



THE SUPREME COURT OF TEXAS

Orders Pronounced October 21, 2022

ORDERS ON CAUSES

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

20-0923 JESUS VIRLAR, M.D. AND GMG HEALTH SYSTEMS ASSOCIATES, P.A., A/K/A AND D/B/A GONZABA MEDICAL GROUP v. JO ANN PUENTE; from Bexar County; 4th Court of Appeals District (04-18-00118-CV, 613 SW3d 652, 10-14-20)
unopposed joint request to allow multiple counsel to sit at counsel table granted

(Justice Huddle and Justice Young not participating)

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

20-0382 ELIZABETH C. PEREZ v. SYLVESTER TURNER, MAYOR, KARUN SREERAMA, DIRECTOR OF PUBLIC WORKS AND ENGINEERING, AND THE CITY OF HOUSTON; from Harris County; 1st Court of Appeals District (01-16-00985-CV, 629 SW3d 270, 10-17-19)

20-0700 CITY OF FORT WORTH, TEXAS v. ABDUL PRIDGEN AND VANCE KEYES; from Dallas County; 5th Court of Appeals District (05-19-00652-CV, 644 SW3d 672, 06-18-20)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

21-1006 ALTON JAY LEUSCHNER AND NINA JUNE LEUSCHNER v. CITY OF ROBINSON, A MUNICIPAL CORPORATION; from McLennan County; 10th Court of Appeals District (10-19-00278-CV, 636 SW3d 48, 10-06-21)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 12, 2023.]

Time allotted to argue: 20/20 minutes

21-1109 DITECH SERVICING, LLC v. JERRY PEREZ D/B/A LIGHTHOUSE INVESTMENTS; from Hidalgo County; 13th Court of Appeals District (13-20-00017-CV, ___ SW3d ___, 11-18-21)

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

The Solicitor General is invited to file a brief in this case expressing the views of the State.

TEX. CONST. ART. IV, § 22.

22-0640 CRAIG PATRICK POWER v. BRADEN RICHARD POWER; from Dallas County; 5th Court of Appeals District (05-19-01557-CV, ___ SW3d ___, 05-03-22)

joint motion to effectuate settlement agreement 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 renders judgment dismissing the case with prejudice.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

21-0817 PUBLIC UTILITY COMMISSION OF TEXAS AND SOUTHWESTERN ELECTRIC POWER COMPANY v. TEXAS INDUSTRIAL ENERGY CONSUMERS, CITIES ADVOCATING REASONABLE DEREGULATION, AND OFFICE OF PUBLIC UTILITY COUNSEL; from Travis County; 3rd Court of Appeals District (03-17-00490-CV, ___ SW3d ___, 08-11-21)

2 petitions

(Justice Huddle and Justice Young not participating)

21-1050 JOHN DOE v. ROMAN CATHOLIC DIOCESE OF DALLAS; from Dallas County; 5th Court of Appeals District (05-19-00997-CV, ___ SW3d ___, 08-11-21)

Justice Lehrmann concurring in the denial of the petition for review.

(Justice Bland not participating)

22-0125 ANTHONY G. BUZBEE AND ANTHONY G. BUZBEE, LP D/B/A THE BUZBEE LAW FIRM v. TERRY & THWEATT, P.C.; from Harris County; 1st Court of Appeals District (01-20-00659-CV, ___ SW3d ___, 01-06-22)

22-0139 DEUTSCHE BANK NATIONAL TRUST COMPANY v. JOHN PORTERFIELD; from Kendall County; 4th Court of Appeals District (04-20-00151-CV, ___ SW3d ___, 07-14-21)

22-0185 GRAYLIN GANT, JAY HEICHELHEIM, STEPHEN HOLT, SHERIF SAUDI, AND CHARLES BRADEN v. BOARD OF PILOT COMMISSIONERS FOR GALVESTON COUNTY PORTS; from Galveston County; 1st Court of Appeals District (01-20-00407-CV, ___ SW3d ___, 01-27-22)

