



THE SUPREME COURT OF TEXAS

Orders Pronounced December 10, 2021

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

20-0174 INDUSTRIAL SPECIALISTS, LLC v. BLANCHARD REFINING COMPANY LLC AND MARATHON PETROLEUM COMPANY LP; from Galveston County; 1st Court of Appeals District (01-19-00514-CV, ___ SW3d ___, 09-05-19)
as reinstated

[**Note:** This case has been set for oral argument at 9:00 a.m., February 1, 2022.]

Time allotted to argue: 20/20 minutes
(Justice Lehrmann not participating)

20-0700 CITY OF FORT WORTH, TEXAS v. ABDUL PRIDGEN, ET AL.; from Dallas County; 5th Court of Appeals District (05-19-00652-CV, ___ SW3d ___, 06-18-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 1, 2022.]

Time allotted to argue: 20/20 minutes

20-0727 TERISA TAYLOR AND PATHWAY FORENSICS, LLC v. CARL TOLBERT, NIZZERA KIMBALL AND VIVIAN ROBBINS; from Harris County; 14th Court of Appeals District (14-18-00001-CV, 629 SW3d 318, 04-07-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 1, 2022.]

Time allotted to argue: 20/20 minutes

20-0857 JBRICE HOLDINGS LLC AND 231 W. TRIOAKS LANE, AN INDIVIDUAL SERIES OF JBRICE HOLDINGS, L.L.C v. WILCREST WALK TOWNHOMES ASSOCIATION, INC.; from Harris County; 14th Court of Appeals District (14-17-00790-CV, ___ SW3d ___, 08-18-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 2, 2022.]

Time allotted to argue: 20/20 minutes

20-0898 ROSETTA RESOURCES OPERATING, LP v. KEVIN MARTIN, JAMIE MARTIN, AND ASHLEY LUSK; from Live Oak County; 13th Court of Appeals District (13-19-00431-CV, ___ SW3d ___, 10-01-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 2, 2022.]

Time allotted to argue: 20/20 minutes

(Justice Huddle and Justice Young not participating)

21-0036 THOMAS BRANDON PERTHUIS v. BAYLOR MIRACA GENETICS LABORATORIES, LLC; from Harris County; 1st Court of Appeals District (01-19-00095-CV, ___ SW3d ___, 12-03-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 2, 2022.]

Time allotted to argue: 20/20 minutes

21-0080 GLENN HEGAR, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS AND KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS, PETITIONERS v. HEALTH CARE SERVICE CORPORATION, RESPONDENT; from Travis County; 3rd Court of Appeals District (03-19-00864-CV, ___ SW3d ___,12-11-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 3, 2022.]

Time allotted to argue: 20/20 minutes

21-0238 PEDIATRICS COOL CARE, JOSE J. SALGUERO, M.D., PA, JOSE J. SALGUERO, M.D., AND JENELLE ROBINSON, P.A.-C., v. GINGER THOMPSON, INDIVIDUALLY AND AS THE REPRESENTATIVE OF THE ESTATE OF A.W.(DECEASED), AND BRAD WASHINGTON; from Ellis County; 14th Court of Appeals District (14-19-00031-CV, ___ SW3d ___, 01-29-21)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 3, 2022.]

Time allotted to argue: 20/20 minutes

21-0326 EDWARD JAMES MITSCHKE, JR., INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF CODY MITSCHKE, DECEASED v. MARIDA FAVIA DEL CORE BORROMEO; AND BLACKJACK RANCH L.L.E, LLC; from Lee County; 7th Court of Appeals District (07-20-00283-CV, ___ SW3d ___, 02-03-21)

~ consolidated for oral argument with~

21-0331 EDWARD JAMES MITSCHKE, JR., INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF CODY MITSCHKE, DECEASED v. BRISTEN BEHRENS, DARRELL BEHRENS, JUSTIN BEHRENS, AND TIMOTHY LEE TIMMERMAN; from Lee County; 7th Court of Appeals District (07-20-00282-CV, ___ SW3d ___, 02-03-21)

[**Note:** These cases have been set for oral argument at 9:00 a.m., February 3, 2022.]

