



# THE SUPREME COURT OF TEXAS

Orders Pronounced June 28, 2024

## ORDERS ON CAUSES

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)

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

Justice Boyd delivered the opinion of the Court, in which Chief Justice Hecht, Justice Lehrmann, Justice Devine, Justice Busby, Justice Bland, and Justice Huddle joined, and which Justice Blacklock and Justice Young joined as to Parts I, II, and III.

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

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

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, 672 SW3d 33, 10-27-21)

The Court affirms the court of appeals' judgment.

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

Justice Young filed a dissenting opinion, in which Justice Busby joined.

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

The Court reverses the court of appeals' judgment and renders judgment.

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

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

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

22-1085 MARY ALICE KEYES AND SEAN LEO NADEAU v. DAVID WELLER AND INTEGRITECH ADVISORS, LLC; from Travis County; 3rd Court of Appeals District (03-21-00302-CV, 684 SW3d 496, 08-24-22)

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

Justice Lehrmann delivered the opinion of the Court.

Justice Busby filed a concurring opinion.

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

22-1145 DIANNE HENSLEY v. STATE COMMISSION ON JUDICIAL CONDUCT ET AL.; from Travis County; 3rd Court of Appeals District (03-21-00305-CV, 683 SW3d 152, 11-03-22)

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

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

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

Justice Young filed a concurring opinion.

Justice Lehrmann filed a dissenting opinion.

22-1149 ROGER BORGELT, MARK PULLIAM, JAY WILEY, AND THE STATE OF TEXAS v. AUSTIN FIREFIGHTERS ASSOCIATION, IAFF LOCAL 975; CITY OF AUSTIN; AND MARC A. OTT, IN HIS OFFICIAL CAPACITY AS THE CITY MANAGER OF THE CITY OF AUSTIN; from Travis County; 3rd Court of Appeals District (03-21-00227-CV, 684 SW3d 819, 11-22-22)

2 petitions

The Court affirms in part and reverses in part the court of appeals' judgment and renders judgment in part.

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

Justice Busby filed an opinion dissenting in part and concurring in the judgment in part, in which Justice Boyd and Justice Devine joined.

23-0697 STATE OF TEXAS; OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF TEXAS; TEXAS MEDICAL BOARD; TEXAS HEALTH AND HUMAN SERVICES COMMISSION; AND KEN PAXTON, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE STATE OF TEXAS v. LAZARO LOE, INDIVIDUALLY AND AS NEXT FRIEND OF LUNA LOE, A MINOR; MARY MOE AND MATTHEW MOE, INDIVIDUALLY AND AS NEXT FRIENDS OF MAEVE MOE, A MINOR; NORA NOE, INDIVIDUALLY AND AS NEXT FRIEND OF NATHAN NOE, A MINOR; SARAH SOE AND STEVEN SOE, INDIVIDUALLY AND AS NEXT FRIENDS OF SAMANTHA SOE, A MINOR; GINA GOE, INDIVIDUALLY AND AS NEXT FRIEND OF GRAYSON GOE, A MINOR; PFLAG, INC.; RICHARD OGDEN ROBERTS III, M.D.; DAVID L. PAUL, M.D.; PATRICK W. O'MALLEY, M.D.; AND AMERICAN ASSOCIATION OF PHYSICIANS FOR HUMAN RIGHTS, INC. D/B/A GLMA: HEALTH PROFESSIONALS ADVANCING LGBTQ EQUALITY; from Travis County

The Court reverses and vacates the trial court's temporary injunction order.

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

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

Justice Busby filed a concurring opinion.

Justice Young filed a concurring opinion.

Justice Lehrmann filed a dissenting opinion.

THE FOLLOWING CAUSE IS DISMISSED:

- 22-0667 JASPER CHEN v. LI "LILY" CAI; from Harris County; 14th Court of Appeals District (14-20-00588-CV, 683 SW3d 99, 06-30-22)  
2 petitions  
abatement order issued March 26, 2024, lifted  
cause reinstated  
counsel's motion to withdraw granted  
joint motion for rendition of judgment to effectuate settlement agreement  
granted as follows:

Without consideration of the merits, the Court dismisses the cause with prejudice, vacates the court of appeals' judgment, and vacates the trial court's order.

