



THE SUPREME COURT OF TEXAS

Orders Pronounced June 16, 2023

ORDERS ON CAUSES

21-0017 SARAH GREGORY AND NEW PRIME, INC. v. JASWINDER CHOCHAN, ET AL.; from Dallas County; 5th Court of Appeals District (05-18-00167-CV, 615 SW3d 277, 11-30-20)

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

Justice Blacklock announced the Court's judgment and delivered an opinion, in which Chief Justice Hecht and Justice Busby joined in full, and in which Justice Bland joined except as to Parts II.C.2 and II.D.

Justice Devine filed an opinion concurring in the judgment, in which Justice Boyd joined.

Justice Bland filed an opinion concurring in part and concurring in the judgment.

(Justice Lehrmann, Justice Huddle, and Justice Young not participating)

21-0135 IN RE RUDOLPH AUTOMOTIVE, LLC D/B/A RUDOLPH MAZDA AND RUDOLPH CHEVROLET, LLC; from El Paso County; 8th Court of Appeals District (08-18-00149-CV, 616 SW3d 171, 12-30-20)

The Court conditionally grants the writ of mandamus.

Justice Young delivered the opinion of the Court.

21-0797 LEVINSON ALCOSER ASSOCIATES, L.P. AND LEVINSON ASSOCIATES, INC. v. EL PISTOLON II, LTD.; from Hidalgo County; 13th Court of Appeals District (13-19-00303-CV, 627 SW3d 494, 05-13-21)

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

Justice Huddle delivered the opinion of the Court.

22-0030 SCHINDLER ELEVATOR CORPORATION v. DARREN CEASAR; from Jefferson County; 9th Court of Appeals District (09-19-00419-CV, 666 SW3d 25, 11-30-21)

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

Chief Justice Hecht delivered the opinion of the Court.

22-0420 IN THE INTEREST OF J.S., A CHILD; from Kaufman County; 5th Court of Appeals District (05-21-00898-CV, 663 SW3d 784, 03-03-22)

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

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

Justice Boyd filed a concurring opinion.

THE FOLLOWING CAUSE IS DISMISSED:

22-0180 CAE SIMUFLITE, INC. AND AMERICAN FLYERS, INC. v. VICTOR MAURICIO AGUILAR TALAVERA, AS REPRESENTATIVE OF THE ESTATE OF JUAN JOSE AGUILAR TALAVERA, DECEASED, MICHELLE DENISSE AGUILAR GONZALEZ, HEITRIAN NAXYELI AGUILAR GONZALEZ, ZIANYA NATALIA MARISA AGUILAR GONZALEZ, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF LUIS OVIDIO GONZALEZ FLORES, DECEASED, LORENA GUADALUPE FLORES BARRON, AND INGRID YANEL ALONSO MORALES, INDIVIDUALLY AND AS NEXT FRIEND OF L.M.G.A., A MINOR; from Dallas County; 5th Court of Appeals District (05-21-01022-CV, 661 SW3d 826, 01-24-22)

joint motion to dismiss with prejudice granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court vacates the trial court's order and remands the case to the trial court for further proceedings in accordance with the parties' settlement agreement.

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

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 De Witt County; 13th Court of Appeals District (13-19-00036-CV, 643 SW3d 186, 10-22-20)

(Justice Young not participating)

21-0146 SUSAN DAVIS VAN DYKE, ET AL. v. THE NAVIGATOR GROUP, ET AL.; from Martin County; 11th Court of Appeals District (11-18-00050-CV, 647 SW3d 901, 12-31-20)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

22-0166 GEORGE FLEMING AND FLEMING & ASSOCIATES, L.L.P. v. REBECCA WILSON, ET AL.; from Harris County; 14th Court of Appeals District (14-17-00223-CV, ___ SW3d ___, 11-04-21)
respondents' motion for leave to file sur-reply granted

[**Note:** The date and time for oral argument are yet to be determined.]
(Justice Busby not participating)

22-0459 SEALY EMERGENCY ROOM, L.L.C. AND KANNAPPAN KRISHNASWAMY, M.D. v. FREE STANDING EMERGENCY ROOM MANAGERS OF AMERICA, L.L.C., DR. ATUL DHINGRA, DR. SWAPAN DUBEY, AND DR. SANJEEV DUBEY; from Harris County; 1st Court of Appeals District (01-21-00008-CV, ___ SW3d ___, 04-26-22)

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

22-0678 RACHEL LAUREN GOLDSTEIN v. JAMES SABATINO; from Harris County; 1st Court of Appeals District (01-21-00028-CV, 649 SW3d 841, 06-30-22)

