



Orders of the Supreme Court of Texas
Fiscal Year 2011
(September 1, 2010 – August 31, 2011)

Assembled by
The Supreme Court of Texas Clerk's Office

Blake A. Hawthorne, Clerk of the Court
Monica Zamarripa, Deputy Clerk

THE SUPREME COURT OF TEXAS

Orders Pronounced September 2, 2010

MISCELLANEOUS

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

10-0599 IN RE CAMPBELL RANCH LLC, WILLIAM S. WALKER, WILLIAM L. DAWKINS, JR., ROBERT SCHULTE AND LEE HUBBARD; from Webb County; 4th district (04-10-00413-CV, ___ SW3d ___, 07-28-10)
relators' motion for emergency stay granted in part
real party in interest's motion for temporary relief denied
stay order issued
requested response due by 3:00 p.m., September 13, 2010

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced September 3, 2010

ORDERS ON CAUSES

THE FOLLOWING CAUSE IS DISMISSED:

09-0270 XTO ENERGY INC. v. SMITH PRODUCTION INC.; from Harris County; 14th district (14-07-00069-CV, 282 SW3d 672, 02-24-09)
unopposed motion to dismiss petition for review granted

(Justice Guzman not sitting)

THE MOTIONS IN THE FOLLOWING CAUSES ARE DENIED:

08-0961 MARIA DEL CARMEN GUILBOT SERROS DE GONZALEZ, ET AL. v. MIGUEL ANGEL GONZALEZ GUILBOT, CARLOS A. GONZALEZ GUILBOT, AND MARIA ROSA DEL ARENAL DE GONZALEZ; from Harris County; 14th district (14-07-00047-CV, 267 SW3d 556, 09-30-08)
motion to stay mandate denied
motion to recall mandate denied

(Justice Guzman not sitting)

09-0191 HYDE PARK BAPTIST CHURCH v. TARA TURNER AND TERRY CURTIS, INDIVIDUALLY AND AS NEXT FRIENDS OF P.C., A MINOR; from Travis County; 3rd district (03-07-00437-CV, ___ SW3d ___, 01-30-09)
opposed motion for leave to amend petition for review denied

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0346 KEVIN MCKNIGHT v. DEREK B. MELLER; from Dallas County; 5th district (05-09-00596-CV, ___ SW3d ___, 03-25-10)

10-0390 RAY ATHEY A/K/A RAY D. ATHEY AND BELINDA ATHEY v. MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR LENDER, ITS SUCCESSORS AND ASSIGNS; from McLennan County; 11th district

(11-09-00224-CV, 314 SW3d 161, 04-22-10)

- 10-0400 DAN NITSCHKE v. CIRCLE RIDGE PRODUCTION, INC.; from Smith County; 12th district (12-09-00150-CV, ___ SW3d ___, 05-05-10)
- 10-0508 NXCESS MOTOR CARS, INC. v. JP MORGAN CHASE BANK, N.A.; from Harris County; 1st district (01-09-00018-CV, ___ SW3d ___, 05-20-10)
- 10-0509 7-ELEVEN, INC. v. SUSAN COMBS, SUCCESSOR TO CAROLE KEETON STRAYHORN, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND GREG ABOUTT, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 3rd district (03-08-00212-CV, 311 SW3d 676, 04-22-10)

(Justice Hecht not sitting)

- 10-0531 DANIEL LEE HAINING v. THU-DUNG T. HAINING; from Harris County; 1st district (01-08-00091-CV, ___ SW3d ___, 03-25-10)
- 10-0550 IN THE INTEREST OF M.V., A CHILD; from Refugio County; 13th district (13-09-00275-CV, ___ SW3d ___, 06-03-10)
- 10-0563 GARY GRAYSON AND DALE GRAYSON v. GRAYSON ARMATURE LARGE MOTOR DIVISION; from Harris County; 14th district (14-09-00748-CV, ___ SW3d ___, 06-15-10)

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0983 LAWRENCE BLACKWELL v. PLAYOFF CORPORATION, DONRUSS PLAYOFF, L.P., DONRUSS LLC AND ANN (BLAKE) POWELL; from Tarrant County; 2nd district (02-06-00249-CV, 300 SW3d 451, 10-29-09)
- 10-0217 MARRS & SMITH PARTNERSHIP AND RICKEY SMITH v. PAGOSA OIL & GAS, L.L.C. AND SOMBRERO OIL & GAS COMPANY, L.L.C.; from Loving County; 8th district (08-07-00090-CV, ___ SW3d ___, 02-10-10)
- 10-0502 EDUARDO S. GUTARRA v. ADRIANA VELEZ THAMES; from Harris County; 1st district (01-09-00549-CV, ___ SW3d ___, 11-19-09)

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

10-0449 IN RE FRANK DWIGHT CARTER; from Lubbock County
(07-10-00088-CV, ___ SW3d ___, 05-05-10)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0557 IN RE REBECCA GALLARDO

THE SUPREME COURT OF TEXAS

Orders Pronounced September 10, 2010

ORDERS ON CAUSES

THE FOLLOWING MOTIONS TO PARTICIPATE IN ORAL ARGUMENT ARE GRANTED:

08-0833 ANGLO-DUTCH PETROLEUM INTERNATIONAL, INC. AND ANGLO-DUTCH (TENGE) L.L.C. v. GREENBERG PEDEN, P.C. AND GERARD J. SWONKE; from Harris County; 14th district
(14-07-00343-CV, 267 SW3d 454, 08-26-08)
unopposed motion for leave for amici curiae to share argument time granted

Time allotted to argue: 16/4/20 minutes

(Justice Guzman not sitting)

09-0753 JAMES DERWOOD ILIFF v. JERILYN TRIJE ILIFF; from Hays County; 3rd district (03-08-00382-CV, ___ SW3d ___, 07-21-09)
joint motion to permit amicus to argue granted

Time allotted to argue: 20/15/5 minutes

ORDERS ON PETITIONS FOR REVIEW

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR REVIEW:

10-0688 CMH HOMES, INC., VANDERBILT MORTGAGE AND FINANCE, INC. AND BRUCE ROBIN MOORE, JR. v. ADAM PEREZ; from Duval County; 4th district
(04-10-00259-CV, ___ SW3d ___, 07-28-10)
motion for stay granted
stay order issued
requested response due by 3:00 p.m., September 20, 2010

