



THE SUPREME COURT OF TEXAS

Orders Pronounced June 30, 2023

ORDERS ON CAUSES

21-0072 TAYLOR MORRISON OF TEXAS, INC. AND TAYLOR WOODROW COMMUNITIES-LEAGUE CITY, LTD. v. ANDREW KOHLMAYER AND APRIL KOHLMAYER; from Galveston County; 1st Court of Appeals District (01-19-00519-CV, 634 SW3d 297, 08-17-21)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment, renders judgment in part, and remands the case to the trial court.

Per Curiam Opinion

21-0157 IMT PAVILION III LP AND INVESTORS MANAGEMENT TRUST REAL ESTATE GROUP, INC. D/B/A IMT RESIDENTIAL v. VICTOR MENDEZ, FOR HIMSELF AND ALL OTHERS SIMILARLY SITUATED; from Harris County; 1st Court of Appeals District (01-18-00980-CV, ___ SW3d ___, 04-23-20)

motion to dismiss repealed penalty remedies, dismissed without prejudice

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court vacates the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

(Justice Huddle and Justice Young not participating)

21-0470 COLLIN CREEK ASSISTED LIVING CENTER, INC. D/B/A/
DAYSPRING ASSISTED LIVING COMMUNITY v. CHRISTINE FABER,
INDIVIDUALLY AND AS HEIR AT LAW OF CARMELINA “MILLIE”
SMITH, DECEASED; from Collin County; 5th Court of Appeals District (05-
18-00827-CV, 629 SW3d 630, 05-03-21)

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

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

Justice Young filed a concurring opinion, in which Justice Blacklock joined.

Justice Boyd filed a dissenting opinion, in which Justice Lehrmann and
Justice Devine joined.

21-0534 THE UNIVERSITY OF TEXAS SYSTEM v. THE FRANKLIN CENTER
FOR GOVERNMENT AND PUBLIC INTEGRITY AND JON CASSIDY;
from Travis County; 3rd Court of Appeals District (03-19-00362-CV, 664
SW3d 371, 12-22-20)

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

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

Justice Devine filed a dissenting opinion, in which Justice Boyd joined.
(Justice Blacklock not participating)

21-0641 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)

2 petitions

The Court affirms the court of appeals' judgment.

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

Chief Justice Hecht filed a dissenting opinion, in which Justice Blacklock joined.

Justice Blacklock filed a dissenting opinion.

21-0769 ANGELA HORTON AND KEVIN HOUSER v. THE KANSAS CITY SOUTHERN RAILWAY COMPANY; from Dallas County; 5th Court of Appeals District (05-19-00856-CV, 666 SW3d 1, 03-11-21)

2 petitions

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

Justice Boyd delivered the opinion of the Court.

Justice Busby filed a concurring opinion, in which Justice Devine, Justice Blacklock, and Justice Young joined.

21-1079 GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF TEXAS, ET AL. v. CITY OF SAN ANTONIO AND BEXAR COUNTY; from Bexar County; 4th Court of Appeals District (04-21-00342-CV, 648 SW3d 498, 11-10-21)

In light of our decision today in *Abbott v. Harris County*, the Court vacates the judgment of the court of appeals, dissolves the temporary injunction, and remands the case to the trial court for further proceedings consistent with our opinion in *Abbott v. Harris County*.

Justice Blacklock delivered the opinion of the Court.

21-1080 GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF TEXAS, ET AL. v. CLAY JENKINS, IN HIS OFFICIAL CAPACITY AS DALLAS COUNTY JUDGE; from Dallas County; 5th Court of Appeals District (05-21-00733-CV, 665 SW3d 675, 11-22-21)

In light of our decision today in *Abbott v. Harris County*, the Court vacates the judgment of the court of appeals, dissolves the temporary injunction, and remands the case to the trial court for further proceedings consistent with our opinion in *Abbott v. Harris County*.

Justice Blacklock delivered the opinion of the Court.