- 22-0246 EDWARD HARRAL ROBERTS v. CARMEN S. LOPEZ ROBERTS; from Maverick County; 4th Court of Appeals District (04-20-00446-CV, 646 SW3d 56, 02-16-22)
- 22-0316 CHARMAIN ADLONG, CHARLES KENNEDY, SEAN DEGON, AND ERIE DEGON v. TWIN SHORES PROPERTY OWNERS ASSOCIATION, POOLE POINT SUBDIVISION HOMEOWNERS' ASSOCIATION AND POOLE POINT ARCHITECTURAL CONTROL COMMITTEE; from Travis County; 3rd Court of Appeals District (03-20-00618-CV & 09-21-00166-CV, ___ SW3d ___, 03-24-22)
- 22-0330 CITY OF HOUSTON v. NICHOLAS HULICK; from Harris County; 14th Court of Appeals District (14-20-00424-CV, ___ SW3d ___, 02-01-22)
- 22-0354 IN THE INTEREST OF A.O. AND C.O., CHILDREN; from Kaufman County; 5th Court of Appeals District (05-21-00789-CV, ___ SW3d ___, 03-03-22)
- 22-0365 CENTRAL TEXAS WATER SUPPLY CORPORATION v. KEMPNER WATER SUPPLY CORPORATION AND CITY OF LAMPASAS; from Bell County; 8th Court of Appeals District (08-20-00142-CV, 645 SW3d 799, 03-31-22)
- 22-0373 TIMOTHY L. MATTHEWS v. DISCOVER BANK; from Victoria County; 13th Court of Appeals District (13-21-00232-CV, ___ SW3d ___, 03-24-22)
- 22-0387 THOMAS ANDREW MORRELL AND CABRINA MORRELL v. MARTHA J. MORRELL; from Jefferson County; 9th Court of Appeals District (09-20-00086-CV, ___ SW3d ___, 03-31-22)

(Justice Lehrmann not participating)

- 22-0429 ESTATE OF JOE D. WHITTENBURG, JR., DECEASED; from Randall County; 7th Court of Appeals District (07-21-00137-CV, ___ SW3d ___, 04-13-22)
- 22-0439 WESLEY RODERICK HOVEY AND LINDA MARIE HOVEY v. TROY M. FRANKS AND EUDORA FRANKS; from Leon County; 10th Court of Appeals District (10-18-00218-CV, ___ SW3d ___, 02-09-22)
- 22-0461 PATRIOT CONTRACTING, LLC AND STEPHEN J. FRIEDMAN v. MID-MAIN PROPERTIES, LP; from Harris County; 14th Court of Appeals District (14-20-00724-CV, 650 SW3d 819, 04-28-22)
- 22-0489 RAFATH QURAIISHI, M.D. v. SAN JUANITA OCHOA; from Hidalgo County; 13th Court of Appeals District (13-20-00405-CV, ___ SW3d ___, 08-31-21)
- 22-0518 JUBILEE ACADEMIC CENTER, INC. v. SCHOOL MODEL SUPPORT, LLC D/B/A ATHLOS ACADEMIES; from Bexar County; 4th Court of Appeals District (04-21-00237-CV, ___ SW3d ___, 05-11-22)
- 22-0581 DEBORAH SONNENSCHNEIN v. AUGUSTIN RIVERA, JR., TERESA EREON GILTNER, HAROLD ODOM, BARBARA ELLIS, ANNA M. MCKIM, CYNTHIA EVA HUJAR ORR, C. ALFRED MACKENZIE, DWAIN M. MASSEY, AND CARLOS R. SOLTERO, IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE TEXAS BOARD OF LAW EXAMINERS; from Travis County; 3rd Court of Appeals District (03-21-00516-CV, ___ SW3d ___, 06-01-22)
- 22-0591 IN THE INTEREST OF A.W., K.W., AND C.B., CHILDREN; from Dallas County; 5th Court of Appeals District (05-22-00053-CV, ___ SW3d ___, 06-06-22)
- 22-0592 IN THE INTEREST OF A.H., A MINOR CHILD; from Dallas County; 5th Court of Appeals District (05-22-00054-CV, ___ SW3d ___, 06-06-22)

- 22-0597 DANIEL AIELLO v. BRIAN COLLIER, DONNA BELL, JOHNNY ARMSTRONG, AND R. SAMANIEGO; from Bee County; 13th Court of Appeals District (13-21-00002-CV, ___ SW3d ___, 04-28-22)
- 22-0610 IN THE INTEREST OF J.L.J., J.J., T.M.J., T.T.J., T.L.J., AND J.Q.J., CHILDREN; from Harris County; 14th Court of Appeals District (14-21-00619-CV, 645 SW3d 294, 04-26-22)
- 22-0634 BENJAMIN LEFOUMBA v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE AND THE TEXAS WORKFORCE COMMISSION; from Fort Bend County; 6th Court of Appeals District (06-21-00087-CV, ___ SW3d ___, 05-26-22)
as redrafted
- 22-0685 IN THE INTEREST OF E.H.L.V.; from Montgomery County; 9th Court of Appeals District (09-20-00191-CV, ___ SW3d ___, 06-09-22)
- 22-0703 LEONARD M. CHERMACK AND JANET CHERMACK v. NATIONSTAR MORTGAGE COMPANY LLC; from Collin County; 5th Court of Appeals District (05-20-01051-CV, ___ SW3d ___, 07-05-22)
- 22-0708 MARK FRIEDMAN v. SECOND CONGRESS, LTD.; from Travis County; 7th Court of Appeals District (07-21-00239-CV, ___ SW3d ___, 05-18-22)
- 22-0732 REMA CHARLES WOLF v. CITY OF PORT ARTHUR, TEXAS; from Jefferson County; 9th Court of Appeals District (09-20-00236-CV, ___ SW3d ___, 06-09-22)
- 22-0792 PHILIP MARTIN ROSS v. COMMISSION FOR LAWYER DISCIPLINE; from Bexar County; 4th Court of Appeals District (04-22-00143-CV, ___ SW3d ___, 08-24-22)