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

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0442 LIVING CENTERS OF TEXAS, INC., CYNDI BROWN, LNFA, AND KIMBERLY BORDOVSKY, DON v. AUGUSTINE PEÑALVER, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF MARIA BELIA PEÑALVER, DECEASED, AND RAMON PEÑALVER; from Bexar County; 4th district (04-09-00320-CV, ___ SW3d ___, 04-28-10)
- 10-0479 ELDRIDGE LAND, LLC v. ESSEX INSURANCE COMPANY; from Harris County; 14th district (14-09-00619-CV, ___ SW3d ___, 05-20-10)
- 10-0516 HOLLY PARK CONDOMINIUM HOMEOWNERS' ASSOCIATION, INC. v. RENE LOWERY; from Dallas County; 5th district (05-08-01366-CV, 310 SW3d 144, 03-26-10)
- 10-0521 ROBERT W. LAMBERTZ v. JIM ROBINSON, R.P.A. AND OLIVER ESCH; from Harris County; 14th district (14-09-00650-CV, ___ SW3d ___, 03-25-10)
- 10-0538 JEFF MOORE D/B/A T & M PRODUCTION v. JET STREAM INVESTMENTS, LTD., SARA P. RUDD, EXECUTRIX OF THE ESTATE OF J.B. RUDD AND YOUNGBLOOD PROPERTIES, L.P.; from Harrison County; 6th district (06-09-00106-CV, 315 SW3d 195, 06-03-10)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

- 09-1063 MARSALA HALL v. CHARLES C. BELL, TONY R. O'HARE, KEVIN MAYFIELD AND JOHN DOE; from Walker County; 10th district (10-09-00245-CV, ___ SW3d ___, 11-10-09)

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0053 PAUL E. NUNU v. HARRIS COUNTY APPRAISAL DISTRICT, HARRIS COUNTY APPRAISAL REVIEW BOARD; from Harris County; 14th district (14-08-00528-CV, ___ SW3d ___, 08-27-09)
- 10-0171 MIKE IRWIN, AS REPRESENTATIVE OF THE ESTATE OF RICHARD LEE IRWIN, DECEASED v. BARBARA JANE IRWIN; from Gillespie County; 4th district (04-08-00554-CV, 307 SW3d 383, 11-25-09)

10-0351 ROY E. ADDICKS, JR. v. JOHN A. SICKEL AND BARRY E. BILGER; from Wichita County; 2nd district (02-08-00261-CV, ___ SW3d ___, 12-10-09)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0583 IN RE KOUROSH HEMYARI, MAJID ASKARI, CHARLES BUTCHER AND UNIVERSAL AGENCY, INC.; from Travis County; 3rd district (03-10-00332-CV, ___ SW3d ___, 07-02-10)
- 10-0661 IN RE KEN HARVEY, JAN HARVEY AND DAVID HARVEY; from Tarrant County; 2nd district (02-09-00335-CV, ___ SW3d ___, 08-25-10)
as redrafted
stay order issued August 27, 2010, lifted
- 10-0686 IN RE ES ENERGY SOLUTIONS, LP, INDIVIDUALLY AND AS ASSIGNEES AND/OR ON BEHALF OF MCCOMMAS LFG PROCESSING PARTNERS, LP, ET AL.; from Dallas County; 5th district (05-10-00814-CV, ___ SW3d ___, 07-15-10)
request for temporary relief denied
- 10-0692 IN RE KEITH RUSSELL JUDD; from Ector County; 11th district (11-10-00166-CV, ___ SW3d ___, 07-08-10)
- 10-0697 IN RE JAIME LUEVANO
- 10-0702 IN RE ANTONIO SEPEDA; from Galveston County; 14th district

STAY ORDERS ARE ISSUED IN THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS:

- 10-0528 IN RE PETROHAWK ENERGY CORPORATION, PETROHAWK PROPERTIES, LP, ONE TEC, LLC AND FLOYD C. WILSON; from Tarrant County; 2nd district (02-10-00205-CV, ___ SW3d ___, 07-09-10)
motion for stay granted
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

- 10-0657 IN RE GT VENTURE MANAGEMENT, AG AND SACHA H. SPINDLER; from Harris County; 1st district (01-10-00373-CV, ___ SW3d ___, 07-20-10)

emergency motion to stay granted
stay order issued

[**Note:** The petition for review, being treated as a petition for writ of mandamus,
remains pending before this Court.]

THE FOLLOWING PETITION FOR WRIT OF INJUNCTION IS DENIED:

10-0675 IN RE PATRICK LEE MULLINS
emergency petition for writ of injunction, sequestration and prohibition denied
motion to stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced September 16, 2010

MISCELLANEOUS

THE MOTION FOR STAY IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0335 IN RE BARBARA REGINA SCHLEIN; from Galveston County; 1st district
(01-10-00283-CV, ___ SW3d ___, 04-15-10)
motion to stay proceeding denied

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced September 17, 2010

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

09-0955 ALLEN KELLER COMPANY v. BARBARA JEAN FOREMAN, ET AL.; from Gillespie County; 4th district (04-08-00490-CV, ___ SW3d ___, 08-31-09) denial of petition for review on March 12, 2010, withdrawn motion for rehearing granted

[**Note:** This case has been set for oral argument at 9:00 a.m., December 7, 2010.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0341 BARBARA ELLEN POHLA v. CHARLES ERIK POHLA; from Montgomery County; 9th district (09-09-00023-CV, ___ SW3d ___, 03-11-10)
- 10-0427 AMERICAN STEEL AND SUPPLY, INC. v. COMMERCIAL METALS, INC., D/B/A CMC STEEL FABRICATORS, INC., D/B/A SAFETY STEEL SERVICES, INC.; from Nueces County; 13th district (13-08-00502-CV, ___ SW3d ___, 03-11-10)
- 10-0551 PROFITLIVE PARTNERSHIP AND PROFIT LIVE, INC. v. CHERYL M. SURBER AND JOHNSON PROPERTY INVESTMENTS, INC.; from Tarrant County; 2nd district (02-09-00104-CV, ___ SW3d ___, 05-20-10)
- 10-0577 MUNIR BATA, L.L.C. v. FREDDY VESTAL; from Collin County; 5th district (05-10-00346-CV, ___ SW3d ___, 06-15-10)
- 10-0578 MIKE USTANIK AND TERESA USTANIK v. NORTEX FOUNDATION DESIGNS, INC. AND JERRY L. COFFEE, P.E.; from Johnson County; 10th district (10-09-00272-CV, ___ SW3d ___, 06-16-10)