THE FOLLOWING CAUSES ARE RESET FOR ORAL ARGUMENT:

- 22-0662 THE CITY OF AUSTIN v. NOEL POWELL; from Travis County; 3rd Court of Appeals District (03-21-00146-CV, 684 SW3d 455, 05-13-22)

[**Note:** This cause has been reset for oral argument at 9:00 a.m., September 10, 2024.]

Time allotted to argue: 20/20 minutes

- 23-0094 CITY OF HOUSTON v. RUBEN RODRIGUEZ AND FREDERICK OKON; from Harris County; 14th Court of Appeals District (14-21-00107-CV, 658 SW3d 633, 09-08-22)

[**Note:** This cause has been reset for oral argument at 9:00 a.m., September 10, 2024.]

Time allotted to argue: 20/20 minutes

THE FOLLOWING CAUSES ARE SET FOR SUBMISSION:

- 22-0787 IN THE INTEREST OF J.Y.O., A CHILD; from Collin County; 5th Court of Appeals District (05-20-00987-CV, 684 SW3d 796, 06-09-22)

2 petitions

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

Time allotted to argue: 20/20 minutes

22-0940 TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO v. LORETTA K. FLORES; from El Paso County; 8th Court of Appeals District (08-20-00202-CV, 657 SW3d 502, 08-30-22)

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

Time allotted to argue: 20/20 minutes

22-1143 HENRY S. MILLER COMMERCIAL COMPANY v. NEWSOM, TERRY & NEWSOM, LLP AND STEVEN K. TERRY; from Dallas County; 5th Court of Appeals District (05-20-00379-CV, 684 SW3d 502, 08-31-22)

2 petitions

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 3, 2024.]

Time allotted to argue: 20/20 minutes

(Justice Lehrmann not participating)

23-0006 THE OHIO CASUALTY INSURANCE COMPANY v. PATTERSON-UTI ENERGY, INC., PATTERSON-UTI MANAGEMENT SERVICES, LLC; PATTERSON-UTI DRILLING COMPANY LLC; AND MARSH USA, INC.; from Harris County; 14th Court of Appeals District (14-22-00026-CV, 656 SW3d 729, 11-22-22)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 1, 2024.]

Time allotted to argue: 20/20 minutes

23-0023 THE UNIVERSITY OF TEXAS AT AUSTIN AND JAY HARTZELL, IN HIS OFFICIAL CAPACITY AS INTERIM PRESIDENT OF THE UNIVERSITY OF TEXAS AT AUSTIN v. GATEHOUSE MEDIA TEXAS HOLDINGS II, INC., D/B/A AUSTIN AMERICAN-STATESMAN; from Travis County; 8th Court of Appeals District (08-20-00157-CV, 656 SW3d 791, 11-29-22)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 1, 2024.]

Time allotted to argue: 20/20 minutes

23-0024 CONOCOPHILLIPS COMPANY v. KENNETH HAHN; from De Witt County; 13th Court of Appeals District (13-21-00310-CV, \_\_\_ SW3d \_\_\_, 12-01-22)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 12, 2024.]

Time allotted to argue: 20/20 minutes

23-0045 MICHAEL A. POHL, THE AMMONS LAW FIRM, AND ROBERT AMMONS, ET AL. v. MARK KENTRELL CHEATHAM, SR., LUELLA MILLER, MARK CHEATHAM, JR. AND INTERVENOR LACY REESE; from Harris County; 1st Court of Appeals District (01-20-00046-CV, \_\_\_ SW3d \_\_\_, 08-30-22)

3 petitions

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 2, 2024.]

(Justice Devine not participating)

23-0202 IN RE JANE DOE CASES

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 1, 2024.]

Time allotted to argue: 20/20 minutes

(Justice Huddle not participating)

23-0282 SAVE OUR SPRINGS ALLIANCE, INC. v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE CITY OF DRIPPING SPRINGS; from Travis County; 8th Court of Appeals District (08-20-00239-CV, 668 SW3d 710, 12-13-22)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 1, 2024.]

