiss.]

ORDERS ON MOTIONS FOR REHEARING

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

- 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)
denial of the petition for review on December 13, 2019, withdrawn
petition reinstated

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

- 19-0022 EX PARTE CITY OF EL PASO; from Travis County; 3rd Court of Appeals District (03-17-00566-CV, 563 SW3d 517, 11-07-18)
2 rehearings

(Justice Green and Justice Guzman not participating)

- 19-0399 IN THE INTEREST OF L.N.C. & K.N.M., CHILDREN; from Harris County; 14th Court of Appeals District (14-18-00691-CV, 573 SW3d 309, 01-31-19)
- 19-0873 CHARLES CHANG, M.D. v. ASHLEY DENNY; from Collin County; 5th Court of Appeals District (05-17-01457-CV, ___ SW3d ___, 08-22-19)

19-1024 MARK TRIMBLE v. FEDERAL NATIONAL MORTGAGE ASSOCIATION; from Galveston County; 1st Court of Appeals District (01-18-00911-CV, ___ SW3d ___, 07-25-19)

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

20-0205 IN RE HANNAH RYERSON; from Bexar County; 4th Court of Appeals District (04-19-00881-CV, ___ SW3d ___, 03-04-20)

MISCELLANEOUS

THE MOTION TO STAY IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

19-1128 IN RE CITY OF DALLAS; from Dallas County; 5th Court of Appeals District (05-19-00774-CV, ___ SW3d ___, 10-10-19)

The real parties in interest's emergency motion for temporary injunction is denied.

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

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

20-0150 IN RE TOTAL PETROCHEMICALS & REFINING USA, INC.; from Harris County; 14th Court of Appeals District (14-19-00585-CV, 595 SW3d 904, 01-30-20)

20-0318 IN RE NADIA FIGUEROA; from Jefferson County; 9th Court of Appeals District (09-19-00240-CV, ___ SW3d ___, 08-08-19)

20-0377 IN RE PAULA FORSHEE, PMF SOLUTIONS, LLC, AND CATALYST SOLUTIONS, LLC; from Harris County