10-0586 JOHN FOX v. JOE WARDY, SUSAN AUSTIN, JOSE A. LOZANO, JOHN F. COOK, DANIELS S. POWER, PAUL J. ESCOBAR, VIVIAN ROJAS, ANTHONY W. COBOS; from El Paso County; 10th district
(08-08-00309-CV, ___ SW3d ___, 06-30-10)

10-0601 WILLIE JAMES ASHTON, JR. v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE; from Brazoria County; 1st district
(01-09-00318-CV, ___ SW3d ___, 12-10-09)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

10-0699 LOERA CUSTOMS BROKERAGE, INC. v. REVEILLE TRUCKING, INC.; from Cameron County; 13th district (13-08-00127-CV, ___ SW3d ___, 06-29-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.2(k)(1)(A), (C), and 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by September 27, 2010."

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:

10-0253 BRIAN CHARLES SMITH, ROBERT HAMMOND, DAVID TALTON AND JOHN COLLINS, INDIVIDUALLY, AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF TEXAS, ET AL.; from Travis County; 3rd district
(03-06-00358-CV, 311 SW3d 62, 02-26-10)

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-0288 IN RE R. WAYNE JOHNSON; from Travis County; 3rd district
(03-10-00063-CV, ___ SW3d ___, 03-10-10)
motion to grant mandamus, being treated as a motion for rehearing, denied

10-0572 IN RE WENDY ARCHER; from Tarrant County; 2nd district
(02-10-00104-CV, ___ SW3d ___, 05-07-10)
motion to recuse dismissed as moot

(Justice Lehrmann not sitting)

10-0617 IN RE BARRY DWAYNE MINNFEE; from Fort Bend County; 1st district

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF
HABEAS CORPUS IS DENIED:

10-0517 IN RE BARRY DEWAYNE MINNFEE; from Fort Bend County; 1st district

MISCELLANEOUS

THE FOLLOWING DIRECT APPEALS ARE DISMISSED:

10-0708 IN THE MATTER OF THE ESTATE OF MARIE MAGDALENA KRIEGEL,
DECEASED; from Parmer County

10-0718 LAURANCE KRIEGEL v. DIVERSIFIED FINANCIAL SERVICES, LLC., ET AL.;
from Parmer County

10-0721 LAURANCE KRIEGEL v. DIVERSIFIED FINANCIAL SERVICES, LLC., ET AL.;
from Parmer County

10-0741 IN THE MATTER OF THE ESTATE OF MARIE MAGDALENA KRIEGEL,
DECEASED; from Parmer County

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-1077 IN RE WILLIAMS FARMS PRODUCE SALES, INC.; from Cameron County; 13th
district (13-09-00507-CV, ___ SW3d ___, 09-11-09)
abatement order issued January 25, 2010, lifted
petition reinstated
motion for emergency relief denied

10-0553 IN RE OTONIEL CANTU A/K/A TONY CANTU; from Harris County; 1st district
(01-10-00235-CV, ___ SW3d ___, 06-18-10)
as redrafted

10-0727 IN RE R. WAYNE JOHNSON; from Travis County; 3rd district
(03-10-00426-CV, ___ SW3d ___, 08-18-10)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

10-0154 IN RE SWIFT TRANSPORTATION CO., INC.; from El Paso County; 8th district
(08-08-00329-CV, 311 SW3d 475, 07-08-09)
unopposed motion to withdraw petition for writ of mandamus granted
petition dismissed

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DISMISSED:

10-0320 EX PARTE RUBEN VASQUEZ; from Bexar County; 4th district
(04-10-00289-CV, ___ SW3d ___, 04-28-10)

See TEX. R. APP. P. 5

THE SUPREME COURT OF TEXAS

Orders Pronounced September 24, 2010

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0206 JOHNNY M. STAFFORD v. H & T EXPLORATION; from Rusk County; 12th district (12-09-00252-CV, ___ SW3d ___, 12-16-09)
as amended
- 10-0359 ROBERT T. "BOB" CLIFTON, ET AL. v. JENNIFER WALTERS, IN HER OFFICIAL CAPACITY AS CITY SECRETARY FOR THE CITY OF DENTON, TEXAS; from Denton County; 2nd district
(02-08-00389-CV, 308 SW3d 94, 01-14-10)
- 10-0456 GLEN S. CADE v. CHARLES R. WIGGINS AND R. ZACHARY TONROY; from Rusk County; 12th district (12-08-00329-CV, 313 SW3d 468, 05-05-10)
- 10-0514 WPS, INC. v. ENERVEST OPERATING, L.L.C.; from Harris County; 1st district
(01-06-00759-CV, ___ SW3d ___, 05-28-10)
- 10-0542 JOHN THOMAS IZZO v. SHARON DIANE IZZO; from Williamson County; 3rd district (03-09-00395-CV, ___ SW3d ___, 05-14-10)
- 10-0546 BRIAN PAUL HUNT, ET AL. v. CIT GROUP/CONSUMER FINANCE; from Travis County; 3rd district (03-09-00046-CV, ___ SW3d ___, 04-15-10)
motion to dismiss dismissed as moot
motion for sanctions denied
- 10-0600 BRAD CUNE v. BRYAN INDEPENDENT SCHOOL DISTRICT AND BRAZOS COUNTY; from Brazos County; 14th district
(14-09-00062-CV, ___ SW3d ___, 06-24-10)
- 10-0632 MICHAEL KENNEDY v. TURNER INDUSTRIES GROUP, LLC; from Harris County; 14th district (14-09-00377-CV, ___ SW3d ___, 04-20-10)
- 10-0639 JIMMY LEE SWEED v. THE CITY OF EL PASO; from El Paso County; 8th district
(08-09-00076-CV, ___ SW3d ___, 03-24-10)

**THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE
OF APPELLATE PROCEDURE 9.4(i):**

10-0732 IN THE INTEREST OF V.V., A MINOR CHILD; from Harris County; 1st district
(01-08-00345-CV, ___ SW3d ___, 07-29-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rule of Appellate Procedure 9.8(b) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed October 4, 2010."

