



# THE SUPREME COURT OF TEXAS

Orders Pronounced September 29, 2023

## ORDERS ON CAUSES

### THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS GRANTED:

23-0565 LUKE HOGAN, ON BEHALF OF HIMSELF AND OTHER INDIVIDUALS SIMILARLY SITUATED v. SOUTHERN METHODIST UNIVERSITY, AND OTHER AFFILIATED ENTITIES AND INDIVIDUALS (U.S. Fifth Circuit 22-10433)

unopposed motion of amicus curiae to participate in oral argument granted

Time allotted to argue: 20/15/5 minutes

### THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

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)

motion to dismiss denied

20-0999 TEXAS HEALTH AND HUMAN SERVICES COMMISSION v. DIMITRIA POPE AND SHANNON PICKETT; from Travis County; 3rd Court of Appeals District (03-19-00368-CV, 646 SW3d 562, 11-18-20)

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)

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)  
motion to dismiss denied

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 MOTION IN THE FOLLOWING CAUSE IS DENIED:

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 denied

(Justice Huddle and Justice Young not participating)

A STAY ORDER IS ISSUED IN THE FOLLOWING CAUSE:

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)  
motion for temporary relief granted  
stay order issued

[**Note:** The cause remains pending before this Court.]

## **ORDERS ON CASES GRANTED**

### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

22-0238 USAA CASUALTY INSURANCE COMPANY v. SUNNY LETOT, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED; from Dallas County; 5th Court of Appeals District (05-20-01019-CV, \_\_\_ SW3d \_\_\_, 02-10-22)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 10, 2024.]

Time allotted to argue: 20/20 minutes

22-0485 BEXAR APPRAISAL DISTRICT v. YVONDIA JOHNSON; from Bexar County; 4th Court of Appeals District (04-21-00402-CV, \_\_\_ SW3d \_\_\_, 05-04-22)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 11, 2024.]

Time allotted to argue: 20/20 minutes

22-0844 THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM v. IDEXX LABORATORIES, INC.; from Harris County; 14th Court of Appeals District (14-20-00699-CV, \_\_\_ SW3d \_\_\_, 08-11-22)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 10, 2024.]

Time allotted to argue: 20/20 minutes

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)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 11, 2024.]

Time allotted to argue: 20/20 minutes

23-0231 PUBLIC UTILITY COMMISSION OF TEXAS v. LUMINANT ENERGY COMPANY LLC; 3rd Court of Appeals District (03-21-00098-CV, 665 SW3d 166, 03-17-23)

3 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., January 30, 2024.]

Time allotted to argue: 20/20 minutes

(Justice Huddle and Justice Young not participating)

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

23-0210 IN RE INTEX RECREATION CORP.; from Nueces County; 13th Court of Appeals District (13-22-00518-CV, \_\_\_ SW3d \_\_\_, 02-27-23)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 11, 2024.]

Time allotted to argue: 20/20 minutes

**ORDERS ON PETITIONS FOR REVIEW**

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

21-1027 OFFICE OF THE ATTORNEY GENERAL OF TEXAS v. JAMES BLAKE BRICKMAN, J. MARK PENLEY, DAVID MAXWELL, AND RYAN M. VASSAR; from Travis County; 3rd Court of Appeals District (03-21-00161-CV, 636 SW3d 659, 10-21-21)

as reinstated

respondents' motion to lift abatement granted, as supplemented abatement order issued February 16, 2023, lifted

(Justice Young not participating)

22-0269 SYLVIA LUNA v. LUIS CASTILLO; from Harris County; 14th Court of Appeals District (14-19-00971-CV, 640 SW3d 256, 10-07-21)

22-0726 MARY JENNETTE JACKSON HUNNICUTT v. THE CITY OF WEBSTER; from Harris County; 14th Court of Appeals District (14-20-00421-CV, 650 SW3d 792, 04-14-22)

- 22-0791 CITY OF DALLAS, TEXAS v. TRINITY EAST ENERGY, LLC; from Dallas County; 5th Court of Appeals District (05-20-00550-CV, \_\_\_ SW3d \_\_\_, 08-01-22)
- 22-0796 IN THE INTEREST OF K.P. AND Z.S.; from Montgomery County; 9th Court of Appeals District (09-22-00049-CV, \_\_\_ SW3d \_\_\_, 08-11-22)  
2 petitions  
as redrafted
- 22-0828 CAL-MAINE FOODS, INC. DBA WHARTON; AND WHARTON COUNTY FOODS, LLC v. THE STATE OF TEXAS; from Harris County; 1st Court of Appeals District (01-20-00641-CV, \_\_\_ SW3d \_\_\_, 08-16-22)
- 22-1049 NATIONWIDE COIN & BULLION RESERVE, INC. AND DALLAS PASKELL, TURNER JONES, LAWRENCE KUYKENDALL AND MELIDA JONES v. WILLIAM CIARLONE; from Harris County; 1st Court of Appeals District (01-20-00777-CV, \_\_\_ SW3d \_\_\_, 03-15-22)
- 22-1160 MAX NELSON AND CAROLYN NELSON, AS CO-GUARDIANS OF MATTHEW NELSON v. CITY OF PLANO; from Collin County; 5th Court of Appeals District (05-21-00708-CV, \_\_\_ SW3d \_\_\_, 11-18-22)
- 22-1179 MARY ANN HIGH AND CYNTHIA RECTOR v. CHRISTUS SPOHN HEALTH SYSTEM CORPORATION; from Nueces County; 13th Court of Appeals District (13-21-00172-CV, 658 SW3d 375, 11-17-22)
- 23-0012 JUAN ENRIQUEZ v. DAVID CALLENDER, M.D.; from Travis County; 3rd Court of Appeals District (03-22-00171-CV, \_\_\_ SW3d \_\_\_, 09-07-22)
- 23-0120 BART DEBROCK v. MARLIES DEBROCK; from Fayette County; 3rd Court of Appeals District (03-21-00308-CV, \_\_\_ SW3d \_\_\_, 12-28-22)