22-0820 A2Z TRANSPORTATION CO., INC. v. RONALD THOMAS; from Dallas County; 5th Court of Appeals District (05-20-00848-CV, ___ SW3d ___, 08-02-22)

22-0827 IN THE INTEREST OF Z.R.F.M., Z.T.P., Z.R.N.R., AND Z.J.A.P., CHILDREN; from Bexar County; 4th Court of Appeals District (04-22-00217-CV, ___ SW3d ___, 08-03-22)

22-0892 L.L. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Williamson County; 3rd Court of Appeals District (03-22-00260-CV, ___ SW3d ___, 08-25-22)
counsel's motion to withdraw granted

22-0905 IN THE INTEREST OF D.R., D.E.R., D.D.R., AND D.R., CHILDREN; from Bexar County; 4th Court of Appeals District (04-22-00267-CV, ___ SW3d ___, 08-24-22)
counsel's motion to withdraw granted

22-0908 IN THE INTEREST OF N.M.R., A CHILD; from Bexar County; 4th Court of Appeals District (04-22-00032-CV, ___ SW3d ___, 08-24-22)

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

22-0810 KOFI OBENG AND OBENSTAR, LLC v. COPART, INC., COPART OF TEXAS, INC., AND COPART OF HOUSTON, INC.; from Dallas County; 5th Court of Appeals District (05-20-01059-CV, ___ SW3d ___, 08-25-22)
motion to abate granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until further order of this Court. It is the parties' responsibility to immediately notify this Court once the court of appeals' decision is final.]

ORDERS ON MOTIONS FOR REHEARING

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

- 22-0145 FUEL HUSKY, LLC D/B/A INSTAFUEL v. BOOSTER FUELS, INC.; from Harris County; 14th Court of Appeals District (14-19-00912-CV, ___ SW3d ___, 11-04-21)
- 22-0259 FADUMO OSMAN, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF YASMIN ABDILLAHI, DECEASED; AHMED ABDILLAHI AHMED, AND ANAB AHMED v. CITY OF FORT WORTH AND DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD; from Tarrant County; 2nd Court of Appeals District (02-21-00117-CV, ___ SW3d ___, 01-20-22)

THE MOTION FOR REHEARING OF THE FOLLOWING DISCIPLINARY APPEAL IS DENIED:

- 22-0116 CARL DONALD HUGHES, JR. v. COMMISSION FOR LAWYER DISCIPLINE OF THE STATE BAR OF TEXAS (BODA Cause No. 65757)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

- 22-0891 SUSAN LESLIE SACCOMEN, REBECCA BIERCE, JEFFREY WAYNE ENGLEDDOW, LISA HUDOCK, JAMIE LAIR, PAULA SCOTT, KEITH SUAREZ, AND VALERIE LYNN WILLIAMS v. LINA HIDALGO, HARRIS COUNTY JUDGE, RODNEY ELLIS, HARRIS COUNTY COMMISSIONER, ADRIAN GARCIA, HARRIS COUNTY COMMISSIONER, TOM S. RAMSEY, HARRIS COUNTY COMMISSIONER, R. JACK CAGLE, HARRIS COUNTY COMMISSIONER, AND CLIFFORD TATUM, HARRIS COUNTY ELECTIONS ADMINISTRATOR; from Harris County

See TEX. R. APP. P. 57.4 and 57.5

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

22-0075 IN RE BMW OF NORTH AMERICA, LLC; from Dallas County; 5th Court of Appeals District (05-21-00529-CV, ___ SW3d ___, 01-27-22)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

22-0617 IN RE THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL; from Hidalgo County; 13th Court of Appeals District (13-22-00079-CV, ___ SW3d ___, 07-12-22)

joint motion to abate granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until November 16, 2022, by which time the parties must file either a status report or a motion to dismiss.]

THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE FOLLOWING APPEAL IS AFFIRMED:

22-0371 ALFONSO KENNARD, JR. v. COMMISSION FOR LAWYER DISCIPLINE (BODA Cause No. 85861)