ORDERS ON MOTIONS FOR REHEARING

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

09-0439 LAWRENCE F. AVERITT, INDIVIDUALLY AND AS INDEPENDENT
EXECUTOR OF THE ESTATE OF BEULAH AVERITT v. BETTY CAUDLE,
CHIEF APPRAISER, ET AL.; from Gaines County; 11th district
(11-07-00225-CV, ___ SW3d ___, 04-02-09)

10-0111 CORAZON MCDONALD v. CLAREMORE APARTMENT HOMES; from Bexar
County; 4th district (04-08-00928-CV, ___ SW3d ___, 01-06-10)
as amended

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

10-0692 IN RE KEITH RUSSELL JUDD; from Ector County; 11th district
(11-10-00166-CV, ___ SW3d ___, 07-08-10)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

10-0768 IN THE MATTER OF THE ESTATE OF MARIE MAGDALENA KRIEGEL,
DECEASED; from Parmer County

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0664 IN RE MICHELLE JOHNSON; from Montgomery County; 9th district
(09-10-00379-CV, ___ SW3d ___, 08-24-10)
emergency motion for stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced September 27, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0784 IN RE ES ENERGY SOLUTIONS, LP, ET AL.; from Dallas County; 5th district
(05-10-01158-CV, ___ SW3d ___, 09-24-10)
motion for emergency relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced October 1, 2010

ORDERS ON CAUSES

08-0523 TEXAS LOTTERY COMMISSION v. FIRST STATE BANK OF DEQUEEN, STONE STREET CAPITAL, INC., AND CLETIUS L. IRVAN; from Travis County; 3rd district (03-07-00249-CV, 254 SW3d 677, 05-16-08)
motion to substitute parties dismissed as moot

The Court affirms the court of appeals' judgment.

Justice Johnson delivered the opinion of the Court.

09-0369 GLENN COLQUITT v. BRAZORIA COUNTY; from Brazoria County; 14th district (14-08-00210-CV, 282 SW3d 582, 01-27-09)

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 remands the case to the trial court.

Per Curiam Opinion

09-0744 MID-CONTINENT CASUALTY COMPANY v. GLOBAL ENERCOM MANAGEMENT, INC.; from Harris County; 14th district (14-07-01006-CV, 293 SW3d 322, 07-21-09)

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

Per Curiam Opinion

09-0834 CITY OF ELSA, TEXAS v. JOEL HOMER GONZALEZ; from Hidalgo County; 13th district (13-07-00555-CV, 292 SW3d 221, 07-09-09)

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 dismisses the case.

Per Curiam Opinion

10-0383 IN RE B.T., A JUVENILE; from Smith County; 12th district
(12-10-00141-CV, ___ SW3d ___, 05-21-10)
stay order issued May 27, 2010, lifted

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral
argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 07-1042 ERI CONSULTING ENGINEERS, INC. AND LARRY G. SNODGRASS v. J.
MARK SWINNEA, BRADY ENVIRONMENTAL, INC., AND MALMEBA
COMPANY, LTD.; from Smith County; 12th district
(12-05-00428-CV, 236 SW3d 825, 08-30-07)
- 08-0345 INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL
JUSTICE AND MIGUEL MARTINEZ v. ARTHUR POWELL; from Bee County;
13th district (13-06-00192-CV, 251 SW3d 783, 02-07-08)
- 09-0093 SONDRAL GROHMAN, FORMERLY KNOWN AS SONDRAL GROHMAN
KAHLIG v. CLARENCE J. KAHLIG, II; NORTH PARK LINCOLN-MERCURY,
INC., NORTH PARK LINCOLN-MERCURY, LTD.; NORTH PARK HOLDING,
L.L.P.; NORTH PARK LM, L.L.C.; KAHLIG ENTERPRISES, INC.; KAHLIG
MOTOR, LTD.; KAHLIG MOTOR HOLDING, L.L.P.; AND KAHLIG MOTOR
MANAGEMENT, L.L.C.; from Bexar County; 4th district
(04-07-00468-CV, ___ SW3d ___, 10-29-08)

(Chief Justice Jefferson not sitting)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 09-0399 BP AMERICA PRODUCTION COMPANY, ATLANTIC RICHFIELD
COMPANY AND VASTAR RESOURCES, INC. v. STANLEY G. MARSHALL,
JR., ROBERT RAY MARSHALL, CATHERINE IRENE MARSHALL F/K/A
CATHERINE I.M. HASHMI, AND MARGARET ANN MARSHALL F/K/A
MARGARET A.M. JEFFUS, BY AND THROUGH DAVID JEFFUS, AS

INDEPENDENT EXECUTOR OF THE ESTATE OF MARGARET MARSHALL;
from Zapata County; 4th district (04-06-00478-CV, 288 SW3d 430, 12-10-08)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., December 7, 2010.]

Time allotted to argue: 20/20 minutes

(Justice Guzman not sitting)

10-0002 SAMUEL T. JACKSON v. STATE OFFICE OF ADMINISTRATIVE HEARINGS
AND SHELIA BAILEY TAYLOR IN HER OFFICIAL CAPACITY AS CHIEF
ADMINISTRATIVE LAW JUDGE, STATE OFFICE OF ADMINISTRATIVE
HEARINGS; from Travis County; 3rd district
(03-07-00293-CV, ___ SW3d ___, 07-30-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 8, 2010.]

