



# THE SUPREME COURT OF TEXAS

Orders Pronounced December 2, 2022

## ORDERS ON CAUSES

21-0886 IN RE AUBURN CREEK LIMITED PARTNERSHIP; THE LYND COMPANY; LYND FAMILY LIMITED PARTNERSHIP; AND FORTY FOUR ELEVEN, LLC; from Bexar County; 4th Court of Appeals District (04-21-00389-CV, \_\_\_ SW3d \_\_\_, 10-06-21)  
stay order issued October 22, 2022, lifted

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion  
(Justice Lehrmann not participating)

## THE FOLLOWING CAUSE IS DISMISSED:

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)  
joint motion to dismiss appeal granted

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

21-0641 COMCAST CORPORATION AND NBC UNIVERSAL MEDIA, LLC, MCLANE CHAMPIONS, LLC, AND R. DRAYTON MCLANE, JR. v. HOUSTON BASEBALL PARTNERS LLC; from Harris County; 14th Court of Appeals District (14-20-00043-CV, 627 SW3d 398, 06-17-21)

respondent Houston Baseball Partners LLC's notice of nonsuit with prejudice and petitioners Comcast Corporation and NBC Universal Media, LLC's motion to dismiss petition granted

petition for review, filed on behalf of Comcast Corporation and NBC Universal Media, LLC, dismissed

[**Note:** The cause remains pending as to the petition for review filed on behalf of McLane Champions, LLC and R. Drayton McLane, Jr.]

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

22-0624 ML DEV, LP, INCORRECTLY NAMED ML DEVELOPMENT, LP v. ROSS DRESS FOR LESS, INC.; from Waller County; 1st Court of Appeals District (01-20-00773-CV, \_\_\_ SW3d \_\_\_, 04-07-22)

22-0665 ROBERT F. CALDWELL v. WILLIAM R. MOTAL, ET AL.; from Anderson County; 12th Court of Appeals District (12-22-00121-CV, \_\_\_ SW3d \_\_\_, 06-16-22)

22-0783 NEW 99 ENTERPRISES, INC. v. MATHESON TRI-GAS, INC.; from Dallas County; 5th Court of Appeals District (05-20-00626-CV, \_\_\_ SW3d \_\_\_, 05-06-22)

22-0819 SOCORRO GONZALEZ v. ANTONIO GONZALEZ; from Hidalgo County; 13th Court of Appeals District (13-20-00532-CV, \_\_\_ SW3d \_\_\_, 06-16-22)

22-0821 EMMANUEL WIGGINS v. MARIA ISABEL CARR; from El Paso County; 8th Court of Appeals District (08-20-00245-CV, \_\_\_ SW3d \_\_\_, 08-05-22)

- 22-0849 CARLA ENDERBY v. RITA TENORIO; from Wood County; 12th Court of Appeals District (12-22-00176-CV, \_\_\_ SW3d \_\_\_, 08-10-22)
- 22-0861 IN THE ESTATE OF TERRY LYNN BANTA, DECEASED; from Wise County; 2nd Court of Appeals District (02-21-00327-CV, \_\_\_ SW3d \_\_\_, 07-07-22)
- 22-0866 TIFFANY ASTON, AS TRUSTEE FOR THE POLO MEADOW TRUST v. PHH MORTGAGE CORPORATION, SUCCESSOR BY MERGER TO OCWEN LOAN SERVICING, LLC AND MORTGAGE ELECTRONIC SYSTEMS, INC.; from Harris County; 1st Court of Appeals District (01-21-00057-CV, \_\_\_ SW3d \_\_\_, 08-16-22)
- 22-0873 IN THE INTEREST OF S.C. AND M.E.B., CHILDREN; from Bexar County; 4th Court of Appeals District (04-22-00125-CV, \_\_\_ SW3d \_\_\_, 08-17-22)
- 22-0903 NICK NISSEN, DAVID JOHNS, AND PAUL W. SACK v. CITY OF FLORESVILLE, TEXAS, AND MARISSA XIMENEZ, GLORIA E. MARTINEZ, JUAN ORTIZ, GLORIA MORALES CANTU, MONICA VELIZ AND JADE JIMENEZ, IN THEIR OFFICIAL CAPACITIES; from Wilson County; 4th Court of Appeals District (04-21-00042-CV, 654 SW3d 11, 06-29-22)
- 22-0911 IN THE MATTER OF C.D.M., JR., A JUVENILE; from Bowie County; 6th Court of Appeals District (06-21-00118-CV, \_\_\_ SW3d \_\_\_, 09-22-22)
- 22-0919 DEWAYNE NAUMANN, THERESA C. GLOIER, AND ALL OCCUPANTS v. PIRA, LLC; from Travis County; 3rd Court of Appeals District (03-21-00371-CV, \_\_\_ SW3d \_\_\_, 08-25-22)
- 22-0929 IN THE INTEREST OF M.R.P., A CHILD; from Bexar County; 4th Court of Appeals District (04-22-00312-CV, \_\_\_ SW3d \_\_\_, 10-12-22)