22-0050 MARK BOOZER, JERROD RAYMOND, AND CTMI, LLC v. RAY FISCHER AND CORPORATE TAX MANAGEMENT, INC. N/K/A RY FISCHER & ASSOCIATES, INC.; from Tarrant County; 2nd Court of Appeals District (02-19-00320-CV, 665 SW3d 46, 12-16-21)

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

Justice Young delivered the opinion of the Court.

22-0124 GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF TEXAS, ET AL. v. HARRIS COUNTY, ET AL.; from Travis County; 3rd Court of Appeals District (03-21-00429-CV, 641 SW3d 514, 01-06-22)

The Court reverses the judgment of the court of appeals, dissolves the temporary injunction, and remands the case to the trial court for further proceedings consistent with our opinion.

Justice Blacklock delivered the opinion of the Court.

Justice Lehrmann filed a concurring opinion.

22-0179 TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER - EL PASO v. DR. LINDSEY NIEHAY; from El Paso County; 8th Court of Appeals District (08-19-00201-CV, 641 SW3d 761, 01-31-22)

The Court reverses the court of appeals' judgment and dismisses the case for lack of jurisdiction.

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

Justice Blacklock filed a concurring opinion, in which Justice Devine and Justice Young joined.

Justice Boyd filed a dissenting opinion, in which Justice Lehrmann joined.

22-0295 CITY OF HOUSTON v. CRYSTAL GREEN; from Harris County; 14th Court of Appeals District (14-20-00190-CV, ___ SW3d ___, 01-11-22)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and renders judgment.

Per Curiam Opinion

22-0328 GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF TEXAS, ET AL. v. LA JOYA INDEPENDENT SCHOOL DISTRICT, ET AL.; from Travis County; 3rd Court of Appeals District (03-21-00428-CV, ___ SW3d ___, 03-17-22)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, and in light of our decision today in *Abbott v. Harris County*, the Court vacates the judgment of the court of appeals, dissolves the temporary injunction, and remands the case to the trial court for further proceedings consistent with our opinion in *Abbott v. Harris County*.

Per Curiam Opinion

22-1056 GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF TEXAS v. FORT BEND COUNTY; from Fort Bend County; 1st Court of Appeals District (01-21-00453-CV, ___ SW3d ___, 10-13-22)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, and in light of our decision today in *Abbott v. Harris County*, the Court vacates the judgment of the court of appeals, dissolves the temporary injunction, and remands the case to the trial court for further proceedings consistent with our opinion in *Abbott v. Harris County*.

Per Curiam Opinion

THE FOLLOWING CAUSE IS RESET FOR ORAL ARGUMENT:

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)

[**Note:** This cause has been reset for oral argument at 9:00 a.m., September 14, 2023.]

Time allotted to argue: 15/20/5 minutes

THE FOLLOWING CAUSES ARE SET FOR SUBMISSION:

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:** This cause has been set for oral argument at 9:00 a.m., October 3, 2023.]

Time allotted to argue: 20/20 minutes

21-1035 AMMONITE OIL & GAS CORPORATION v. RAILROAD COMMISSION OF TEXAS AND EOG RESOURCES, INC.; from McMullen County; 4th Court of Appeals District (04-20-00465-CV, ___ SW3d ___, 10-27-21)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 13, 2023.]

Time allotted to argue: 20/20 minutes

21-1097 AMERICAN HONDA MOTOR CO., INC. v. SARAH MILBURN, JOHN MILBURN, AND CAROLYN MILBURN; from Dallas County; 5th Court of Appeals District (05-19-00850-CV, 668 SW3d 6, 11-24-21)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 13, 2023.]

Time allotted to argue: 20/20 minutes

22-0053 HNMC, INC. v. FRANCIS S. CHAN, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF LENY REY CHAN, JONATHAN CHAN, AND JUSTIN CHAN; from Harris County; 14th Court of Appeals District (14-18-00849-CV, 637 SW3d 919, 12-30-21)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 14, 2023.]

Time allotted to argue: 20/20 minutes

22-0103 POLK COUNTY PUBLISHING COMPANY AND VALERIE REDDELL v. TOMMY LAMAR COLEMAN; from Polk County; 9th Court of Appeals District (09-20-00298-CV, ___ SW3d ___, 12-30-21)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 14, 2023.]