Time allotted to argue: 20/20 minutes

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

10-0238 IN RE UNIVERSAL UNDERWRITERS OF TEXAS INSURANCE COMPANY;
from Tarrant County; 2nd district (02-10-00013-CV, ___ SW3d ___, 03-23-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 8, 2010.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0673 CHARLES FARMER v. KARLA J.M. ROGERS AND MICKEY TOMPKINS; from
Orange County; 9th district (09-06-00323-CV, ___ SW3d ___, 05-29-08)

08-0846 PETER HARDSTEEN, ET AL. v. DEAN'S CAMPIN' CO.; from Grimes County;
13th district (13-05-00468-CV, ___ SW3d ___, 08-29-08)
as reinstated
motion to strike respondent's brief dismissed as moot

(Justice Guzman not sitting)

09-0128 SOUTHWESTERN BELL TELEPHONE, L.P., SUCCESSOR TO SOUTHWESTERN BELL TELEPHONE COMPANY v. SUSAN COMBS, SUCCESSOR TO CAROLE KEETON STRAYHORN, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 7th district (07-07-00172-CV, ___ SW3d ___, 10-28-08)
unopposed motion to supplement the clerk's record granted

(Justice Hecht not sitting)

09-0137 JIM TOBIN AND LINDA TOBIN v. EVANS WEAVER AND WEAVER INTERESTS, INC.; from Travis County; 3rd district (03-04-00350-CV, ___ SW3d ___, 07-18-08)

09-0757 CARLOS A. L. VAUGHN v. BERNARD J. GARCIA, ET AL.; from Karnes County; 4th district (04-08-00491-CV, ___ SW3d ___, 07-15-09)

(Justice Guzman not sitting)

09-0906 TEXAS SPECIALTY TRAILERS, INC., J. MARVIN WILLIAMS, JR. AND RICHARD KELLERMAN D/B/A JK TRUCKING v. JACKSON & SIMMEN DRILLING COMPANY; from Jack County; 2nd district (02-07-00228-CV, ___ SW3d ___, 08-13-09)

09-0929 BINA SHAHANI v. AZHAR SAID; from Hidalgo County; 13th district (13-08-00438-CV, ___ SW3d ___, 06-18-09)

09-0939 DALLAS GALLERIA LIMITED v. BIG EASY CAJUN CORPORATION, ET AL.; from Dallas County; 5th district (05-07-01523-CV, 293 SW3d 345, 07-28-09)

09-0980 AARON KEITH WHITE AND LANCE WHITE v. JONAH WATER SPECIAL UTILITY DISTRICT; from Williamson County; 3rd district (03-06-00626-CV, ___ SW3d ___, 08-31-09)
as redrafted

09-1080 EUGENE ALBERT BEYER v. PHYLLIS ARLENE BEYER; from Hays County; 3rd district (03-06-00803-CV, ___ SW3d ___, 07-28-09)

10-0015 CAMERON APPRAISAL DISTRICT v. THORA ROURK, ET AL.; from Cameron County; 13th district (13-07-00684-CV, 305 SW3d 231, 11-24-09)

10-0038 METROPOLITAN LIFE INSURANCE COMPANY, THE NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY, MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY AND THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK v. SUSAN COMBS, COMPTROLLER OF PUBLIC ACCOUNTS OF TEXAS AND GREG ABBOTT, ATTORNEY GENERAL OF TEXAS; from Travis County; 3rd district (03-06-00446-CV, 298 SW3d 793, 10-09-09)

(Justice Hecht not sitting)

10-0093 PEDRO GONZALEZ v. CITY OF SAN ANTONIO ACTING BY AND THROUGH ITS AGENT CITY PUBLIC SERVICE BOARD D/B/A CPS ENERGY; from Bexar County; 4th district (04-08-00829-CV, ___ SW3d ___, 12-23-09)

10-0124 SCOGGINS CONSTRUCTION COMPANY, INC. AND BILL R. SCOGGINS v. DEALERS ELECTRICAL SUPPLY CO.; from Hidalgo County; 13th district (13-06-00368-CV, ___ SW3d ___, 10-22-09)

10-0135 DAVID R. SCHECTER, M.D., INDIVIDUALLY AND D/B/A SCHECTER AND BLUMENFELD, P.A. v. DORIS PENROD; from El Paso County; 8th district (08-07-00121-CV, ___ SW3d ___, 11-12-09)

10-0151 ANDREW ESPINOZA AND HOWMEDICA OSTEONICS CORP. D/B/A STRYKER ORTHOPEDICS v. CENTRAL TEXAS ORTHOPEDIC PRODUCTS, INC.; from Bexar County; 4th district (04-09-00148-CV, ___ SW3d ___, 12-09-09)

10-0210 SHERYL HINTZ, AS NEXT FRIEND FOR DONALD HINTZ, JR. v. KEVIN LALLY, M.D.; from Harris County; 14th district (14-08-00635-CV, 305 SW3d 761, 11-19-09)

10-0224 SAFECO INSURANCE COMPANY OF ILLINOIS v. JESSICA ZAVADIL; from Harris County; 14th district (14-09-00568-CV, 309 SW3d 593, 02-23-10)

(Justice Guzman not sitting)

10-0229 DIXON FINANCIAL SERVICES, LTD. AND HYPERDYNAMICS CORPORATION v. JAMES CHANG, NICK H. JOHNSON, RILEY L. BURNETT, JR. AND JOHNSON, BURNETT & CHANG, L.L.P.; from Harris County; 1st district (01-07-00233-CV, ___ SW3d ___, 02-18-10)

10-0249 JAMES R. SPRAY AND MARIANNE SPRAY v. JOEL A. RAMSEY AND MARLA K. RAMSEY; from Denton County; 2nd district (02-08-00129-CV, ___ SW3d ___, 12-23-09)

