



THE SUPREME COURT OF TEXAS

Orders Pronounced May 13, 2022

ORDERS ON CAUSES

20-0309 CITY OF BAYTOWN v. ALAN SCHROCK; from Harris County; 1st Court of Appeals District (01-17-00442-CV, 623 SW3d 394, 06-27-19)

The Court reverses the court of appeals' judgment and reinstates the trial court's judgment.

Justice Bland delivered the opinion of the Court.

Justice Young delivered a concurring opinion, in which Justice Lehrmann, Justice Blacklock, and Justice Busby joined.

20-0687 KENNETH L. BERRY, INDIVIDUALLY; KENNETH L. BERRY, AS TRUSTEE OF THE BERRY DYNASTY TRUST; KENNETH L. BERRY, TRUSTEE IN A DERIVATIVE CAPACITY FOR FLYING BULL RANCH, LTD.; AND CHELSEA NICHOLE BRIERS v. DENNIS W. BERRY; MARVIN G. BERRY; ALLEN L. BERRY; FB RANCH, LLC; BERRY GP, INC. D/B/A BERRY CONTRACTING, INC.; BERRY CONTRACTING, LP D/B/A BAY, LTD.; AND BERRY RANCHES, LLC; from Nueces County; 13th Court of Appeals District (13-18-00169-CV, 640 SW3d 857, 03-05-20)
2 petitions

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

Justice Blacklock delivered the opinion of the Court.

(Justice Huddle and Justice Young not participating)

20-0977 EX PARTE K.T.; from Denton County; 2nd Court of Appeals District (02-19-00376-CV, 612 SW3d 111, 10-22-20)

~ consolidated with ~

21-0075 EX PARTE C.F.; from Collin County; 5th Court of Appeals District (05-19-00835-CV, 613 SW3d 276, 10-02-20)

The Court affirms the courts of appeals' judgments.

Justice Young delivered the opinion of the Court, in which Chief Justice Hecht, Justice Lehrmann, Justice Devine, Justice Blacklock, Justice Busby, Justice Bland, and Justice Huddle joined.

Justice Boyd delivered a dissenting opinion.

21-0124 STEPHEN L. MITCHELL, JANIE MITCHELL BELEW, LISA MITCHELL SEIGMANN, AND LINDA MITCHELL STAPLETON v. MAP RESOURCES, INC., PECOS BEND ROYALTIES, LLP, PBR PROPERTIES JOINT VENTURES, AND TOMMY VASCOCU; from Reeves County; 8th Court of Appeals District (08-17-00155-CV, 615 SW3d 212, 09-29-20)

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

Justice Busby delivered the opinion of the Court.

21-0238 PEDIATRICS COOL CARE, ET AL. 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, 638 SW3d 218, 01-29-21)

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

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

Justice Busby delivered a concurring opinion.

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

21-0326 EDWARD JAMES MITSCHKE, JR., INDIVIDUALLY AND AS A 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)

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

Justice Young delivered the opinion of the Court.

22-0229 IN RE GREG ABBOTT IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF TEXAS; JAIME MASTERS IN HER OFFICIAL CAPACITY AS COMMISSIONER OF THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; AND THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Travis County; 3rd Court of Appeals District (03-22-00126-CV, ___ SW3d ___, 03-21-22)

relators' emergency motion for temporary relief dismissed as moot

Pursuant to TRAP 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus in part and denies it in part.

Justice Blacklock delivered the opinion for a unanimous Court as to Parts I and II. Justice Bland delivered the opinion of the Court as to Part III, in which Chief Justice Hecht, Justice Lehrmann, Justice Busby, and Justice Huddle joined.

Justice Lehrmann delivered a concurring opinion.

Justice Blacklock delivered an opinion dissenting as to Part III, in which Justice Boyd and Justice Devine joined.

(Justice Young not participating)
THE FOLLOWING CAUSE IS DISMISSED:

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)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 22-0187 ANWAR KAZI, ZAMEER SACHEDINA, ROHIT SHARMA, AND WISEMAN INNOVATIONS, LLC. v. MOHAMMAD SOHAIL; from Dallas County; 5th Court of Appeals District (05-21-00432-CV, ___ SW3d ___, 01-24-22)
- 22-0194 DHI HOLDINGS, LLP v. THE BANK OF NEW YORK MELLON TRUST COMPANY, NATIONAL ASSOCIATION F/K/A THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JP MORGAN CHASE BANK, AS TRUSTEE FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2004-RS8; OCWEN LOAN SERVICING, LLC; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER; U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE OF THE NRZ PASS-THROUGH TRUST X; from Harris County; 14th Court of Appeals District (14-20-00319-CV, ___ SW3d ___, 11-23-21)
- 22-0195 ALBERT G. HILL, III v. MARGARET KELIHER, IN HER CAPACITY AS PERSONAL REPRESENTATIVE AND SUCCESSOR INDEPENDENT EXECUTOR OF THE ESTATE OF ALBERT G. HILL, JR., AND CAROL E. IRWIN, IN HER CAPACITY, ET AL.; from Dallas County; 5th Court of Appeals District (05-20-00644-CV, ___ SW3d ___, 01-25-22)
- 22-0198 LACORE ENTERPRISES, LLC v. MICHAEL SLOGGETT; from Collin County; 6th Court of Appeals District (06-20-00057-CV, ___ SW3d ___, 12-01-21)
- 22-0225 IN THE INTEREST OF L.L.G., E.J.G., A.L.G., II, AND E.F.G., CHILDREN; from Midland County; 11th Court of Appeals District (11-21-00199-CV, ___ SW3d ___, 02-03-22)
counsel's motion to withdraw granted

22-0347 IN THE INTEREST OF A.S., A CHILD; from McLennan County; 10th Court of Appeals District (10-21-00272-CV, ___ SW3d ___, 04-06-22)

22-0352 IN THE INTEREST OF B.F., A CHILD; from Gregg County; 6th Court of Appeals District (06-21-00113-CV, ___ SW3d ___, 03-02-22)

22-0363 IN THE INTEREST OF Z.I.E.C.H. AND L.J.C.H.-C., CHILDREN; from Bexar County; 4th Court of Appeals District (04-21-00473-CV, ___ SW3d ___, 03-23-22)

counsel's motion to withdraw granted

ORDERS ON MOTIONS FOR REHEARING

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

21-0612 ENERGY TRANSFER FUEL, L.P., A TEXAS LIMITED PARTNERSHIP v. 660 NORTH FREEWAY, LLC, A TEXAS LIMITED LIABILITY COMPANY, AND TINDALL PROPERTIES, LTD., A TEXAS LIMITED PARTNERSHIP; from Tarrant County; 2nd Court of Appeals District (02-20-00170-CV, ___ SW3d ___, 04-22-21)

21-0973 LASZLO HERCZEG v. 5005 SSR, LLC; from Travis County; 3rd Court of Appeals District (03-19-00760-CV, ___ SW3d ___, 08-31-21)

21-0983 ERNEST BUSTOS v. BEXAR APPRAISAL DISTRICT, THE APPRAISAL REVIEW BOARD OF BEXAR APPRAISAL DISTRICT, BEXAR COUNTY, NORTH EAST INDEPENDENT SCHOOL DISTRICT, AND CITY OF SAN ANTONIO; from Bexar County; 4th Court of Appeals District (04-19-00781-CV, ___ SW3d ___, 05-26-21)