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

22-0987 THE STATE OF TEXAS FOR THE BEST INTEREST AND PROTECTION OF A.R.C.; from El Paso County; 8th Court of Appeals District (08-22-00149-CV, 657 SW3d 585, 09-21-22)

[**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:

22-0872 IN RE ILLINOIS NATIONAL INSURANCE COMPANY, ET AL.; from Harris County; 14th Court of Appeals District (14-22-00664-CV, ___ SW3d ___, 09-29-22)

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

(Justice Lehrmann, Justice Huddle, and Justice Young not participating)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 21-0344 WERNER CO. v. J. DEVALLEE; from Denton County; 2nd Court of Appeals District (02-19-00043-CV, ___ SW3d ___, 03-25-21)
- 22-0024 SALLY BEAUTY HOLDINGS, INC. v. VISA INC.; from Denton County; 2nd Court of Appeals District (02-20-00339-CV, 651 SW3d 278, 12-09-21)
- 22-0044 CITY OF GRAPEVINE v. LUDMILLA B. MUNS, RICHARD MUELLER, KARI PERKINS, KEVIN PERKINS, PAMELA HOLT, AND A-1 COMMERCIAL AND RESIDENTIAL SERVICES, INC.; from Tarrant County; 2nd Court of Appeals District (02-19-00257-CV, 651 SW3d 317, 12-23-21)
- Justice Young filed an opinion concurring in the denial of the petition for review, in which Justice Blacklock joined.
- 22-0104 JOHN P. KOTTS AND BOUMATIC, LLC v. M.A. MILLS, P.C.; from Harris County; 14th Court of Appeals District (14-20-00395-CV, 640 SW3d 323, 01-20-22)
- 22-0359 VICTOR GARCIA AND WANDA GARCIA v. MARLONIA IVY; from Williamson County; 3rd Court of Appeals District (03-20-00448-CV, ___ SW3d ___, 01-21-22)
- 22-0393 UNITY NATIONAL BANK v. JOHN SCROGGINS; from Harris County; 1st Court of Appeals District (01-20-00593-CV, ___ SW3d ___, 10-21-21)
abatement order issued March 17, 2023, lifted
petition reinstated
- Justice Young filed an opinion concurring in the denial of the petition for review and the petition for writ of mandamus in case no. 22-0394, *In re Unity National Bank*.

- 22-0681 ANTONIO VARGAS v. RIGID GLOBAL BUILDINGS, LLC; from Harris County; 14th Court of Appeals District (14-20-00309-CV, 654 SW3d 1, 06-28-22)
- 22-0745 SHELDON INDEPENDENT SCHOOL DISTRICT v. BRANDON ROMERO AND MIKE MORATH, TEXAS COMMISSIONER OF EDUCATION; from Harris County; 1st Court of Appeals District (01-21-00023-CV, ___ SW3d ___, 07-14-22)
- 22-0747 DMINTRY NIKOLENKO v. LUIZA NIKOLENKO; from Fort Bend County; 1st Court of Appeals District (01-20-00284-CV, ___ SW3d ___, 02-17-22)
- 22-0771 MOSHE FELDHENDLER AND LEAH FELDHENDLER v. JULIE BLASNIK AND ALL OCCUPANTS 6608 CRESTLAND AVENUE DALLAS, TEXAS 75252; from Collin County; 5th Court of Appeals District (05-20-00063-CV, ___ SW3d ___, 07-29-22)
- 22-0814 SARAH GARNELO v. URBAN SOUTHWEST TOWNSHIP APARTMENTS GP, LLC D/B/A TOWNSHIP APARTMENTS; from Harris County; 14th Court of Appeals District (14-20-00796-CV, ___ SW3d ___, 05-26-22)
- 22-0837 WAL-MART STORES TEXAS, LLC, D/B/A WAL-MART STORES TEXAS 2007, LLC, WAL-MART SUPER CENTER, AND WAL-MART v. TONYA GAYLE HARKINS; from Hood County; 2nd Court of Appeals District (02-21-00201-CV, ___ SW3d ___, 08-18-22)
(Justice Lehrmann not participating)
- 22-0874 MALYIA LEZAMA AND MALYIA LEZAMA AS PARENT AND NEXT FRIEND OF Z.L. v. ST. DAVID'S HEALTHCARE SYSTEM, INC.; from Travis County; 7th Court of Appeals District (07-22-00035-CV, ___ SW3d ___, 07-21-22)