- 10-0261 RUDOLPH VEAZEY AND DEBRA VEAZEY v. MCLENNAN COUNTY AND RAY MEADOWS; from McLennan County; 10th district (10-08-00324-CV, 314 SW3d 456, 03-10-10)
- 10-0310 SANDRA CRUZ, INDIVIDUALLY AND AS NEXT FRIEND OF CESAR CRUZ, NARADA CRUZ AND MIGUEL CRUZ v. TEXAS MUTUAL INSURANCE COMPANY; from Ector County; 11th district (11-08-00118-CV, 307 SW3d 925, 03-18-10)
- 10-0324 LESLIE DURIO POOL, JOE POOL, JR. AND PETER E. FERRARO v. DANAE DURIO DIANA; from Travis County; 3rd district (03-08-00363-CV, ___ SW3d ___, 03-24-10)
- 10-0347 THE LEVIN LAW GROUP, P.C. v. ERNESTO DE ANDRE SIGMON; from Harris County; 14th district (14-08-01165-CV, ___ SW3d ___, 01-21-10)
- 10-0370 DAWN A. ALEWINE, ET AL. v. THE CITY OF HOUSTON; from Harris County; 14th district (14-08-00473-CV, 309 SW3d 771, 04-08-10)
- 10-0371 FIVE STAR INTERNATIONAL HOLDINGS INCORPORATED AND F-STAR SOCORRO, LP v. THOMSON, INC., F/K/A THOMSON CONSUMER ELECTRONICS, INC.; from El Paso County; 8th district (08-07-00143-CV, ___ SW3d ___, 03-31-10)
- 10-0384 KAPPA SIGMA FRATERNITY AND PHILIP L. THAMES v. W.W. COLLINS, JR.; from Tarrant County; 2nd district (02-09-00305-CV, ___ SW3d ___, 04-22-10)
- 10-0392 SUSAN COHEN MANDELL v. HAROLD LANCE MANDELL; from Tarrant County; 2nd district (02-08-00290-CV, 310 SW3d 531, 03-18-10)
opposed motion for leave to amend petition for review denied
- 10-0410 EL PASO HEALTHCARE SYSTEM, LTD., D/B/A DEL SOL MEDICAL CENTER v. ALFREDO MORENO AND FRANCES MORENO, INDIVIDUALLY AND AS HEIRS AND REPRESENTATIVES OF THE ESTATE OF BERNADETTE MORENO, DECEASED; from El Paso County; 8th district (08-06-00134-CV, ___ SW3d ___, 03-10-10)
2 petitions
- 10-0411 BETTIE BELL v. ZURICH AMERICAN INSURANCE COMPANY; from Dallas County; 5th district (05-09-00284-CV, 311 SW3d 507, 10-20-09)
- 10-0414 BECKHAM RESOURCES, INC. AND KLA ENERGY, INC. v. MANTLE

RESOURCES, L.L.C., WILLIAM F. MILLER, C.F. FUNDS, INC. AND JIM C. SNYDER; from Refugio County; 13th district (13-09-00083-CV, ___ SW3d ___, 02-25-10)

- 10-0418 CARRIE COOPER, M.D. v. RAUL ARIZPE, INDIVIDUALLY AND ALVERA D. ARIZPE, INDIVIDUALLY AND AS GUARDIAN OF LINDA DIANE ARIZPE; from Bexar County; 4th district (04-09-00408-CV, ___ SW3d ___, 04-28-10)
2 petitions
- 10-0472 ELIZABETH ANN ALLMOND v. LOE, WARREN, ROSENFELD, KAITCER, HIBBS & WINDSOR, P.C. AND MARK J. ROSENFELD; from Tarrant County; 2nd district (02-09-00132-CV, ___ SW3d ___, 04-01-10)
- 10-0477 PINNACLE ANESTHESIA CONSULTANTS, P.A. v. NEAL FISHER; from Dallas County; 5th district (05-07-01042-CV, 309 SW3d 93, 06-25-10)
- 10-0493 MAYOR STEVE MITCHELL v. CHERI DUNCAN-HUBERT; from Dallas County; 5th district (05-09-00018-CV, 310 SW3d 92, 03-18-10)
- 10-0530 F.E. AND G.E. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Denton County; 2nd district (02-10-00073-CV, ___ SW3d ___, 04-22-10)
as redrafted
- 10-0555 TERESA WAY, ET AL. v. TOMMY W. HOUSE; from Erath County; 11th district (11-09-00161-CV, 315 SW3d 216, 06-10-10)
- 10-0629 GTE SOUTHWEST INCORPORATED v. SUSAN COMBS, SUCCESSOR TO CAROLE KEETON STRAYHORN, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 3rd district (03-08-00561-CV, ___ SW3d ___, 06-03-10)

(Justice Hecht not sitting)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 10-0757 BETTIE J. ROBERTS A/K/A BETTIE BERARD AND ANNIE MARIE JOHNSON v. T P ENTERPRISES, INC.; from Brazoria County; 14th district (14-09-00206-CV, ___ SW3d ___, 08-03-10)

The Court strikes the petition for review with the following notation: "The petition

violates Texas Rule of Appellate Procedure 9.4(f) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by October 11, 2010."

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

10-0646 WOLVERINE ROBSTOWN, L.P. v. RIO GRANDE XARIN II, LTD.; from Nueces County; 13th district (13-10-00116-CV, ___ SW3d ___, 07-06-10)
unopposed motion for dismissal of petition for review granted

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED FOR WANT OF JURISDICTION:

10-0701 BARRY D. MINNFEE v. BRAD LEXINGTON; from Bexar County; 4th district (04-09-00770-CV, ___ SW3d ___, 02-03-10)

10-0705 CHARLOTTE D. COSTLEY v. H.E. BUTT GROCERY COMPANY, A/K/A H.E. BUTT GROCERY COMPANY, L.P. D/B/A H.E.B. STORE WACO 06 #11; from McLennan County; 10th district (10-07-00337-CV, ___ SW3d ___, 07-29-09)

ORDERS ON MOTIONS FOR REHEARING

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

09-0053 HARRISON CENTRAL APPRAISAL DISTRICT v. THE PEOPLES GAS, LIGHT AND COKE COMPANY; from Harrison County; 6th district (06-07-00103-CV, 270 SW3d 208, 09-24-08)

09-0273 MIDLAND CENTRAL APPRAISAL DISTRICT v. BP AMERICA PRODUCTION COMPANY, AMERADA HESS TRADING COMPANY, CHEVRON USA, INC., CHEVRON TEXACO PRODUCTS COMPANY, CHEVRONTXACO GLOBAL SUPPLY AND TRADING COMPANY, TEPPCO CRUDE OIL, LLC AND TEPPCO CRUDE P/L LLC; from Midland County; 11th district (11-07-00048-CV, 282 SW3d 215, 03-26-09)

09-1054 BRET "DOC" BERKMAN v. CITY OF KEENE; from Johnson County; 10th district (10-08-00073-CV, 311 SW3d 523, 11-04-09)

10-0326 DANIEL RANDOLPH, JR. v. TEXACO EXPLORATION AND PRODUCTION, INC., CIGNA PROPERTY AND CASUALTY OF DALLAS AND DAVID K. LINE,

