

Supreme Court of Texas

Misc. Docket No. 24-9101

Order Requesting Briefing on Motion to Transfer

In this administrative matter, the Court is asked to determine whether the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction over an appeal from a judgment in a suit brought against the Brazos River Authority. See Tex. Gov't Code § 22.220(d)(1) (granting exclusive intermediate appellate jurisdiction to the Fifteenth Court of Appeals for matters “brought by or against the state or a board, commission, department, office, or other agency in the executive branch of the state government”). The appeal was transferred from the Tenth Court of Appeals to the Fifteenth Court of Appeals pursuant to this Court’s August 26, 2024 order, which applied to certain appeals identified by intermediate courts of appeals as falling within the Fifteenth Court of Appeals’ exclusive intermediate appellate jurisdiction. The Brazos River Authority opposes the transfer and, pursuant to the procedure set forth in *Miles v. Ford Motor Co.*, 914 S.W.2d 135, 137 n.2 (Tex. 1995), filed a motion to retransfer the appeal back to the Tenth Court of Appeals; appellant Sandom Baumgardner opposes the motion to retransfer. This Court has received countervailing recommendations from the relevant intermediate appellate courts, with the Fifteenth Court of Appeals recommending retransfer and the Tenth Court of Appeals recommending no retransfer.

The Court hereby requests that the parties file briefs with this Court addressing whether the Brazos River Authority is a “board, commission, department, office, or other agency in the executive branch of the state government.” Tex. Gov’t Code § 22.220(d)(1). Please refer to Tex. R. App. P. 55 for the requirements of the briefs. The briefing schedule is as follows:

Movant shall file its brief by December 18, 2024.

Respondent shall file his response brief by January 7, 2025.

Movant shall file any reply brief by January 22, 2025.

All documents (except documents submitted under seal) must be e-filed through eFileTexas.gov. You may file up to midnight on the due date. Contact the clerk’s office with any questions about filing.

The Solicitor General is invited to file a brief or letter in this case expressing the views of the State.

ORDERED by the Supreme Court of Texas, in Chambers,

With the Seal thereof affixed at the City of
Austin, this 18th day of November, 2024.


BLAKE A. HAWTHORNE, CLERK
THE SUPREME COURT OF TEXAS