22-1004 IN THE INTEREST OF J.C.K.H. A/K/A J.H., A CHILD; from Harris County; 1st Court of Appeals District (01-22-00283-CV, \_\_\_ SW3d \_\_\_, 09-29-22)

counsel's motion to withdraw granted

22-1008 IN THE INTEREST OF T.W.M., III, A CHILD; from Wood County; 12th Court of Appeals District (12-22-00184-CV, \_\_\_ SW3d \_\_\_, 09-30-22)

counsel's motion to withdraw granted

22-1031 IN THE INTEREST OF R.L.R., A CHILD; from Shackelford County; 11th Court of Appeals District (11-22-00106-CV, \_\_\_ SW3d \_\_\_, 10-06-22)

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED:

21-0939 DELAWARE BASIN RESOURCES LLC v. TIER 1 RESOURCES PARTNERS, GWENDOLYN B. GELTEMEYER, JOHN W. BUSH AND JOHN F. GRIFFIN, AS CO-TRUSTEES OF THE BUSH-GRIFFIN LIVING TRUST CREATED UTA DATED 5/1/1999, JOHN F. GRIFFIN, JOHN W. BUSH, DONNA PEPPER, BARRY HAILEY, VANESSA ARLEDGE DEATON, IN HER CAPACITY AS INDEPENDENT EXECUTOR OF THE ESTATE OF FRAZEE ARLEDGE , LYNN HUGHES, MELANIE LEE, ROBERT HAILEY, JULIE CANON, SYLVIA BUSH, AND DAVID JESS ST. CLAIR, IN HIS CAPACITY AS INDEPENDENT EXECUTOR OF THE ESTATE OF SHARON B. ST. CLAIR; from Reeves County; 8th Court of Appeals District (08-20-00060-CV, 633 SW3d 730, 09-20-21)

agreed motion to dismiss granted

22-0476 MASON-GIBSON, INC. D/B/A HOLIDAY INN EXPRESS PALESTINE, TEXAS v. SLOAN VALVE COMPANY AND CHRISTOPHER JAYNES; from Rusk County; 6th Court of Appeals District (06-21-00108-CV, \_\_\_ SW3d \_\_\_, 05-06-22)

joint motion to dismiss granted

THE FOLLOWING PETITIONS FOR REVIEW ARE REINSTATED:

20-0996 DARYL GREG SMITH v. KAREN ANNETTE SMITH; from Tarrant County; 2nd Court of Appeals District (02-20-00064-CV, \_\_\_ SW3d \_\_\_, 11-05-20)

motion to reinstate appeal granted  
abatement order issued April 23, 2022, lifted  
petitions reinstated

[**Note:** The petitions for review remain pending before this Court.]

**ORDERS ON MOTIONS FOR REHEARING**

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

22-0190 JAMES MATHEWS v. CITY OF BEAUMONT, TEXAS; from Jefferson County; 9th Court of Appeals District (09-20-00053-CV, \_\_\_ SW3d \_\_\_, 02-03-22)

22-0455 MICHAEL A. RUFF v. SUZANN RUFF; from Dallas County; 5th Court of Appeals District (05-21-00157-CV, \_\_\_ SW3d \_\_\_, 02-11-22)

22-0517 WOLFGANG P. HIRCZY DE MINO, PH.D. v. FELIPE N. GOMEZ; from Bexar County; 4th Court of Appeals District (04-22-00017-CV, \_\_\_ SW3d \_\_\_, 02-16-22)

22-0815 IN THE INTEREST OF K.D.T. A/K/A K.T., A CHILD; from Harris County; 14th Court of Appeals District (14-22-00224-CV, \_\_\_ SW3d \_\_\_, 08-04-22)

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

22-0852 IN RE ROCKSTAR REMODELING AND DIAMOND DECKS, LLC; AND DONALD M. FERGUSON A/K/A DONNIE M. FERGUSON; from Comal County; 3rd Court of Appeals District (03-22-00547-CV, \_\_\_ SW3d \_\_\_, 09-22-22)

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

22-0952 IN RE RICHARD BARROSO

22-1037 IN RE L.S.; from Coleman County; 11th Court of Appeals District (11-22-00121-CV, \_\_\_ SW3d \_\_\_, 06-09-22)

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

22-0946 IN RE TERRANCE BRYANT; from Bexar County