Time allotted to argue: 20/20 minutes

23-0329 CHRISTOPHER F. BERTUCCI, AS EXECUTOR OF THE ESTATE OF ANTHONY R. BERTUCCI, DECEASED, AND DERIVATIVELY ON BEHALF OF AMERICAN AFFORDABLE HOMES & PROPERTIES, INC.; AMERICAN AFFORDABLE HOMES, LP; TOWN VISTA DEVELOPMENT, LLC; TOWN VISTA TERRACE, INC.; AND MIDCROWNE SENIOR SLP, LLC v. EUGENE L. WATKINS, JR.; from Travis County; 3rd Court of Appeals District (03-20-00058-CV, \_\_\_ SW3d \_\_\_, 12-30-22)

2 petitions

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 2, 2024.]

Time allotted to argue: 20/20 minutes

23-0344 425 SOLEDAD, LTD. AND 425 LONELINESS, LTD. v. CRVI RIVERWALK HOSPITALITY, LLC; from Bexar County; 4th Court of Appeals District (04-20-00482-CV, \_\_\_ SW3d \_\_\_, 08-10-22)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 3, 2024.]

Time allotted to argue: 20/20 minutes

23-0365 EIS DEVELOPMENT II, LLC v. BUENA VISTA AREA ASSOCIATION, LANCE W. HALL AND HEATHER R. HALL, JASON PAUL SMITHEY, DAVID W. MOLENGRAAF AND KIMBERLEY K. MOLENGRAAF, ALEXANDER E.W.J. SCHINDLER AND ANGELA R. SCHINDLER, AS INDIVIDUALS; from Ellis County; 8th Court of Appeals District (08-22-00006-CV, \_\_\_ SW3d \_\_\_, 04-12-23)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 2, 2024.]

Time allotted to argue: 20/20 minutes

23-0427 BRANDON PITTS, AN INDIVIDUAL, LINDA PITTS, AN INDIVIDUAL, AND PITTS AND PITTS, CERTIFIED PUBLIC ACCOUNTANTS v. RUDOLPH RIVAS, AN INDIVIDUAL, AND MCCH 2009, LLC; from Collin County; 5th Court of Appeals District (05-21-00876-CV, 684 SW3d 849, 04-25-23)

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

Time allotted to argue: 20/20 minutes



23-0460 JARED BUSH, JR. v. COLUMBIA MEDICAL CENTER OF ARLINGTON SUBSIDIARY, L.P. D/B/A MEDICAL CITY ARLINGTON AND HCA INC.; from Tarrant County; 2nd Court of Appeals District (02-22-00319-CV, \_\_\_ SW3d \_\_\_, 04-20-23)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 12, 2024.]

Time allotted to argue: 20/20 minutes

23-0463 IN THE MATTER OF THE MARRIAGE OF CARLOS Y. BENAVIDES, JR. AND LETICIA R. BENAVIDES; from Webb County; 4th Court of Appeals District (04-20-00599-CV, \_\_\_ SW3d \_\_\_, 02-08-23)

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

Time allotted to argue: 20/20 minutes

23-0607 RENAISSANCE MEDICAL FOUNDATION v. REBECCA LUGO, INDIVIDUALLY AND AS NEXT FRIEND OF XXXXX XXXXX, A MINOR; from Hidalgo County; 13th Court of Appeals District (13-22-00374-CV, 672 SW3d 901, 06-15-23)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 2, 2024.]

Time allotted to argue: 20/20 minutes

23-0694 BRENT EDWARD WEBSTER v. COMMISSION FOR LAWYER DISCIPLINE; from Williamson County; 8th Court of Appeals District (08-22-00217-CV, 676 SW3d 687, 07-13-23)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 12, 2024.]

Time allotted to argue: 20/20 minutes

23-0755 IN RE STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY AND LINDSEY NICOLE DESSART; from Collin County; 5th Court of Appeals District (05-23-00763-CV, \_\_\_ SW3d \_\_\_, 08-30-23)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 3, 2024.]

