



THE SUPREME COURT OF TEXAS

Orders Pronounced April 21, 2023

ORDERS ON CAUSES

19-0612 MOSAIC BAYBROOK ONE, L.P. AND MOSAIC BAYBROOK TWO, L.P.
v. PAUL SIMIEN; from Harris County; 1st Court of Appeals District (01-18-
00995-CV, 644 SW3d 671, 02-12-19)

The Court affirms the trial court's partial summary judgment.
~ consolidated for oral argument with ~

21-0159 MOSAIC BAYBROOK ONE, L.P.; MOSAIC BAYBROOK TWO, L.P.;
AND MOSAIC RESIDENTIAL, INC. v. PAUL SIMIEN; from Harris
County; 1st Court of Appeals District (01-18-01049-CV, 646 SW3d 847, 09-
22-20)

The Court affirms the court of appeals' judgment.

Justice Busby delivered the opinion of the Court, in which Justice Lehrmann,
Justice Boyd, Justice Devine, and Justice Young joined.

Justice Bland filed a dissenting opinion, in which Chief Justice Hecht, Justice
Blacklock, and Justice Huddle joined.
~ consolidated for oral argument with ~

21-0161 MOSAIC BAYBROOK ONE, L.P., MOSAIC BAYBROOK TWO, L.P.,
AND MOSAIC RESIDENTIAL, INC. v. TAMMY CESSOR; from Harris
County; 1st Court of Appeals District (01-18-01057-CV, 648 SW3d 299, 09-
22-20)

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

Justice Busby delivered the opinion of the Court.

21-0461 POINT ENERGY PARTNERS PERMIAN, LLC, ET AL. v. MRC PERMIAN COMPANY; from Loving County; 8th Court of Appeals District (08-19-00124-CV, 624 SW3d 643, 04-28-21)

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

Justice Devine delivered the opinion of the Court.

21-0874 AMERICAN CAMPUS COMMUNITIES, INC., ET AL. v. BETH BERRY, ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED; from Travis County; 3rd Court of Appeals District (03-21-00119-CV, 646 SW3d 857, 09-03-21)

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

Justice Blacklock delivered the opinion of the Court.

21-1037 BRUCE R. HOTZE v. SYLVESTER TURNER, MAYOR, AND THE CITY OF HOUSTON; from Harris County; 14th Court of Appeals District (14-19-00959-CV, 634 SW3d 508, 10-12-21)

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

Justice Bland delivered the opinion of the Court.

22-0286 IN RE CHEFS' PRODUCE OF HOUSTON, INC., AND MARIO ALBERTO RANGEL; from Harris County; 14th Court of Appeals District (14-21-00495-CV, ___ SW3d ___, 03-03-22)

stay order issued June 24, 2022, lifted

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

Per Curiam Opinion

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

22-1127 PLANET HOME LENDING, LLC v. RONNIE NUNN, INDIVIDUALLY AND AS THE TRUSTEE FOR THE 9707 DISCOVERY LAND TRUST; from Bexar County; 4th Court of Appeals District (04-20-00309-CV, ___ SW3d ___, 10-26-22)