ATTORNEY AT LAW; from Crockett County; 8th district
(08-08-00157-CV, ___ SW3d ___, 03-17-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0335 IN RE BARBARA REGINA SCHLEIN; from Galveston County; 1st district
(01-10-00283-CV, ___ SW3d ___, 04-15-10)
as redrafted
- 10-0440 IN RE NORTHERN NATURAL GAS COMPANY; from Bexar County; 4th district
(04-09-00284-CV, ___ SW3d ___, 03-03-10)
as redrafted
2 petitions
- 10-0467 IN RE BARNETT GATHERING, L.P.; from Erath County; 11th district
(11-09-00351-CV, ___ SW3d ___, 03-05-10)
- 10-0470 IN RE CARL BASS, THOMAS BAUER AND PATRCIA GRUTZMACHER; from
Travis County; 3rd district (03-09-00280-CV, ___ SW3d ___, 01-14-10)
- 10-0485 IN RE LAURA RUSSELL AND BRENDA VOLK, INDIVIDUALLY AND ON
BEHALF OF THE ESTATE OF JAMES VOLK, DECEASED; from Dallas County;
5th district (05-10-00641-CV, ___ SW3d ___, 06-04-10)
- 10-0654 IN RE ARTURO SOLIS; from Coryell County; 10th district
(10-09-00065-CV, ___ SW3d ___, 12-02-09)
motion for leave to file amended petition for writ of mandamus denied
motion to direct the transfer of appellate record denied
- 10-0772 IN RE JOHN E. RODARTE SR.

THE SUPREME COURT OF TEXAS

Orders Pronounced October 6, 2010

MISCELLANEOUS

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

10-0809 IN RE STANLEY J. WILLIAMS, JR. AND DENA WILLIAMS; from Hidalgo County; 13th district (13-10-00277-CV, ___ SW3d ___, 09-23-10)
unopposed emergency motion for stay granted in part
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

(Justice Green not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced October 8, 2010

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0500 UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON v. JAMES NIGHTINGALE, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF KAREN NIGHTINGALE; from Galveston County; 14th district (14-09-00538-CV, ___ SW3d ___, 03-16-10)
- 10-0587 ROBERT CONRAD v. HORACE HEBERT AND BILLIE HEBERT; from Jefferson County; 1st district (01-09-00331-CV, ___ SW3d ___, 06-17-10)
- 10-0618 ROY E. ADDICKS, JR. v. MICHAEL R. LITTLE; from Wichita County; 2nd district (02-09-00222-CV, ___ SW3d ___, 04-01-10)
- 10-0640 IN THE INTEREST OF T.L. AND S.L.; from Harris County; 14th district (14-09-00179-CV, 316 SW3d 78, 06-10-10)
- 10-0653 SIE JOE LANN v. JUNE GEBERT; from La Salle County; 4th district (04-09-00657-CV, ___ SW3d ___, 04-14-10)
- 10-0676 MICHAEL KENNEDY v. JOSE G. GUTIERREZ AND TARRENCE REESE; from Liberty County; 9th district (09-09-00373-CV, ___ SW3d ___, 05-13-10)
- 10-0682 JUAN ENRIQUEZ v. RISSIE OWENS, INDIVIDUALLY, AND IN HER OFFICIAL CAPACITY AS CHAIRMAN, TEXAS BOARD OF PARDONS AND PAROLES; from Travis County; 3rd district (03-09-00237-CV, ___ SW3d ___, 04-14-10)
- 10-0799 CHRISTINA PRINCE v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Williamson County; 3rd district (03-09-00496-CV&03-09-00497-CV, ___ SW3d ___, 08-20-10)

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0200 JOELLE OGLETREE v. GLEN ROSE INDEPENDENT SCHOOL DISTRICT; from Somervell County; 10th district (10-08-00392-CV, 314 SW3d 450, 02-10-10)
- 10-0291 AMPARO NIERA v. THE FROST NATIONAL BANK; from Bexar County; 4th district (04-09-00224-CV, ___ SW3d ___, 03-10-10)
- 10-0300 IN THE INTEREST OF A.H. AND B.H., CHILDREN; from Montgomery County; 9th district (09-09-00281-CV, ___ SW3d ___, 02-18-10)
- 10-0463 DONALD RAY MCCRAY v. DALLAS COUNTY, ET AL.; from Travis County; 3rd district (03-08-00225-CV, ___ SW3d ___, 03-24-10)

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

- 10-0638 IN RE DENBURY GREEN PIPELINE-TEXAS, LLC; from Galveston County; 14th district (14-10-00657-CV, ___ SW3d ___, 08-12-10)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 09-0806 IN RE MEDICALEDGE HEALTHCARE GROUP, P.A., ET AL.; from Dallas County; 5th district (05-09-01126-CV, ___ SW3d ___, 09-24-09)
as reinstated
joint motion to dismiss petition for writ of mandamus granted
stay order issued September 25, 2009, lifted

(Justice Guzman not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced October 15, 2010

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0439 INCORE CONSTRUCTION, INC. AND FRANCISCO CASIAS, JR. v. INCORE, INC.; from Bexar County; 4th district (04-08-00785-CV, ___ SW3d ___, 12-16-09)

10-0497 SILVER LION, INC. v. DOLPHIN STREET, INC. AND KENT LARSEN; from Harris County; 1st district (01-07-00370-CV, ___ SW3d ___, 05-21-10)

10-0597 IN THE ESTATE OF CARL JASPER HOELZER, DECEASED; from Jefferson County; 9th district (09-09-00003-CV, ___ SW3d ___, 04-29-10)

10-0645 LIZANDRO BARRIOS v. KING FISHER MARINE, L.P.; from Cameron County; 13th district (13-07-00469-CV, ___ SW3d ___, 05-27-10)

(Justice Hecht not sitting)

10-0667 BILINSCO INC. AND LINDA BOYD v. HARRIS COUNTY APPRAISAL DISTRICT, ET AL.; from Harris County; 1st district (01-09-00877-CV, ___ SW3d ___, 07-22-10)

10-0672 FERGUS M. GINTHER v. BANK OF AMERICA, N.A., FORMERLY NATIONSBANK OF TEXAS, N.A., PREDECESSOR TRUSTEE AND PREDECESSOR EXECUTOR; from Harris County; 1st district (01-08-00430-CV, ___ SW3d ___, 05-28-10)

10-0700 TODD W. ALTSCHUL v. THE STATE OF TEXAS; from Walker County; 14th district (14-09-00325-CV, ___ SW3d ___, 07-15-10)
as amended

10-0709 MICHAEL KENNEDY v. JAMES T. WORTHEN, ET AL.; from Anderson County; 6th district (06-10-00012-CV, ___ SW3d ___, 05-21-10)

10-0710 MICHAEL KENNEDY v. JAMES T. WORTHEN, ET AL.; from Anderson County; 6th district (06-10-00013-CV, ___ SW3d ___, 05-21-10)

10-0737 EX PARTE BOBBY COLLARD; from Dallas County; 5th district
(05-10-00526-CR, ___ SW3d ___, 08-19-10)
motion for stay of trial court proceedings denied
motion to accelerate (shorten) reconsideration denied

THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO TEXAS
RULE OF APPELLATE PROCEDURE 9.4(i):

10-0626 AGE INDUSTRIES, LTD. v. THOMAS EDWARDS; from El Paso County; 8th
district (08-08-00246-CV, 318 SW3d 461, 06-30-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rule of Appellate Procedure 9.4(d) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by October 25, 2010."

