



THE SUPREME COURT OF TEXAS

Orders Pronounced January 22, 2021

ORDERS ON CAUSES

19-0829 H. JONATHAN COOKE, INDIVIDUALLY AND ON BEHALF OF ESCROW PARTNERS DALLAS, L.P.; ESCROW PARTNERS DALLAS, GP, INC.; ESCROW PARTNERS HOUSTON, L.P.; ESCROW PARTNERS HOUSTON, GP, INC.; ESCROW PARTNERS AUSTIN, L.P.; ESCROW PARTNERS AUSTIN, GP, INC.; ESCROW PARTNERS SAN ANTONIO, L.P.; ESCROW PARTNERS SAN ANTONIO, GP, INC.; TITLE PARTNERS, L.L.P.; NORTH AMERICAN MANAGEMENT, L.L.P.; TJ PARTNERS I, LLC; AND TJ PARTNERS II, LLC v. ROBERT C. KARLSENG; KARLSENG LAW FIRM, P.C.; ASHLEY BRIGHAM PATTEN; PATTEN & KARLSENG LAW FIRM, P.C.; JACQUES YVES LEBLANC; AND LEBLANC, PATTEN AND KARLSENG LAW FIRM, P.C.; from Dallas County; 5th Court of Appeals District (05-18-00206-CV, ___ SW3d ___, 08-14-19)

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

20-0434 IN RE FACEBOOK, INC. AND FACEBOOK, INC. D/B/A INSTAGRAM; from Harris County; 14th Court of Appeals District (14-19-00845-CV; 14-19-00847-CV; 14-19-00886-CV, 607 SW3d 839, 04-28-20)

abatement order issued

[**Note:** The cause is abated in part under TEX. R. APP. P. 7.2(b) for cases 2018-69816 & 2018-82214. The case is not abated as to 2019-19262 and will proceed for all purposes including oral argument set for February 24, 2021.]

(Justice Busby and Justice Huddle not participating)

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

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)

(Justice Bland not participating)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 19-0639 W&T OFFSHORE, INC. v. LUKE MEYERS; from Harris County; 14th Court of Appeals District (14-16-00378-CV, 577 SW3d 247, 12-04-18)
2 petitions

(Justice Lehrmann and Justice Busby not participating)
- 19-0714 TEXAS DEPARTMENT OF TRANSPORTATION v. GENARO FLORES; from El Paso County; 8th Court of Appeals District (08-17-00047-CV, 576 SW3d 782, 05-15-19)
- 19-0925 MICHAEL FALLON, M.D. v. THE UNIVERSITY OF TEXAS MD ANDERSON PHYSICIAN'S NETWORK AND MICHAEL W. BROWN, AS PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE UNIVERSITY OF TEXAS MD ANDERSON PHYSICIAN'S NETWORK; from Harris County; 1st Court of Appeals District (01-17-00882-CV, 586 SW3d 58, 08-27-19)
Justice Boyd and Justice Devine note their dissent to the Court's denial of the petition for review.
- 19-1029 INFOWARS, LLC; FREE SPEECH SYSTEMS, LLC; AND KIT DANIELS v. MARCEL FONTAINE; from Travis County; 3rd Court of Appeals District (03-18-00614-CV, ___ SW3d ___, 10-24-19)
- 19-1050 ALEX E. JONES; INFOWARS, LLC; AND FREE SPEECH SYSTEMS, LLC v. SCARLETT LEWIS; from Travis County; 3rd Court of Appeals District (03-19-00423-CV, ___ SW3d ___, 10-11-19)
motion for sanctions denied
- 19-1070 PINEDA REO, LLC v. THE LOMIX LIMITED PARTNERSHIP, ET AL.; from Cameron County; 13th Court of Appeals District (13-17-00277-CV, ___ SW3d ___, 11-07-19)
3 petitions
- 19-1102 ALEX E. JONES; INFOWARS, LLC; AND FREE SPEECH SYSTEMS, LLC v. LEONARD POZNER AND VERONIQUE DE LA ROSA; from Travis County; 3rd Court of Appeals District (03-18-00603-CV, ___ SW3d ___, 11-05-19)
Justice Devine and Justice Blacklock note their dissent to the Court's denial of the petition for review.