Time allotted to argue: 20/20 minutes

21-0358 JAMES ROBERT JONES AND ALLEN WATSON v. SYLVESTER TURNER, IN HIS OFFICIAL CAPACITY AS MAYOR OF THE CITY OF HOUSTON, ET AL.; from Harris County; 14th Court of Appeals District (14-19-00989-CV, ___ SW3d ___, 12-03-20)

[Note: This case has been set for oral argument at 9:00 a.m., February 22, 2022.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

20-0482 STEPHEN GRAVES v. GAIL GILLETTE; from Bexar County; 4th Court of Appeals District (04-18-00771-CV, ___ SW3d ___, 03-04-20)

(Justice Young not participating)

21-0004 TEXAS WINDSTORM INSURANCE ASSOCIATION, BRUSH COUNTRY CLAIMS, LTD., AND DAVID GUTIERREZ v. DAVID JAMES AND SUE JAMES; from Jefferson County; 13th Court of Appeals District (13-17-00401-CV, ___ SW3d ___, 08-20-20)

(Justice Young not participating)

21-0218 PROGRESSIVE COUNTY MUTUAL INSURANCE COMPANY v. JOHN G. MCCORMACK; from Bexar County; 4th Court of Appeals District (04-21-00001-CV, ___ SW3d ___, 01-20-21)

21-0321 D. ALAN MEEKER AND CQUENTIA NGS, LLC v. KENNETH WOODS AND PARAGON PRINCIPAL, LLC; from Tarrant County; 2nd Court of Appeals District (02-21-00034-CV, ___ SW3d ___, 02-26-21)

respondents' motion to dismiss, dismissed

(Justice Young not participating)

- 21-0368 JEAN SLACK LOCKHART, IN HER CAPACITIES AS TRUSTEE OF THE LOCKHART FAMILY BYPASS TRUST AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF WARREN L. LOCKHART v. CHISOS MINERALS, LLC ET AL.; from Howard County; 8th Court of Appeals District (08-19-00153-CV, 621 SW3d 89, 03-24-21)
- 21-0397 WILLIAM RAY LONG v. TEPHNEY TRAWEEK, INDIVIDUALLY AND AS NEXT FRIEND OF B.A., A MINOR; from Hood County; 2nd Court of Appeals District (02-20-00311-CV, ___ SW3d ___, 02-25-21)
- 21-0411 IN THE INTEREST OF M.K.J., A MINOR CHILD; from Brazos County; 13th Court of Appeals District (13-20-00033-CV, ___ SW3d ___, 04-29-21)
(Justice Young not participating)
- 21-0414 JOHN A. SAZY v. J.R. BIRDWELL CONSTRUCTION AND RESTORATION, LLC; from Dallas County; 5th Court of Appeals District (05-19-01351-CV, ___ SW3d ___, 04-01-21)
- 21-0428 ROB JENNINGS, III AND EL VELENO, LTD. v. SUSAN JENNINGS, TRES MUJERES, LTD., AND PAMELA J. PERSON; from Zapata County; 4th Court of Appeals District (04-19-00485-CV, ___ SW3d ___, 02-03-21)
(Justice Young not participating)
- 21-0473 HOLCIM (US) INC. AND HOLCIM TEXAS LP v. ELLIS COUNTY APPRAISAL DISTRICT; from Ellis County; 10th Court of Appeals District (10-18-00167-CV, ___ SW3d ___, 04-21-21)
- 21-0482 KIRK WAYNE MCBRIDE v. PAMELA THEILKE, MICHAEL ARELLANO, TEXAS BOARD OF PARDONS AND PAROLES, DAVID GUTIERREZ, AND RACHEL ALDERETE; from Travis County; 3rd Court of Appeals District (03-20-00073-CV, ___ SW3d ___, 04-30-21)