Time allotted to argue: 20/20 minutes

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)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 3, 2023.]

Time allotted to argue: 20/20 minutes

(Justice Busby not participating)

22-0169 MIKE MORATH, THE HONORABLE COMMISSIONER OF EDUCATION FOR THE STATE OF TEXAS; BELLPAS, INC.; AND COPPERAS COVE INDEPENDENT SCHOOL DISTRICT v. LAMPASAS INDEPENDENT SCHOOL DISTRICT; from Travis County; 3rd Court of Appeals District (03-21-00010-CV, 644 SW3d 866, 01-21-22)
2 petitions

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 3, 2023.]

Time allotted to argue: 20/20 minutes

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:** This cause has been set for oral argument at 9:00 a.m., September 13, 2023.]

Time allotted to argue: 20/20 minutes

22-0410 MICHIEL R. NOE, M.D., INDIVIDUALLY AND D/B/A SUN CITY WOMEN'S HEALTH CARE v. GRISSEL A. VELASCO; from El Paso County; 8th Court of Appeals District (08-19-00287-CV, 645 SW3d 850, 04-08-22)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 4, 2023.]

Time allotted to argue: 20/20 minutes

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:** These causes have been set for oral argument at 9:00 a.m., October 4, 2023.]

Time allotted to argue: 30/30 minutes

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:** This cause has been set for oral argument at 9:00 a.m., October 4, 2023.]

Time allotted to argue: 20/20 minutes

22-0451 IN THE INTEREST OF R.J.G., R.J.G., D.G.M., CHILDREN; from Webb County; 4th Court of Appeals District (04-21-00498-CV, ___ SW3d ___, 04-20-22)

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

Time allotted to argue: 20/20 minutes

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:** This cause has been set for oral argument at 9:00 a.m., October 24, 2023.]

Time allotted to argue: 20/20 minutes

22-0558 SCOTT & WHITE MEMORIAL HOSPITAL D/B/A BAYLOR SCOTT & WHITE MCLANE CHILDREN'S MEDICAL CENTER A/K/A BAYLOR SCOTT & WHITE HEALTH v. DAWN M. THOMPSON, R.N.; from Bell County; 8th Court of Appeals District (08-20-00158-CV, 659 SW3d 83, 06-10-22)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 5, 2023.]

Time allotted to argue: 20/20 minutes

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:** This cause has been set for oral argument at 9:00 a.m., October 5, 2023.]

Time allotted to argue: 20/20 minutes

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:** This cause has been set for oral argument at 9:00 a.m., October 24, 2023.]

Time allotted to argue: 20/20 minutes

22-0835 KRISTY MARSILLO, D.O. v. ROBIN DUNNICK, INDIVIDUALLY, AND AS NEXT FRIEND TO RAYNEE DUNNICK, AND DANA DUNNICK; from Travis County; 3rd Court of Appeals District (03-21-00296-CV, 654 SW3d 224, 08-31-22)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 5, 2023.]

Time allotted to argue: 20/20 minutes

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:** This cause has been set for oral argument at 9:00 a.m., October 24, 2023.]

Time allotted to argue: 20/20 minutes

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

22-0978 IN THE INTEREST OF R.R.A., H.G.A., H.B.A., CHILDREN; from Harris County; 14th Court of Appeals District (14-22-00217-CV, 654 SW3d 535, 09-20-22)

2 petitions

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

Time allotted to argue: 20/20 minutes

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:** This cause has been set for oral argument at 9:00 a.m., October 25, 2023.]

Time allotted to argue: 20/20 minutes

22-1145 DIANNE HENSLEY v. STATE COMMISSION ON JUDICIAL CONDUCT; ET AL.; from Travis County; 3rd Court of Appeals District (03-21-00305-CV, ___ SW3d ___, 11-03-22)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 25, 2023.]