- 20-0099 METROPOLITAN WATER COMPANY, LP v. NATHAN AUSLEY; from Burleson County; 13th Court of Appeals District (13-18-00039-CV, ___ SW3d ___, 11-21-19)
- 20-0214 TOP WIRELESS WHOLESALER v. CEXCHANGE, LLC; from Dallas County; 5th Court of Appeals District (05-17-01318-CV, ___ SW3d ___, 08-23-19)
- 20-0215 SOCORRO INDEPENDENT SCHOOL DISTRICT v. IDEA PUBLIC SCHOOLS; from Hidalgo County; 13th Court of Appeals District (13-18-00422-CV, ___ SW3d ___, 01-09-20)
- 20-0252 TAPATIO SPRINGS HOMEOWNERS ASSOCIATION v. OHIO DEVELOPMENT, LLC.; from Kendall County; 4th Court of Appeals District (04-18-00523-CV, ___ SW3d ___, 11-27-19)
- 20-0270 NICOLE VAN DORN PRESTON, AS SURVIVING SPOUSE AND PERSONAL REPRESENTATIVE FOR THE ESTATE OF LT. J. WESLEY VAN DORN, USN, DECEASED; AMY SNYDER, AS SURVIVING SPOUSE AND PERSONAL REPRESENTATIVE FOR THE ESTATE OF LT. SEAN CHRISTOPHER SNYDER, USN, DECEASED; CHEYENNE COLLINS, AS SURVIVING SPOUSE AND PERSONAL REPRESENTATIVE FOR THE ESTATE OF PETTY OFFICER 3RD CLASS BRIAN ANDREW COLLINS, USN, DECEASED; AND PETTY OFFICER 2ND CLASS DYLAN MORGAN BOONE, USN v. M1 SUPPORT SERVICES, L.P.; from Denton County; 2nd Court of Appeals District (02-18-00348-CV, ___ SW3d ___, 03-05-20)
- 20-0284 TEXAS DEPARTMENT OF TRANSPORTATION v. RODOLFO CANALES; from Karnes County; 4th Court of Appeals District (04-19-00121-CV, ___ SW3d ___, 01-08-20)
- 20-0347 ALEX E. JONES; INFOWARS, LLC; FREE SPEECH SYSTEMS, LLC; AND OWEN SHROYER v. NEIL HESLIN; from Travis County; 3rd Court of Appeals District (03-19-00811-CV, ___ SW3d ___, 03-25-20)
- 20-0471 SOUTHCROSS CCNG TRANSMISSION, LTD. v. IVY GONZALEZ, ON BEHALF OF M.R. AND M.N. GONZALEZ, MINOR CHILDREN; AMY GONZALEZ, AS CO-REPRESENTATIVE OF THE ESTATE OF JESUS GONZALEZ, JR. FOR AND ON BEHALF OF M.R. GONZALEZ AND M.N. GONZALEZ, MINOR CHILDREN; AND AMY GONZALEZ AND JESUS GONZALEZ., SR.; from Duval County; 4th Court of Appeals District (04-19-00858-CV, ___ SW3d ___, 04-29-20)

(Justice Lehrmann not participating)

