



# THE SUPREME COURT OF TEXAS

Orders Pronounced March 10, 2023

## ORDERS ON CAUSES

20-0904 DEVON ENERGY PRODUCTION COMPANY, L.P., F/K/A GEOSOUTHERN DEWITT PROPERTIES, LLC, BPX PROPERTIES (NA) LP, GEOSOUTHERN ENERGY CORPORATION, AND BPX PRODUCTION COMPANY v. MICHAEL A. SHEPPARD, ET AL.; from DeWitt County; 13th Court of Appeals District (13-19-00036-CV, \_\_\_ SW3d \_\_\_, 10-22-20)

The Court affirms the court of appeals' judgment.

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

Justice Blacklock filed a dissenting opinion.

(Justice Young not participating)

20-0975 WESLEY RATTRAY, MARCO NUNEZ, MARTHA SAAVEDRA, ANTONIO VINDELL, CARMEN PASHOS, STEVE TULLOS, CESARIO PEDRAZA, MINERVA PEDRAZA, ROGER LULY, NORA GONZALEZ, AND ROSALINDA CASTILLO v. CITY OF BROWNSVILLE, TEXAS; from Cameron County; 13th Court of Appeals District (13-19-00556-CV, 647 SW3d 710, 10-15-20)

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

Justice Young delivered the opinion of the Court.

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

22-0102 THE CITY OF DALLAS v. THE EMPLOYEES' RETIREMENT FUND OF THE CITY OF DALLAS; from Dallas County; 5th Court of Appeals District (05-20-00494-CV, 636 SW3d 692, 10-29-21)

respondent's unopposed motion to postpone oral argument granted

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

**ORDERS ON CASES GRANTED**

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

21-0676 STEVE HUYNH, INDIVIDUALLY, YVONNE HUYNH, INDIVIDUALLY HUYNH POULTRY FARM, LLC D/B/A STEVE THI HUYNH POULTRY FARM D/B/A HUYNH POULTRY FARM, T & N POULTRY FARM, LLC, THINH BAO NGUYEN, INDIVIDUALLY, TIMMY HUYNH POULTRY FARM, TIMMY HUYNH, INDIVIDUALLY AND SANDERSON FARMS, INC. v. FRANK BLANCHARD, ANGELIA SNOW, TANYA BERRY, KIMBERLY RILEY, JOHN MILLER, AMY MILLER, CHAD MARTINEZ, EMILY MARTINEZ, MERSINI BLANCHARD, MALAKOFF PROPERTIES, LLC, AND RONNY SNOW; from Henderson County; 12th Court of Appeals District (12-20-00198-CV, \_\_\_ SW3d \_\_\_, 07-30-21)

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

22-0242 EVE LYNN BAKER v. TERRY LEE BIZZLE; from Denton County; 2nd Court of Appeals District (02-20-00075-CV, \_\_\_ SW3d \_\_\_, 01-13-22)

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

22-0435 DOROTHY HAMPTON v. LEONARD THOME; from Jefferson County; 9th Court of Appeals District (09-20-00022-CV, \_\_\_ SW3d \_\_\_, 03-17-22)

*~ consolidated for oral argument with ~*

22-0609 ACADIAN AMBULANCE SERVICE, INC. AND ACADIAN AMBULANCE SERVICE OF TEXAS, LLC v. GARY LEW MAYPOLE, SR., INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF GARY LEW MAYPOLE II, DECEASED, AND TAMARA JEAN MAYPOLE AS NEXT FRIEND OF H.K.M. AND D.T.M., MINORS; from Dallas County; 5th Court of Appeals District (05-18-00539-CV, 647 SW3d 533, 06-10-22)

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

22-0437 TEXAS HEALTH AND HUMAN SERVICES COMMISSION v. ESTATE OF CLYDE L. BURT, LINDA S. WALLACE, EXECUTOR, AND LINDA S. WALLACE; from Travis County; 3rd Court of Appeals District (03-20-00462-CV, 644 SW3d 888, 04-21-22)