- 21-0493 PECHUA, INC. v. CITIBANK N.A. AS TRUSTEE FOR NRZ PASS-THROUGH TRUST VI AND NEWREZ LLC F/K/A NEW PENN FINANCIAL LLP D/B/A SHELLPOINT MORTGAGE SERVICING; from Harris County; 14th Court of Appeals District (14-19-00337-CV, ___ SW3d ___, 04-27-21)
- 21-0537 MICHELLE HERCZEG v. CITY OF DALLAS, TEXAS; from Dallas County; 5th Court of Appeals District (05-19-01023-CV, ___ SW3d ___, 03-29-21)
- 21-0562 IN THE ESTATE OF JULIA LOPEZ, DECEASED; from McLennan County; 10th Court of Appeals District (10-18-00278-CV, ___ SW3d ___, 05-21-21)
(Justice Young not participating)
- 21-0599 JKO ENTERPRISES, LLC v. FIVE CORNERS IMPROVEMENT DISTRICT; from Harris County; 14th Court of Appeals District (14-20-00116-CV, ___ SW3d ___, 05-04-21)
(Justice Young not participating)
- 21-0619 TEXAS PHARMOMEDICAL EXPORTS, INC. v. MICHELLE T. WANG, INDIVIDUALLY AND D/B/A WANG & COMPANY CPA'S AND WANG G.P. INC.; from Harris County; 14th Court of Appeals District (14-19-00888-CV, ___ SW3d ___, 06-08-21)
(Justice Young not participating)
- 21-0630 TED B. LYON III v. BUILDING GALVESTON, INC.; from Galveston County; 1st Court of Appeals District (01-19-00571-CV, ___ SW3d ___, 12-17-20)
(Justice Bland and Justice Young not participating)

- 21-0633 METROPOLITAN TRANSIT AUTHORITY v. ALBERTO MENDOZA; from Harris County; 14th Court of Appeals District (14-19-01011-CV, ___ SW3d ___, 06-17-21)
- 21-0646 ADRIAN BAKER AND CHARLES BAKER ON BEHALF OF THE JAMES BAKER ESTATE v. LIMESTONE COUNTY, TEXAS, GEORGE GARDNER, JAVIER CANDANOZA, AND MARIA CANDANOZA; from Limestone County; 10th Court of Appeals District (10-19-00219-CV, ___ SW3d ___, 02-03-21)
- 21-0705 IN THE INTEREST OF C.A. AND C.A., CHILDREN; from Gregg County; 6th Court of Appeals District (06-21-00056-CV, ___ SW3d ___, 07-23-21)
2 petitions
- 21-0706 IN THE ESTATE OF EDNA MAE LEONARDS, DECEASED; from Chambers County; 1st Court of Appeals District (01-20-00221-CV, ___ SW3d ___, 07-06-21)
- 21-0707 IN THE ESTATE OF F.J. LEONARDS, DECEASED; from Chambers County; 1st Court of Appeals District (01-20-00222-CV, ___ SW3d ___, 07-06-21)
- 21-0718 CONNIE RAY PALMER, TDCJ #1583752 v. SHAVONDA D. HOWARD, ET AL.; from Walker County; 6th Court of Appeals District (06-20-00094-CV, ___ SW3d ___, 07-20-21)
- 21-0726 GARY LYNN FOMBY v. MANORCARE-SHARPVUEW OF HOUSTON TEXAS, LLC AND SHARPVUEW SNF MANAGEMENT, LLC; from Harris County; 1st Court of Appeals District (01-19-00618-CV, ___ SW3d ___, 06-15-21)