Time allotted to argue: 20/20 minutes

23-0756 BRP-ROTAX GMBH & CO. KG v. SHEEMA SHAIK AND TOUSEEF SIDDIQUI; from Dallas County; 5th Court of Appeals District (05-22-00943-CV, \_\_\_ SW3d \_\_\_, 08-04-23)

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

Time allotted to argue: 20/20 minutes

23-0777 IN RE PINNERGY, LTD.; from Harris County; 1st Court of Appeals District (01-23-00022-CV, \_\_\_ SW3d \_\_\_, 08-08-23)

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

Time allotted to argue: 20/20 minutes

24-0116 PORT ARTHUR COMMUNITY ACTION NETWORK v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; JON NIERMANN, IN HIS OFFICIAL CAPACITY AS CHAIRPERSON OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (U.S. Fifth Circuit 22-60556)

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

Time allotted to argue: 20/20 minutes

(Justice Young not participating)

24-0368 JANE ROE v. LEIGHTON PAIGE PATTERSON; SOUTHWESTERN BAPTIST THEOLOGICAL SEMINARY (U.S. Fifth Circuit 23-40281)

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

Time allotted to argue: 20/20 minutes

## **ORDERS ON PETITIONS FOR REVIEW**

### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

23-0290 EVERICK L. MONK v. OFFICER MASSEY, LT. VONN, SGT. PREE, BOWIE COUNTY DETENTION CENTER, ET AL., STEVE BURTON, KEITH CLARK, BRANDON HARVEL, JOSHUA LATHAM, ALAN OWENS, AND S. HODGE; from Bowie County; 6th Court of Appeals District (06-23-00009-CV, \_\_\_ SW3d \_\_\_, 03-31-23)

motion to rule on recuse appeal denied

Justice Young filed an opinion dissenting from the denial of the petition for review, in which Justice Busby joined.

23-0339 IN RE THE COMMITMENT OF JOHN THOMAS ANDERSON; from Dallas County; 5th Court of Appeals District (05-22-00651-CV, \_\_\_ SW3d \_\_\_, 03-23-23)

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

23-0635 EVERICK L. MONK v. OFFICER MASSEY, ET AL.; from Bowie County; 6th Court of Appeals District (06-23-00019-CV, \_\_\_ SW3d \_\_\_, 06-06-23)  
motion to rule on recuse appeal denied

23-0968 IN THE INTEREST OF G.A.M., A CHILD; from Harris County; 1st Court of Appeals District (01-23-00301-CV, \_\_\_ SW3d \_\_\_, 10-03-23)

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

24-0130 ENTERPRISE GAMING LLC v. 024 FAMILY OFFICE LLC; from Harris County; 14th Court of Appeals District (14-22-00244-CV, \_\_\_ SW3d \_\_\_, 01-09-24)

24-0205 HUFFMAN ASSET MANAGEMENT, LLC AND PRAIRIE CAPITAL, LLC v. MAURICE COLTER AND NI-IDA COLTER; from Dallas County; 5th Court of Appeals District (05-22-00779-CV, \_\_\_ SW3d \_\_\_, 11-07-23)

**ORDERS ON MOTIONS FOR REHEARING**

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

23-0044 AZTECA INTERNATIONAL CORPORATION D/B/A AZTECA AMERICA, STATIONS GROUP, LLC, NORTHSTAR MCALLEN LICENSE, LLC, TV AZTECA, S.A.B. DE C.V., PUBLIMAX, S.A. DE C.V., AND PATRICIA CHAPOY v. GLORIA DE LOS ANGELES TREVINO RUIZ, ANGEL GABRIEL DE JESUS TREVINO, AND ARMANDO ISMAEL GOMEZ MARTINEZ; from Hidalgo County; 13th Court of Appeals District (13-21-00241-CV, \_\_\_ SW3d \_\_\_, 12-29-22)

(Justice Devine not participating)

24-0142 KEVIN FRYMIER v. TAREN BELLOWS, OLD AMERICAN COUNTY MUTUAL UNITED AUTOMOBILE INSURANCE SERVICES AND ALLSTATE INSURANCE CO.; from Harris County; 1st Court of Appeals District (01-22-00537-CV, \_\_\_ SW3d \_\_\_, 12-21-23)

24-0178 EVA CASAS v. CASTANO ENTERPRISES, LLC D/B/A CUBE INVESTMENTS; from Harris County; 1st Court of Appeals District (01-20-00326-CV, \_\_\_ SW3d \_\_\_, 01-23-24)

24-0249 IN THE INTEREST OF J.W.W.; from San Jacinto County; 9th Court of Appeals District (09-23-00292-CV, \_\_\_ SW3d \_\_\_, 02-15-24)

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

24-0283 IN RE PHILIP FLOYD; from Collin County