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

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS SET FOR ORAL ARGUMENT:

22-0656 IN RE METROPOLITAN WATER COMPANY, L.P. AND MET WATER VISTA RIDGE, L.P.; from Washington County; 14th Court of Appeals District (14-22-00226-CV, \_\_\_ SW3d \_\_\_, 08-04-22)

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

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

22-0003 GARY AND THERESA POENISCH FAMILY LIMITED PARTNERSHIP v. TMH LAND SERVICES, INC.; from Karnes County; 4th Court of Appeals District (04-20-00300-CV, \_\_\_ SW3d \_\_\_, 09-15-21)

22-0164 RANCHO VIEJO CATTLE COMPANY, LTD. AND RANCHO VIEJO WASTE MANAGEMENT, LLC. v. ANB CATTLE COMPANY, LTD.; from Webb County; 4th Court of Appeals District (04-20-00143-CV, 642 SW3d 850, 09-29-21)

(Justice Huddle and Justice Young not participating)

22-0277 CATHERINE GALVAN v. VALERIE GRAY AND 1720 W. ANDERSON LANE, L.L.C.; from Travis County; 3rd Court of Appeals District (03-19-00773-CV, \_\_\_ SW3d \_\_\_, 10-29-21)

22-0375 TERRILL W. PUTNAM v. CITY OF GEORGETOWN, TEXAS; DALE ROSS, MAYOR OF THE CITY OF GEORGETOWN; AND DAVID MORGAN, CITY MANAGER OF THE CITY OF GEORGETOWN; from Williamson County; 8th Court of Appeals District (08-20-00171-CV, 646 SW3d 61, 03-25-22)

22-0454 THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATE HOLDERS CWABS, INC., ASSET- BACKED CERTIFICATES, SERIES 2006-23 v. JOHN LANDER; from Bexar County; 13th Court of Appeals District (13-20-00466-CV, \_\_\_ SW3d \_\_\_, 02-24-22)

22-0507 BERIT MCMILLAN AND GERALD MCMILLAN v. TALLY TWO INVESTMENT GROUP, LLC; CCRE, LLC; NLB INVESTMENTS, INC.; JRSW1 LTD.; RICE CAPITAL, LLC SERIES 7; EQUITY TRUST COMPANY CUSTODIAN FBO DAVID BLAKELY IRA; AND MOONEY-GLASGOW, LP; from Travis County; 3rd Court of Appeals District (03-20-00452-CV, \_\_\_ SW3d \_\_\_, 02-03-22)

(Justice Lehrmann not participating)

22-0547 J. MICHAEL TINER AND MARTHA TINER v. CYNTHIA TINER JOHNSON; from Van Zandt County; 12th Court of Appeals District (12-21-00174-CV, 647 SW3d 103, 06-08-22)

- 22-0712 LANDMARK AMERICAN INSURANCE COMPANY, VERICLAIM, INC. AND JASON ROBERTS KEEN v. RICHLAND TRACE OWNERS ASSOCIATION; from Dallas County; 5th Court of Appeals District (05-20-00944-CV, \_\_\_ SW3d \_\_\_, 04-11-22)  
(Justice Lehrmann not participating)
- 22-0717 TRIPLE B SERVICES, LLP v. CITY OF CONROE; from Montgomery County; 9th Court of Appeals District (09-21-00096-CV, \_\_\_ SW3d \_\_\_, 07-14-22)
- 22-0759 CITY OF BIG SPRING, TEXAS v. FABIAN SCOTT BUTLER; from Howard County; 11th Court of Appeals District (11-21-00026-CV, 652 SW3d 149, 07-28-22)
- 22-0774 IN THE INTEREST OF C.W.S. AND J.S.; from Orange County; 9th Court of Appeals District (09-22-00040-CV, \_\_\_ SW3d \_\_\_, 07-28-22)  
as reinstated
- 22-0823 CRYSTAL RENE DODSON v. ECTOR COUNTY, TEXAS; from Ector County; 11th Court of Appeals District (11-20-00227-CV, \_\_\_ SW3d \_\_\_, 08-04-22)
- 22-0900 IN THE INTEREST OF G.W., A CHILD; from Tarrant County; 2nd Court of Appeals District (02-22-00181-CV, \_\_\_ SW3d \_\_\_, 09-29-22)
- 22-0909 JOHN JOSEPH PESCE v. ROBYN DARCY PESCE; from Travis County; 3rd Court of Appeals District (03-22-00284-CV, \_\_\_ SW3d \_\_\_, 08-31-22)