- 20-0508 DONALD B. GRAMMER; COLCHESTER MANAGEMENT SERVICES, LLC; BLANCO REALTY ADVISORS LIMITED PARTNERSHIP, L.L.P.; BRENDA J. GRAMMER; GGDG, LTD.; DARALYN E. GRAMMER-ALLEN; BIG A TECHNOLOGY LIMITED; APPLE MANAGEMENT SERVICES, LLC; GREGORY M. GRAMMER; CHERRY BLOSSOM LIMITED PARTNERSHIP; LEMON LEAF LIMITED PARTNERSHIP; COLCHESTER FINANCIAL LIMITED PARTNERSHIP; JAGUAR-PIAGET LIMITED PARTNERSHIP; AND DINVEST, LTD. v. SOUTHERN CALIFORNIA SUNBELT DEVELOPERS, INC.; AND DAN BAER; from Blanco County; 3rd Court of Appeals District (03-19-00192-CV, ___ SW3d ___, 12-31-19)
- 20-0530 JIMMY DON IVES v. TEXAS DEPARTMENT OF TRANSPORTATION; from Collin County; 5th Court of Appeals District (05-18-01527-CV, ___ SW3d ___, 05-26-20)
- 20-0579 ALLSUP'S CONVENIENCE STORES, INC. v. DANA DANIELS; from Gray County; 7th Court of Appeals District (07-18-00333-CV, 604 SW3d 461, 03-26-20)
- 20-0587 IN THE INTEREST OF S.L.E., A CHILD; from Bexar County; 4th Court of Appeals District (04-19-00092-CV, ___ SW3d ___, 04-15-20)
- 20-0611 THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER v. PAMELA RHOADES; from Dallas County; 5th Court of Appeals District (05-19-00445-CV, 605 SW3d 853, 06-30-20)
- 20-0637 IN THE INTEREST OF S.C. AND K.C., CHILDREN; from Dallas County; 5th Court of Appeals District (05-18-00629-CV, ___ SW3d ___, 06-08-20)
- 20-0661 AMERJIN CO., LLC, AMERIJIN ENERGY, LLC AND XI "PETER" ZHU v. ASHBY LLP; from Harris County; 1st Court of Appeals District (01-18-00231-CV, ___ SW3d ___, 03-31-20)
- 20-0706 HICKORY TRAIL HOSPITAL, L.P. AND JELIL ONANUGA, M.D. v. LOIS YVONNE HUNTRESS; from Dallas County; 5th Court of Appeals District (05-19-00892-CV, ___ SW3d ___, 05-29-20)
- 20-0710 NITIN JARIWALA AND CHETNA HIRA v. ALL AMERICA BANK, AN OKLAHOMA DOMESTIC BANK; from Dallas County; 5th Court of Appeals District (05-19-00241-CV, ___ SW3d ___, 06-16-20)

- 20-0713 COWBOY'S RETAIL & WHOLESALE BEVERAGE DISTRIBUTION, LLC, KYLE GILLIN AND GREAT AMERICAN TREATING, INC. v. PEGGYE M. DAVIS, JAMES DAVIS, JAY DAVIS AND RICHARD L. RAY, TRUSTEE; from Smith County; 12th Court of Appeals District (12-19-00249-CV, ___ SW3d ___, 07-31-20)
- 20-0726 THOMAS P. MCDILL, JR., INDIVIDUALLY AND AS CO-TRUSTEE OF THE PHYLLIS V. MCDILL IRREVOCABLE TRUST v. MICHAEL GLEN MCDILL; DOUGLAS W. BAILEY; BAILEY STOCK HARMON COTTAM, LLP; JESSICA M. WARREN; AND BAILEY KRAWCZYK; from Travis County; 3rd Court of Appeals District (03-19-00162-CV, ___ SW3d ___, 07-30-20)
- 20-0735 RON BLOXOM, SUCCESSOR DEPENDENT ADMINISTRATOR OF THE ESTATE OF TRAVIS B. KIRCHNER, DECEASED v. BRUCE WHEATLEY, EXECUTOR OF THE ESTATE OF JUDITH T. WHEATLEY; from El Paso County; 8th Court of Appeals District (08-18-00106-CV, ___ SW3d ___, 08-05-20)
- 20-0763 BRIAN POTASHNIK, SOUTHWEST HOUSING DEVELOPMENT COMPANY, INC., SOUTHWEST HOUSING MANAGEMENT CORPORATION, INC. A/K/A AND D/B/A SOUTHWEST HOUSING MANAGEMENT COMPANY, INC., AND AFFORDABLE HOUSING CONSTRUCTION, INC. v. JEFFREY W. CARPENTER; from Dallas County; 5th Court of Appeals District (05-19-00238-CV, ___ SW3d ___, 08-27-20)
- 20-0778 COVENANT CLEARINGHOUSE, LLC v. KUSH AND KRISHNA, LLC; from Harris County; 14th Court of Appeals District (14-19-00302-CV, 607 SW3d 855, 08-18-20)
- 20-0790 LUIS ALBERTO VENCES v. MARISSA GARCIA ROBLEDO; from Travis County; 3rd Court of Appeals District (03-19-00828-CV, ___ SW3d ___, 08-27-20)
- 20-0791 LUIS ALBERTO VENCES v. MARISSA GARCIA ROBLEDO, EVANGELINA ROBLEDO, ANDREW EMERITO COSTILLA, JAMES STEPHEN SUSTAITA, AND MARY PRADO; from Travis County; 3rd Court of Appeals District (03-19-00858-CV, ___ SW3d ___, 08-28-20)
- 20-0814 IN THE INTEREST OF K.B.D.; from Jasper County; 9th Court of Appeals District (09-18-00277-CV, ___ SW3d ___, 07-30-20)
- 20-0835 ALEX E. JONES; INFOWARS, LLC; AND FREE SPEECH SYSTEMS, LLC v. NEIL HESLIN; from Travis County; 3rd Court of Appeals District (03-20-00008-CV, ___ SW3d ___, 08-14-20)
- motion for sanctions denied