- 22-1138 RIVER HOLLOW ASSOCIATION v. DONALD WELSH AND LISA MARSHALL; from Harris County; 14th Court of Appeals District (14-21-00165-CV, 654 SW3d 505, 09-01-22)
- 23-0038 VALERO DEVELOPMENT CORPORATION AND IMELDA FERNANDEZ v. CITY OF LAREDO; from Webb County; 4th Court of Appeals District (04-21-00226-CV, ___ SW3d ___, 11-30-22)
- 23-0077 IN THE INTEREST OF D.A., D.A., C.A., S.A., AND C.A., CHILDREN; from Tarrant County; 2nd Court of Appeals District (02-22-00260-CV, ___ SW3d ___, 12-22-22)
- 23-0105 IN THE INTEREST OF M.S.M., K.C.M., AND C.C.M.; from Bandera County; 4th Court of Appeals District (04-22-00512-CV, ___ SW3d ___, 01-11-23)
2 petitions
motions to withdraw as counsel granted
- 23-0126 JOHN SAKYI v. ABENA FOSUA SAKYI; from Dallas County; 5th Court of Appeals District (05-21-00960-CV, ___ SW3d ___, 01-11-23)
- 23-0157 MICHAEL J. WOODS v. CANDIDO J. CONIGLIO, SR., WILDWOOD SHOPPING CENTER, INC., PROFIT SHARING PLAN, AND CONIGLIO-SMITH TRUST; from Fannin County; 6th Court of Appeals District (06-22-00021-CV, ___ SW3d ___, 12-07-22)
- 23-0194 RONALD DEAN STRICKLAND v. IHEARTMEDIA, INC., STEPHEN L. SCHAEFER, AND JOHN AND JANE DOES; from Bandera County; 4th Court of Appeals District (04-21-00284-CV, ___ SW3d ___, 01-11-23)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 23-0184 LA JOYA INDEPENDENT SCHOOL DISTRICT v. RUTH VILLARREAL INSURANCE AGENCY, LLC; from Hidalgo County; 13th Court of Appeals District (13-21-00281-CV, ___ SW3d ___, 02-23-23)
joint motion to dismiss granted

ORDERS ON MOTIONS FOR REHEARING

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

- 21-0997 CITGO PETROLEUM CORPORATION v. GLENN HEGAR, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS; AND KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-21-00011-CV, 636 SW3d 281, 10-14-21)
denial of petition for review on September 30, 2022, withdrawn
petition reinstated

[**Note:** The petition for review remains pending before this Court.]

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

- 21-0533 CASTEX ENERGY PARTNERS, LLC, F/K/A CASTEX ENERGY PARTNERS, L.P., CASTEX OFFSHORE, INC., AND CAPL, LLC v. APACHE CORPORATION; from Harris County; 14th Court of Appeals District (14-19-00605-CV, 626 SW3d 371, 05-11-21)
(Justice Lehrmann not participating)
- 21-0618 THE CITY OF AUSTIN D/B/A AUSTIN ENERGY v. MARIA DEL ROSARIO MEMBRENO LOPEZ AS NEXT FRIEND OF J.L.; from Travis County; 3rd Court of Appeals District (03-19-00786-CV, 632 SW3d 200, 06-24-21)

- 22-0326 P.K. SHAH, MD A/K/A PANKAJ K. SHAH ON BEHALF OF APEX LONG TERM ACUTE CARE, L.P. AND APEX KATY PHYSICIANS-TMG, LLC, PARAG PARIKH ON BEHALF OF LIFE SPACE, LLP, A LIMITED PARTNER OF APEX-TMC, L.P., MEDICAL CENTER SPECIALTY HOSPITAL, L.P., ACUITY HOSPITAL OF HOUSTON, L.P., AND MED CENTER WD, L.P., AND APEX KATY PHYSICIANS, LLC v. ROBERT D. REMY; STEPHEN KOCH, MD; AND ABEER SAQER AND I-CARE INTERNATIONAL, LLC.; from Harris County; 14th Court of Appeals District (14-21-00612-CV, ___ SW3d ___, 03-15-22)
- 22-0948 MARIO A. DAVILA v. EASY WAY LEISURE CORPORATION D/B/A EASY WAY PRODUCTS CO.; from Cameron County; 13th Court of Appeals District (13-20-00416-CV, ___ SW3d ___, 07-21-22)
motion to dismiss appeal denied
- 23-0181 D.N. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Caldwell County; 3rd Court of Appeals District (03-22-00601-CV, ___ SW3d ___, 01-26-23)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 22-0322 IN RE STEVE SWARTZMAN, ANDY NORTH, AND LUCY DOAN; from Bexar County; 4th Court of Appeals District (04-21-00308-CV, ___ SW3d ___, 02-16-22)
stay order issued December 14, 2022, lifted
relators' unopposed motion to dismiss granted

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

- 23-0092 IN RE FORMOSA PLASTICS CORPORATION, USA AND FORMOSA PLASTICS CORPORATION, TEXAS; from Brazoria County; 1st Court of Appeals District (01-23-00076-CV, 02-03-23)

joint motion to abate granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until June 5, 2023, by which time the parties must file either a status report or a motion to dismiss.]

(Justice Lehrmann not participating)