- 22-0924 VISION ASSOCIATES OF SOUTH TEXAS P.A. D/B/A SOUTH TEXAS EYE INSTITUTE; AND LISA MARTEN, M.D. v. SAN ANTONIO EYE CENTER, P.A. D/B/A HARRIS OPTICAL; SOUTH TEXAS TOTAL EYE CARE, P.A.; ALBERT CASTILLO; AND SANFORD ROBERTS II, M.D.; from Bexar County; 4th Court of Appeals District (04-22-00078-CV, \_\_\_ SW3d \_\_\_, 08-31-22)
- 22-0926 HOUSTON FIREFIGHTERS' RELIEF AND RETIREMENT FUND v. CITY OF HOUSTON AND THE STATE OF TEXAS; from Harris County; 1st Court of Appeals District (01-20-00710-CV, \_\_\_ SW3d \_\_\_, 08-30-22)
- 22-0947 PAMELA E. CARIAS v. AMANDA KAY OWENS; from Montgomery County; 9th Court of Appeals District (09-21-00201-CV, \_\_\_ SW3d \_\_\_, 09-08-22)
- 22-0951 S.B., J.B., AND C.C. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Blanco County; 3rd Court of Appeals District (03-22-00156-CV, 654 SW3d 246, 09-15-22)  
2 petitions
- 22-0998 IN RE COMMITMENT OF DANIEL MARK GAGLIARDO, JR.; from Smith County; 12th Court of Appeals District (12-22-00015-CV, \_\_\_ SW3d \_\_\_, 07-29-22)
- 22-1077 IN RE GUARDIANSHIP OF JOYCE MARGOL, AN ALLEGED INCAPACITATED PERSON; from Dallas County; 5th Court of Appeals District (05-21-00255-CV, \_\_\_ SW3d \_\_\_, 06-16-22)
- 22-1130 IN THE INTEREST OF S.A. AND R.T., CHILDREN; from Angelina County; 12th Court of Appeals District (12-22-00111-CV, \_\_\_ SW3d \_\_\_, 10-31-22)

- 22-1148 ELTON SENEGAL D/B/A ELTON'S CONSTRUCTION v. LANCE AND LISA BELONEY; from Walker County; 10th Court of Appeals District (10-21-00058-CV, \_\_\_ SW3d \_\_\_, 11-02-22)
- 22-1171 CRESSON INTEREST, LLC v. DONALD "ROOSTER" AND LORI BEANE; from Hood County; 2nd Court of Appeals District (02-21-00366-CV, \_\_\_ SW3d \_\_\_, 08-31-22)
- 23-0003 MICHELE DIBASSIE v. DAMON DIBASSIE; from Montgomery County; 9th Court of Appeals District (09-20-00287-CV, \_\_\_ SW3d \_\_\_, 11-17-22)
- 23-0035 IN THE MATTER OF W.A.M.P.; from Harris County; 14th Court of Appeals District (14-21-00105-CV, \_\_\_ SW3d \_\_\_, 12-20-22)
- 23-0046 RAN LI v. YAXIN LI; from Tarrant County; 2nd Court of Appeals District (02-22-00382-CV, \_\_\_ SW3d \_\_\_, 11-10-22)
- 23-0058 IN THE INTEREST OF T.J.; from Liberty County; 9th Court of Appeals District (09-22-00224-CV, \_\_\_ SW3d \_\_\_, 12-08-22)
- 23-0068 IN THE INTEREST OF D.L.Q., A CHILD; from Bexar County; 4th Court of Appeals District (04-22-00367-CV, \_\_\_ SW3d \_\_\_, 12-14-22)
- 23-0076 IN THE INTEREST OF K.T.R., A CHILD; from McLennan County; 10th Court of Appeals District (10-22-00219-CV, \_\_\_ SW3d \_\_\_, 12-21-22)
- 23-0164 IN THE INTEREST OF H.N.G., R.S.G., R.A.T., AND J.M.T., CHILDREN; from Bexar County; 4th Court of Appeals District (04-22-00445-CV, \_\_\_ SW3d \_\_\_, 01-11-23)