- 20-0853 CHARLES WAYNE RUSSELL v. LORI ELIZABETH RUSSELL; from Galveston County; 1st Court of Appeals District (01-19-00516-CV, ___ SW3d ___, 02-25-20)
- 20-0877 HENRY STEPHENSON BYRD, MD, ET AL. v. ROLANDA HUTTON AND BRYAN HUTTON; from Dallas County; 5th Court of Appeals District (05-19-01191-CV, ___ SW3d ___, 07-16-20)
- 20-0887 GONZALES NURSING OPERATIONS, LLC F/D/B/A TEXAS NURSING & REHAB OF GONZALES v. ALTA MAE SMITH, ROSIE L. SMITH, ALTON ALLEN JR., A.B. ALLEN DAVID L. ALLEN, MELVIN L. ALLEN, INDIVIDUALLY ON BEHALF OF THE ESTATE OF NANNIE B. ALLEN, DECEASED; from Bexar County; 4th Court of Appeals District (04-20-00102-CV, ___ SW3d ___, 09-23-20)
- 20-0938 DONNIE RAE THOMPSON, SR. v. SHAWN DAVIS; from Van Zandt County; 12th Court of Appeals District (12-19-00348-CV, ___ SW3d ___, 10-14-20)
- 20-0939 JTREO, INC. v. HIGHTOWER & ASSOCIATES, INC.; AND AUBREY RICHARD HIGHTOWER; from Travis County; 3rd Court of Appeals District (03-19-00255-CV, ___ SW3d ___, 06-18-20)
- 20-0970 IN RE COMMITMENT OF KEVIN JOHNSON; from Bexar County; 4th Court of Appeals District (04-19-00761-CV, ___ SW3d ___, 08-19-20)
- 20-0974 CHERYL HARRIS DIGGS v. VICTOR ANTONY CHARLES; from Harris County; 14th Court of Appeals District (14-19-00725-CV, ___ SW3d ___, 10-29-20)
- 20-0984 G.S. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Bell County; 3rd Court of Appeals District (03-20-00342-CV, ___ SW3d ___, 11-04-20)
- 20-1007 IN THE INTEREST OF M.T.B., A CHILD; from Harris County; 14th Court of Appeals District (14-20-00385-CV, ___ SW3d ___, 11-10-20)
motion to withdraw as counsel granted
- 21-0013 IN THE INTEREST OF K.C.W., A CHILD; from McLennan County; 10th Court of Appeals District (10-20-00271-CV, ___ SW3d ___, 12-30-20)
- 21-0016 IN THE INTEREST OF S.E. AND B.E., CHILDREN; from Cherokee County; 12th Court of Appeals District (12-20-00206-CV, ___ SW3d ___, 12-16-20)

motion to withdraw as counsel granted

21-0023 IN THE INTEREST OF E.C.G., J.C.G., J.J.G., J.A.G., J.Z.G., AND E.R.G., CHILDREN; from Bexar County; 4th Court of Appeals District (04-20-00081-CV, ___ SW3d ___, 11-25-20)

THE FOLLOWING PETITIONS FOR REVIEW ARE ABATED:

20-0826 DEWBERRY FARM, LLC AND LARRY EMERSON v. KIMBERLY ELIAS, AS NEXT FRIEND OF N. E., A MINOR; from Waller County; 1st Court of Appeals District (01-18-01058-CV, ___ SW3d ___, 09-01-20)

agreed motion to abate and remand to effectuate settlement granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until April 22, 2021, by which time the parties must file either a status report or a motion to dismiss.]