- 22-0875 MALYIA LEZAMA, INDIVIDUALLY AND MALYIA LEZAMA, AS NEXT FRIEND OF Z.L. v. ST. DAVID'S HEALTHCARE PARTNERSHIP, LP, D/B/A ST. DAVID'S NORTH AUSTIN MED. CTR., AND DR. VY JANET NGO; from Travis County; 7th Court of Appeals District (07-21-00241-CV, ___ SW3d ___, 07-28-22)
- 22-0877 LABICHE ARCHITECTURAL GROUP, INC. v. CYNTHIA PIPKINS; from Jefferson County; 9th Court of Appeals District (09-21-00301-CV, 661 SW3d 842, 08-31-22)
- 22-0955 ISABEL ARANZAMENDI, INDIVIDUALLY AND AS WRONGFUL DEATH BENEFICIARY OF WILBER DIMAS, DECEASED: BETHANY HELEN MORALES, ET AL. v. FAR EAST MACHINERY CO.; from Dallas County; 5th Court of Appeals District (05-21-00267-CV, ___ SW3d ___, 09-13-22)
- 22-0965 CITY OF HOUSTON v. YOUNG RAN KIM; from Fort Bend County; 1st Court of Appeals District (01-20-00333-CV, ___ SW3d ___, 12-07-21)
- 22-0988 MICHAEL NAZARIAN MD ASSOC. LLC v. AETNA LIFE INSURANCE COMPANY, INC.; from Tarrant County; 2nd Court of Appeals District (02-21-00377-CV, 653 SW3d 752, 08-11-22)
(Justice Lehrmann not participating)
- 22-0992 KING AEROSPACE v. JORGE L. HERNANDEZ; from El Paso County; 8th Court of Appeals District (08-20-00015-CV, 657 SW3d 636, 09-28-22)
- 22-1038 DEACERO, S.A.P.I. DE C.V. v. DONALD SEEBERGER; from Harris County; 14th Court of Appeals District (14-21-00428-CV, ___ SW3d ___, 10-06-22)

- 22-1043 BILL GOODWIN v. KARA KING, MAYOR; COUNCIL MEMBERS ANDREA WILLOTT, JON COBB, ANDREW CLARK, KEVIN HIGHT; AND THE CITY OF BEE CAVE; from Travis County; 3rd Court of Appeals District (03-21-00293-CV, ___ SW3d ___, 10-14-22)
- 22-1091 SPENCER CANTER AND AMERICAN MEDICAL RESPONSE, INC. v. ZAIDA SOTO TOCA; from McLennan County; 10th Court of Appeals District (10-22-00166-CV, ___ SW3d ___, 08-31-22)
- 22-1108 CITY OF HOUSTON v. ROBERTO ARELLANO; from Harris County; 14th Court of Appeals District (14-21-00117-CV, 654 SW3d 483, 08-11-22)
- 22-1115 CODY DON BELL v. THE STATE OF TEXAS; from Lampasas County; 8th Court of Appeals District (08-20-00149-CV, 659 SW3d 21, 03-11-21)
- 23-0005 IN THE MATTER OF THE ESTATE OF WILLIAM EUGENE GLEGHORN; from Van Zandt County; 12th Court of Appeals District (12-22-00266-CV, ___ SW3d ___, 11-09-22)
- 23-0051 WOODLAND NURSING OPERATIONS, LLC F/D/B/A EASTLAND NURSING & REHABILITATION AND TRINITY HEALTHCARE, LLC v. MISTY VAUGHN, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF THOMAS VAUGHN; from Tarrant County; 2nd Court of Appeals District (02-22-00169-CV, ___ SW3d ___, 12-08-22)
- 23-0064 JOE A. MEADORS v. MICHAEL MAKOWSKI AND DONNA MAKOWSKI; from McLennan County; 13th Court of Appeals District (13-22-00143-CV, 658 SW3d 420, 12-15-22)

23-0112 SOPHIA MARTINEZ, EAST END ON THE BAYOU COMMUNITY ASSOCIATION AND RESERVE AT EAST END PROPERTY OWNERS ASSOCIATION v. DAVID A. NORTHERN, SR., IN HIS CAPACITY AS THE PRESIDENT AND CEO OF THE HOUSTON HOUSING AUTHORITY, THE HOUSTON HOUSING AUTHORITY MARGARET WALLACE BROWN, IN HER OFFICIAL CAPACITY AS THE DIRECTOR OF THE CITY OF HOUSTON'S PLANNING AND DEVELOPMENT DEPT.; from Harris County; 1st Court of Appeals District (01-22-00435-CV, ___ SW3d ___, 01-12-23)

petitioners' emergency motion for expedited relief dismissed as moot

23-0166 IN THE INTEREST OF S.W.W. AND D.B.L., CHILDREN; from Harris County; 14th Court of Appeals District (14-22-00503-CV, ___ SW3d ___, 12-29-22)

counsel's motion to withdraw granted

23-0189 IN THE INTEREST OF J.A.H., A CHILD; from McLennan County; 10th Court of Appeals District (10-22-00031-CV, ___ SW3d ___, 11-16-22)