## **ORDERS ON MOTIONS FOR REHEARING**

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

21-1115 KNIGHT OIL TOOLS, INC. v. RIPPY OIL COMPANY, RIPPY INTEREST LLC, THE GENECOV GROUP, INC., AND JOHN D. PROCTOR; from Leon County; 10th Court of Appeals District (10-18-00284-CV, \_\_\_ SW3d \_\_\_, 11-10-21)

(Justice Lehrmann not participating)

22-0544 ANKOR E&P HOLDINGS CORPORATION v. BACHTELL ENTERPRISES, LLC AND CRAFT OPERATING COMPANY XV11, LLC AND YAZOO VENTURE, LLC, CRAFT OPERATING COMPANY II, LLC, ET AL; from Harris County; 14th Court of Appeals District (14-20-00544-CV, 651 SW3d 514, 05-26-22)

22-0586 CORBY W. STEVENSON v. TEXAS MUTUAL INSURANCE COMPANY; from Hunt County; 5th Court of Appeals District (05-21-00464-CV, \_\_\_ SW3d \_\_\_, 05-13-22)

### **MISCELLANEOUS**

#### **THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:**

21-1000 IN RE BRAD LARSEN, RENT WERX LLC D/B/A LARSEN PROPERTIES AND LEAH LARSEN; from Bexar County; 4th Court of Appeals District (04-21-00046-CV, 635 SW3d 386, 05-05-21)

22-0931 IN RE PEOPLE'S MANAGEMENT OF TEXAS 1, LTD.; from Webb County; 4th Court of Appeals District (04-22-00211-CV, \_\_\_ SW3d \_\_\_, 09-21-22)

22-1033 IN RE TROJAN GROUP CONTRACTOR, INC.; from Montgomery County; 9th Court of Appeals District (09-22-00295-CV, \_\_\_ SW3d \_\_\_, 10-20-22)



23-0165 IN RE LAURA PRESSLEY INDIVIDUALLY AS A VOTER AND CANDIDATE, AND IN HER OFFICIAL CAPACITY AS TREASURER, TRUE TEXAS ELECTIONS POLITICAL ACTION COMMITTEE

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

21-0282 IN RE MICAH MCKINNEY; from Gillespie County; 4th Court of Appeals District (04-20-00529-CV, \_\_\_ SW3d \_\_\_, 01-27-21)  
abatement order issued April 9, 2021, lifted  
mandamus reinstated  
relator's motion to dismiss granted

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

22-1076 IN RE THE COMMITMENT OF TIMOTHY DANIEL RENSHAW; from Wood County; 6th Court of Appeals District (06-22-00079-CV, \_\_\_ SW3d \_\_\_, 11-01-22)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

22-1051 IN RE LUBBOCK PREMIERE CINEMA, LP AND LUBBOCK PREMIERE CINEMA, LLC; from Howard County; 11th Court of Appeals District (11-22-00268-CV)  
joint motion to abate Proceedings granted  
abatement order issued

[**Note:** This case is removed from the Court's active docket until May 9, 2023, by which time the parties must file either a status report or a motion to dismiss.]

THE FOLLOWING APPEAL FROM A DECISION OF THE BOARD OF DISCIPLINARY APPEALS IS DISMISSED FOR WANT OF PROSECUTION:

22-0840 CHERYL D. BROWN-RAINES v. COMMISSION FOR LAWYER DISCIPLINE (BODA Cause No. 66093)