Time allotted to argue: 20/20 minutes

23-0388 LEE MARVIN SANDERS; MATTHEW SODROK v. THE BOEING COMPANY; KIDDIE TECHNOLOGIES, INCORPORATED; JAMCO AMERICA, INCORPORATED (U.S. Fifth Circuit 22-20317)

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

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

22-0482 IN THE INTEREST OF A.P., A CHILD; from McLennan County; 10th Court of Appeals District (10-22-00008-CV, ___ SW3d ___, 05-04-22)

Justice Young filed an opinion concurring in the denial of the petition for review, in which Justice Lehrmann, Justice Blacklock, and Justice Busby joined.

22-0871 DUKE INC., GENERAL CONTRACTORS v. DENIS GARCIA FUENTES, INDIVIDUALLY, TANIA CONCEPCION MEJIA MATUTE, INDIVIDUALLY, AND AS LEGAL GUARDIANS AND AS NEXT FRIENDS OF ANGEL DE JESUS GARCIA MEJIA, CRISTAL BELEN GARCIA MEJIA, AND CRISTY BELEN GARCIA MEJIA; from Harris County; 14th Court of Appeals District (14-22-00334-CV, ___ SW3d ___, 08-18-22)

Justice Busby and Justice Young filed an opinion concurring in the denial of the petition for review.

22-1184 JDH PACIFIC, INC. v. PRECISION-HAYES INTERNATIONAL, INC.; from Tarrant County; 2nd Court of Appeals District (02-21-00374-CV, ___ SW3d ___, 08-31-22)

(Justice Lehrmann not participating)

- 23-0070 RICHARD A. MYERS v. HCB REAL HOLDINGS, LLC; from Dallas County; 5th Court of Appeals District (05-20-00419-CV, ___ SW3d ___, 09-19-22)
- 23-0174 HOMER LADD v. ACE PROPERTY & CASUALTY INSURANCE CO.; from McLennan County; 10th Court of Appeals District (10-17-00273-CV, ___ SW3d ___, 11-22-22)
- 23-0248 JAMES ALLEN BRICKLEY, JR. v. MARIE LAURENCE GLORIA JOSEPH-STEPHEN; from Bell County; 3rd Court of Appeals District (03-22-00574-CV, ___ SW3d ___, 03-02-23)
as reinstated
- 23-0261 MIGNON JACKSON v. TEXAS HEALTH AND HUMAN SERVICES COMMISSION; from Tarrant County; 2nd Court of Appeals District (02-22-00203-CV, ___ SW3d ___, 03-02-23)
- 23-0381 IN THE INTEREST OF C.H. AND M.H., CHILDREN; from Harris County; 1st Court of Appeals District (01-22-00777-CV, ___ SW3d ___, 03-23-23)
motion for emergency removal and protection order denied
- 23-0385 FRANCIS CAMPONE v. STEVEN KLINE AND PHAEDRA KLINE; from Travis County; 3rd Court of Appeals District (03-21-00406-CV, ___ SW3d ___, 12-22-22)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 22-0188 TOWN OF WESTLAKE, TEXAS v. CITY OF SOUTHLAKE, TEXAS;
from Tarrant County; 2nd Court of Appeals District (02-21-00241-CV, ___
SW3d ___, 12-23-21)
abatement order issued March 28, 2023, lifted
joint motion to lift abatement and dismiss granted
petition reinstated

THE MOTION FOR STAY IN THE FOLLOWING PETITION FOR REVIEW IS DENIED:

- 23-0078 HARLEY CHANNELVIEW PROPERTIES, LLC v. HARLEY MARINE
GULF, LLC; from Harris County; 1st Court of Appeals District (01-21-
00547-CV, ___ SW3d ___, 12-20-22)
respondent's motion for temporary relief denied

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

ORDERS ON MOTIONS FOR REHEARING

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

- 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)
- 23-0156 VICKY WEST ON BEHALF OF LAURA WEST v. GARNET HILL
HABITATION SKILLED CARE; from Dallas County; 5th Court of Appeals
District (05-22-01244-CV, ___ SW3d ___, 01-10-23)

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

- 23-0254 IN RE LARRY BRADSHAW D/B/A GO-FER HOTSHOT SERVICE; from
Ector County; 11th Court of Appeals District (11-23-00004-CV, ___ SW3d
___, 01-12-23)