- 21-0756 GRABLE GRIMSHAW MORA, PLLC AND BRANDON J. GRABLE v. CHRISTOPHER J. WEBER, LLC; from Bexar County; 4th Court of Appeals District (04-21-00064-CV, ___ SW3d ___, 07-21-21)
(Justice Young not participating)
- 21-0771 IN THE INTEREST OF E. S., A CHILD; from Henderson County; 12th Court of Appeals District (12-20-00282-CV, ___ SW3d ___, 06-17-21)
(Justice Young not participating)
- 21-0781 DAVID DREW, JR. v. ARLETTE DOMINGUEZ GALLEGOS BELVER; from Bexar County; 4th Court of Appeals District (04-20-00483-CV, ___ SW3d ___, 08-11-21)
(Justice Young not participating)
- 21-0794 JAMES THOMAS GREEN v. HARRIS COUNTY INSTITUTE OF FORENSIC SCIENCES; LUIS A. SANCHEZ, M.D.; HARRIS COUNTY DISTRICT ATTORNEYS OFFICE; KIM OGG AND OTHERS; from Harris County; 1st Court of Appeals District (01-20-00357-CV, ___ SW3d ___, 07-27-21)
- 21-0840 IN THE INTEREST OF I.G., A CHILD; from Tarrant County; 2nd Court of Appeals District (02-21-00119-CV, ___ SW3d ___, 08-12-21)
motion for leave to withdraw as counsel granted
(Justice Young not participating)
- 21-0862 FRY SONS RANCH, INC. AND JAMES ANDY FRY v. JOSEPH NATHAN FRY, PRESS ALLEN FRY, AND EDWARD HEATH FRY; from Burnet County; 3rd Court of Appeals District (03-21-00289-CV, ___ SW3d ___, 08-20-21)

- 21-0864 EAST TEXAS SUPPORT SERVICES, INC. v. JUNE BROWN, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JAMES BROWN, DECEASED; from Rusk County; 12th Court of Appeals District (12-21-00025-CV, ___ SW3d ___, 08-18-21)
- 21-0875 ANTONIO RUIZ, MARTHA RUIZ, AND ALL OCCUPANTS OF 11207 BAYOU PLACE LANE, HOUSTON, TEXAS, 77099 v. INVUM THREE, LLC; from Harris County; 14th Court of Appeals District (14-19-00516-CV, ___ SW3d ___, 07-13-21)
- 21-0945 IN THE INTEREST OF E.C.R. AND K.F., CHILDREN; from Hutchinson County; 7th Court of Appeals District (07-21-00099-CV, ___ SW3d ___, 09-17-21)
- 21-1024 C.L.J. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Travis County; 3rd Court of Appeals District (03-21-00306-CV, ___ SW3d ___, 10-21-21)
counsel's motion to withdraw as counsel granted

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

- 21-0337 EYM DINER L.P. D/B/A DENNY'S AND AIR CONDITIONING CONTROL SERVICE COMPANY v. KHALED YOUSEF; from Dallas County; 5th Court of Appeals District (05-19-00636-CV, ___ SW3d ___, 11-24-20)
joint motion to abate granted
abatement order issued
[Note: This case is removed from the Court's active docket until February 8, 2022, by which time the parties must file either a status report or a motion to dismiss.]

ORDERS ON MOTIONS FOR REHEARING

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

- 21-0412 DONNA FORDYCE v. JORDAN LEIGH HATCHEL; from Grayson County; 5th Court of Appeals District (05-20-00635-CV, ___ SW3d ___, 11-24-20)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

21-0320 IN RE HENRY J. LIMITED PARTNERSHIP; from Gillespie County; 4th Court of Appeals District (04-21-00078-CV, ___ SW3d ___, 03-24-21)
relator's motion for temporary relief dismissed

(Justice Young not participating)

21-0636 IN RE WILLIAM VAN HASELEN III; from El Paso County; 8th Court of Appeals District (08-20-00070-CV, ___ SW3d ___, 06-30-21)

21-0737 IN RE SPRING BRANCH APARTMENT MANAGEMENT, LLC; from Harris County; 14th Court of Appeals District (14-21-00291-CV, ___ SW3d ___, 07-20-21)

stay order issued October 19, 2021, lifted
relator's motion for expedited consideration dismissed as moot

(Justice Young not participating)

21-0948 IN RE REGINA NACHAEL HOWELL FOSTER; from Tarrant County; 2nd Court of Appeals District (02-21-00116-CV, ___ SW3d ___, 07-01-21)
real party in interest's motion to dismiss and request for sanctions dismissed as moot

21-1009 IN RE TEXAS DEPARTMENT OF STATE HEALTH SERVICES, AND DR. JOHN HELLERSTEDT, IN HIS OFFICIAL CAPACITY AS COMMISSIONER OF DSHS; from Travis County; 3rd Court of Appeals District (03-21-00571-CV, ___ SW3d ___, 11-18-21)

relators' emergency motion for temporary relief dismissed as moot