- 23-0122 NEW WORLD CAR NISSAN, INC., D/B/A WORLD CAR HYUNDAI, AND NEW WORLD CAR IMPORTS, SAN ANTONIO, INC., D/B/A WORLD CAR HYUNDAI v. HYUNDAI MOTOR AMERICA AND TEXAS DEPARTMENT OF MOTOR VEHICLES; from Travis County; 8th Court of Appeals District (08-20-00147-CV, 658 SW3d 754, 11-29-22)
- 23-0136 MICHAEL GARRETT, M. D. AND KRISTIN HELD, M.D. v. THE TEXAS STATE BOARD OF PHARMACY, DENNIS WIESNER, BRADLEY MILLER, DONNIE LEWIS, JENNY YOAKUM, RICK FERNANDEZ, DANIEL GUERRERO, LORI HENKE, L. SUZAN KEDRON, JULIE SPIER, CHIP THORNSBURG, AND SUZETTE TIJERINA, IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE STATE BOARD OF PHARMACY; ET AL.; from Travis County; 3rd Court of Appeals District (03-21-00039-CV, \_\_\_ SW3d \_\_\_, 01-25-23)
- 23-0163 HINDUJA GLOBAL SOLUTION, INC. AND HGS HEALTHCARE, LLC v. ALI GANJAEI; from Dallas County; 5th Court of Appeals District (05-22-00052-CV, \_\_\_ SW3d \_\_\_, 01-13-22)
- 23-0182 JORGE ANDRADE v. LOGICORP MEXICO SA DE CV; from Hidalgo County; 13th Court of Appeals District (13-21-00243-CV, \_\_\_ SW3d \_\_\_, 01-26-23)
- 23-0242 TEXAS CONSTRUCTION SPECIALISTS, L.L.C., v. SKI TEAM VIP, L.L.C.; from Harris County; 14th Court of Appeals District (14-20-00124-CV, 659 SW3d 67, 03-03-22)
- 23-0246 IN THE ESTATE OF JOSE C. MONTEMAYOR, DECEASED; from Brazos County; 9th Court of Appeals District (09-21-00054-CV, \_\_\_ SW3d \_\_\_, 02-23-23)
- 23-0310 IN THE INTEREST OF A.Y.C., A CHILD; from Harris County; 14th Court of Appeals District (14-22-00361-CV, 665 SW3d 800, 03-09-23)

- 23-0338 CITY OF FORT WORTH v. WILLIAM BIRCHETT; from Dallas County; 5th Court of Appeals District (05-22-01170-CV, \_\_\_ SW3d \_\_\_, 02-03-23)
- 23-0354 BLASA LOPEZ v. HARRIS COUNTY, TEXAS; from Harris County; 14th Court of Appeals District (14-21-00232-CV, 665 SW3d 874, 03-30-23)
- 23-0380 JAY PARKER AND LINDSEY PARKER v. GLENN WEBER; from McLennan County; 10th Court of Appeals District (10-16-00446-CV, \_\_\_ SW3d \_\_\_, 04-05-23)
- 23-0432 IN THE INTEREST OF J.N.M., A CHILD; from Bexar County; 4th Court of Appeals District (04-22-00430-CV, 672 SW3d 474, 04-26-23)  
as redrafted
- 23-0449 IN RE ESTATE OF SHARON KAYE KARNES HEFFNER, DECEASED; from Cooke County; 2nd Court of Appeals District (02-21-00419-CV, \_\_\_ SW3d \_\_\_, 06-08-23)
- 23-0456 FRIENDS OF DRY COMAL CREEK, STOP 3009 VULCAN QUARRY, JEFFREY REEH, TERRY OLSON, MIKE OLSON, AND COMAL INDEPENDENT SCHOOL DISTRICT v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND VULCAN CONSTRUCTION MATERIALS, LLC; from Travis County; 3rd Court of Appeals District (03-21-00204-CV, \_\_\_ SW3d \_\_\_, 03-31-23)
- 23-0608 DAVID MENEFEE AND BRENDA MENEFEE v. THE SCOGGINS REAL ESTATE TEAM, LLC, PENNYBAGS, LLC, SCOGGINS ENTERPRISES, INC., HESSCO ROOFING & REMODELING, LLC, 1ST CHOICE FENCING, INC., JODY SCOGGINS, KIM SCOGGINS, AND DEBBIE SCOGGINS; from McLennan County; 10th Court of Appeals District (10-22-00174-CV, \_\_\_ SW3d \_\_\_, 05-31-23)