20-0915 MARBLE RIDGE CAPITAL LP AND MARBLE RIDGE MASTER FUND LP v. NEIMAN MARCUS GROUP, INC., MARIPOSA INTERMEDIATE HOLDINGS LLC, NEIMAN MARCUS GROUP LTD LLC, THE NEIMAN MARCUS GROUP LLC, AND NEIMAN MARCUS GROUP INTERNATIONAL LLC.; from Dallas County; 5th Court of Appeals District (05-19-00443-CV, ___ SW3d ___, 09-30-20)

joint motion to abate granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until March 8, 2021, by which time the parties must file either a status report or a motion to dismiss.]

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

20-0167 GREAT WESTERN DRILLING, LTD. v. PATHFINDER OIL & GAS, INC. AND CATHLIND ENERGY, LLC; from Midland County; 11th Court of Appeals District (11-14-00206-CV, ___ SW3d ___, 01-23-20)

abatement order issued November 13, 2020, lifted
petition reinstated
unopposed motion to dismiss granted

ORDERS ON MOTIONS FOR REHEARING

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

19-0709 HARRIS COUNTY HOSPITAL DISTRICT v. PUBLIC UTILITY COMMISSION OF TEXAS AND SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T TEXAS; from Travis County; 3rd Court of Appeals District (03-17-00811-CV, 577 SW3d 370, 05-03-19)

(Justice Busby and Justice Huddle not participating)

20-0154 CODY, TEXAS, L.P. v. BPL EXPLORATION, LTD.; from Zapata County; 4th Court of Appeals District (04-17-00810-CV, ___ SW3d ___, 12-11-19)

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

- 20-0468 DIANE SMITH AND JOHN FERNANDEZ v. HOUSTON DIRECT AUTO; from Harris County; 1st Court of Appeals District (01-18-01116-CV, ___ SW3d ___, 12-19-19)
- 20-0705 JEREMY R. MARCANTEL v. HENRY PATTERSON, JAMES COOPER, STEVEN TRAVIS GREENE, REX EVANS, MARK ELLINGTON AND LIBERTY COUNTY, TEXAS; from Liberty County; 9th Court of Appeals District (09-18-00293-CV, ___ SW3d ___, 07-16-20)
- 20-0765 LEE B. WHEELER, TRUSTEE OF THE L&P CHILDREN'S TRUST AND NANCY WHEELER PLUMLEE v. SAN MIGUEL ELECTRIC COOPERATIVE, INC.; from McMullen County; 4th Court of Appeals District (04-19-00332-CV, 610 SW3d 60, 07-01-20)

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

- 20-0555 IN RE VIVIAN GARCIA, AS INDEPENDENT EXECUTRIX OF THE ESTATE OF JESUS RODRIGUEZ AGUERO, M.D., DECEASED; from Hidalgo County; 13th Court of Appeals District (13-20-00233-CV, ___ SW3d ___, 07-15-20)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 20-0140 IN RE THE WOODLANDS LAND DEVELOPMENT COMPANY, L.P., THE HOWARD HUGHES CORPORATION, LJA ENGINEERING, INC. F/K/A LJA ENGINEERING & SURVEYING, INC., AND JAMES R. BOWLES; from Harris County; 1st Court of Appeals District (01-20-00185-CV, ___ SW3d ___, 03-05-20)
- 20-0364 IN RE MICHAEL ANDREW DAVIS AND WATERFLEET, LLC.; from Bexar County; 4th Court of Appeals District (04-20-00193-CV, ___ SW3d ___, 04-15-20)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 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)

mandamus reinstated
relator's motion to dismiss granted

(Justice Lehrmann not participating)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

- 20-0268 IN RE KURARAY AMERICA, INC.; from Harris County; 14th Court of Appeals District (14-19-00797-CV, ___ SW3d ___, 03-12-20)

abatement order issued

[**Note:** The case is abated under TEX. R. APP. P. 7.2(b) until further order of this Court.]

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

21-0042 IN RE R & R EXTERIORS LLC AND MARK RICHARDSON; from Denton County; 2nd Court of Appeals District (02-20-00413-CV, ___ SW3d ___, 01-14-21)

motion for temporary relief granted

stay order issued

response requested due by February 1, 2021

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