23-0256 IN THE INTEREST OF A.T., A CHILD; from Stephens County; 11th Court of Appeals District (11-22-00252-CV, ___ SW3d ___, 02-23-23)

23-0311 IN THE INTEREST OF K.B., Z.B., G.C., K.C., J.C., AND P.B., CHILDREN; from Tarrant County; 2nd Court of Appeals District (02-22-00454-CV, ___ SW3d ___, 03-09-23)

counsel's motion to withdraw granted

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

22-1053 PORT ISABEL LOGISTICAL OFFSHORE TERMINAL, INC. v. SUBSEA 7 PORT ISABEL, LLC; from Cameron County; 13th Court of Appeals District (13-21-00169-CV, ___ SW3d ___, 10-13-22)

joint motion to abate granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until July 17, 2023, by which time the parties must file either a status report or a motion to lift the order of abatement.]

ORDERS ON MOTIONS FOR REHEARING

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

- 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)
- 22-1098 JERRY LAZA v. CITY OF PALESTINE, TEXAS; from Anderson County; 6th Court of Appeals District (06-18-00051-CV, ___ SW3d ___, 08-18-22)
- 23-0186 MICHAEL SUTTON v. OCTAPharma PLASMA INCORPORATED; from Dallas County; 5th Court of Appeals District (05-20-00018-CV, ___ SW3d ___, 12-23-22)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 22-0394 IN RE UNITY NATIONAL BANK; from Harris County; 1st Court of Appeals District (01-21-00653-CV, ___ SW3d ___, 03-01-22)
emergency motion to stay denied

Justice Young filed an opinion concurring in the denial of the petition for writ of mandamus and the petition for review in case no. 22-0393, *Unity National Bank v. John Scroggins*.
- 22-0668 IN RE MAMA FU'S LAKELINE, LLC; from Travis County; 3rd Court of Appeals District (03-22-00463-CV, ___ SW3d ___, 08-05-22)
stay order issued August 29, 2022, lifted
- 22-0859 IN RE THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL; from Hidalgo County; 13th Court of Appeals District (13-22-00311-CV, ___ SW3d ___, 08-25-22)

- 22-1068 IN RE HENRY MALONE; from Harris County; 14th Court of Appeals District (14-21-00646-CV, ___ SW3d ___, 07-14-22)
- 22-1075 IN RE DISH NETWORK L.L.C. AND ECHOSPHERE L.L.C.; from El Paso County; 8th Court of Appeals District (08-22-00022-CV, 657 SW3d 518, 08-30-22)
- 22-1094 IN RE FORT WORTH NW FREE SEVENTH-DAY ADVENTIST CHURCH F/K/A FORT WORTH NORTHWEST SEVENTH-DAY ADVENTIST CHURCH; from Tarrant County; 2nd Court of Appeals District (02-22-00208-CV, 652 SW3d 136, 07-21-22)
- 23-0117 IN RE ALAN J. ATKINSON, SOPHIA MARTINEZ, EAST END ON THE BAYOU COMMUNITY ASSOCIATION, AND RESERVE AT EAST END PROPERTY OWNERS' ASSOCIATION; from Harris County; 1st Court of Appeals District (01-22-00435-CV, ___ SW3d ___, 01-12-23)
relators' emergency motion for expedited relief, as supplemented, dismissed as moot
- 23-0230 IN RE WALLACE WAYNE BOWMAN, JR.; from Montague County; 2nd Court of Appeals District (02-22-00491-CV, ___ SW3d ___, 12-14-22)
- 23-0346 IN RE SAMANTHA DIANN SANFORD; from Dallas County; 5th Court of Appeals District (05-21-01128-CV, ___ SW3d ___, 12-30-21)
- 23-0350 IN RE JAMES ALLEN BRICKLEY; from Bell County; 3rd Court of Appeals District (03-22-00453-CV, ___ SW3d ___, 03-07-23)
- 23-0405 IN RE STEPHEN SAKONCHICK, II; from Travis County; 3rd Court of Appeals District (03-23-00260-CV, ___ SW3d ___, 05-03-23)
as amended
motion to seal granted
motion for temporary relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

23-0089 IN RE PORT ISABEL LOGISTICAL OFFSHORE TERMINAL, INC.; from
Cameron County; 13th Court of Appeals District (13-21-00368-CV, ___
SW3d ___, 10-13-22)

joint motion to abate granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until July 17,
2023, by which time the parties must file either a status report or a motion to
lift the order of abatement.]