23-0619 DAVID AND LYDIA MAIN v. GILBERT ESPINOSA D/B/A ESPINOSA TRUCKING; from Dallas County; 5th Court of Appeals District (05-21-00408-CV, \_\_\_ SW3d \_\_\_, 03-08-23)

23-0653 IN RE COMMITMENT OF ROBERT EARL SMITH; from Robertson County; 10th Court of Appeals District (10-22-00254-CV, \_\_\_ SW3d \_\_\_, 05-17-23)

23-0667 AL SUAREZ, AS MAYOR OF THE CITY OF CONVERSE, JEFF BEEHLER, AS PLACE 5 MEMBER, CITY COUNCIL OF THE CITY OF CONVERSE, KATHY RICHEL, AS PLACE 1 MEMBER, CITY COUNCIL OF THE CITY OF CONVERSE, SHAWN RUSSELL AS PLACE 3 MEMBER, CITY COUNCIL OF THE CITY OF CONVERSE, MARC GILBERT, AS PLACE 6 MEMBER, CITY COUNCIL OF THE CITY OF CONVERSE, LE ANN PIATT, CITY MANAGER OF THE CITY OF CONVERSE, HOLLY NAGY AS SECRETARY OF THE CITY OF CONVERSE, AND THE CITY OF CONVERSE v. KATHERINE SILVAS; from Bexar County; 4th Court of Appeals District (04-22-00540-CV, \_\_\_ SW3d \_\_\_, 07-05-23)

#### **ORDERS ON MOTIONS FOR REHEARING**

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

23-0161 IN RE COMMITMENT OF DARNELL IVEN ADAMS; from Collin County; 5th Court of Appeals District (05-22-00085-CV, \_\_\_ SW3d \_\_\_, 01-31-23)

23-0421 MARK JOSEPH WATSON v. CITY OF SAN MARCOS; from Hays County; 3rd Court of Appeals District (03-22-00307-CV, \_\_\_ SW3d \_\_\_, 04-20-23)

as amended

as supplemented

motions for judicial notice dismissed

motion for judgment by default denied



23-0430 CARLYLE T. POINDEXTER; POINDEXTER & ASSOCIATES, INC.; AND SURETY ONE, INC. v. INSURANCE COMMISSIONER CASSIE BROWN AND THE TEXAS DEPARTMENT OF INSURANCE; from Travis County; 14th Court of Appeals District (14-22-00298-CV, 665 SW3d 842, 03-28-23)

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

23-0571 IN RE ELIZABETH THOMAS, JAMES ALLEN, ALLAN HAYE, ROBERT THOMAS, AND JAMES ANDERSEN; from Harris County; 1st Court of Appeals District (01-23-00331-CV)

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

23-0287 IN RE LG CHEM AMERICA, INC.; from Harris County; 14th Court of Appeals District (14-22-00416-CV, \_\_\_ SW3d \_\_\_, 02-09-23)

23-0342 IN RE DR. GLEN KING; from Dallas County; 5th Court of Appeals District (05-23-00109-CV, \_\_\_ SW3d \_\_\_, 04-25-23)  
emergency motion for temporary relief dismissed as moot

23-0454 IN RE META PLATFORMS, INC.; from Harrison County; 6th Court of Appeals District (06-23-00045-CV, \_\_\_ SW3d \_\_\_, 06-14-23)  
motion for leave to submit documents for in camera inspection granted  
motion to file mandamus record under seal granted  
motion for temporary relief dismissed as moot

(Justice Young not participating)

23-0584 IN RE SUZANN RUFF; from Palo Pinto County; 11th Court of Appeals District (11-23-00019-CV)

23-0673 IN RE CAROL JOHNENE MORRIS; from Midland County; 11th Court of Appeals District (11-10-00249-CR, \_\_\_ SW3d \_\_\_, 02-09-12)

23-0675 IN RE RUSSELL JAY REGER; from Tarrant County; 2nd Court of Appeals District (02-23-00203-CV, \_\_\_ SW3d \_\_\_, 06-15-23)

23-0689 IN RE MARCO A. CANTU; from Hidalgo County; 13th Court of Appeals District (13-23-00265-CV, \_\_\_ SW3d \_\_\_, 07-31-23)

23-0754 IN RE FRANK C. POWELL; from Harris County; 1st Court of Appeals District (01-23-00661-CV)

emergency motion to stay judgment denied

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

23-0677 EX PARTE JAMES A. RUBIO; from Montgomery County; 9th Court of Appeals District (09-22-00219-CV, \_\_\_ SW3d \_\_\_, 07-27-23)

THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE FOLLOWING APPEAL IS AFFIRMED:

23-0132 AARON MARK WESBROOKS v. COMMISSION FOR LAWYER DISCIPLINE (BODA Cause No. 66186)