10-0832 IN THE INTEREST OF E.M., C.M. AND J.M.F., JR., CHILDREN; from Smith
County; 12th district (12-09-00092-CV, ___ SW3d ___, 08-25-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(f), (h), 9.8(b), and 53.2(k)(1)(C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by October 25, 2010."

10-0835 KRISTOFER THOMAS KASTNER v. THE STATE OF TEXAS, ET AL.; from
Travis County; 3rd district (03-08-00678-CV, ___ SW3d ___, 07-29-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rule of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by October 25, 2010."

10-0839 PEDRO DELGADILLO CERDA AND LETICIA MARTINEZ v. RUSSELL
SOLTANI INDIVIDUALLY AND D/B/A ATLANTIC CAR GROUP, INC.; from
Harris County; 14th district (14-10-00602-CV, ___ SW3d ___, 09-02-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(c), (d), (f), and 53.2(k)(1)(C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by October 25, 2010."

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0919 BRIGGS EQUIPMENT TRUST v. HARRIS COUNTY APPRAISAL DISTRICT; from Harris County; 1st district (01-08-00190-CV, 294 SW3d 667, 06-04-09)
- 10-0080 CLIFFORD ALLEN SMITH v. BRAD LIVINGSTON; from Walker County; 10th district (10-09-00003-CV, ___ SW3d ___, 12-30-09)
- 10-0157 MARIA LOURDES RODRIGUEZ v. DUNCAN M. CROWELL; from El Paso County; 8th district (08-07-00269-CV, ___ SW3d ___, 12-22-09)
- 10-0358 DAVID MCQUADE LEIBOWITZ AND DAVID MCQUADE LEIBOWITZ P.C. v. COUNSEL FINANCIAL SERVICES L.L.C.; from Bexar County; 4th district (04-09-00079-CV & 04-09-00080-CV, 311 SW3d 45, 02-10-10)
- 10-0461 LATEEFAH NEAL v. TEXAS WATER DEVELOPMENT BOARD; from Travis County; 3rd district (03-09-00459-CV, ___ SW3d ___, 04-28-10)
- 10-0525 VANESSA CAHILL, JOE CAVAZOS, KAY FISHCHER, ET AL. v. MIKE BERTUZZI, MICHAEL BERGSMA, JOEL YOWEL, ET AL.; from Nueces County; 13th district (13-09-00183-CV, ___ SW3d ___, 05-27-10)

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

- 10-0178 IN RE FATIH OZCELEBI, M.D.; from Hidalgo County; 13th district (13-09-00662-CV, ___ SW3d ___, 01-08-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-0693 IN RE LUFKIN INDUSTRIES, INC.; from Panola County; 6th district
(06-10-00038-CV, 317 SW3d 516, 07-08-10)

10-0722 IN RE RICARDO GUTIERREZ; from Swisher County; 7th district
(07-10-00216-CV, ___ SW3d ___, 06-11-10)

(Justice Johnson not sitting)

10-0724 IN RE TEJUAN DEMARCUS MCGOWAN; from McLennan County; 10th district
(10-10-00208-CV, ___ SW3d ___, 06-30-10)

10-0836 IN RE DANNY CLINE

10-0845 IN RE HERITAGE OPERATING, L.P. D/B/A METRO LIFT PROPANE OF
DALLAS; from Tarrant County; 2nd district
(02-10-00355-CV, ___ SW3d ___, 10-15-10)
emergency motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced October 22, 2010

ORDERS ON CAUSES

06-0714 BARBARA ROBINSON, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JOHN ROBINSON, DECEASED v. CROWN CORK & SEAL COMPANY, INC., INDIVIDUALLY AND AS SUCCESSOR TO MUNDET CORK CORPORATION; from Harris County; 14th district (14-04-00658-CV, 251 SW3d 520, 05-04-06)

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

Justice Hecht delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Medina, Justice Green, Justice Willett, and Justice Lehrmann joined.

Justice Medina delivered a concurring opinion.

Justice Willett delivered a concurring opinion, in which Justice Lehrmann joined.

Justice Wainwright delivered a dissenting opinion, in which Justice Johnson joined.

(Justice Guzman not sitting)

08-0215 UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS v. THE ESTATE OF IRENE ESTHER ARANCIBIA BY ITS BENEFICIARY VICTOR HUGO VASQUEZ-ARANCIBIA, VICTOR HUGO VASQUEZ-ARANCIBIA, INDIVIDUALLY, AND CECILIA VASQUEZ-ARANCIBIA, INDIVIDUALLY; from Dallas County; 5th district (05-07-00499-CV, 244 SW3d 455, 11-20-07)

The Court affirms the court of appeals' judgment.

Chief Justice Jefferson delivered the opinion of the Court, in which Justice Hecht, Justice Medina, Justice Green, Justice Willett, Justice Guzman, and Justice Lehrmann joined.

Justice Johnson delivered a dissenting opinion, in which Justice Wainwright joined.

08-0727 TEXAS INDUSTRIAL ENERGY CONSUMERS v. CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC; PUBLIC UTILITY COMMISSION OF TEXAS; from Travis County; 3rd district (03-06-00285-CV, 263 SW3d 448, 07-25-08)
2 petitions

The Court affirms the court of appeals' judgment.

Justice Willett delivered the opinion of the Court.

09-0191 HYDE PARK BAPTIST CHURCH v. TARA TURNER AND TERRY CURTIS, INDIVIDUALLY AND AS NEXT FRIENDS OF P.C., A MINOR; from Travis County; 3rd district (03-07-00437-CV, ___ SW3d ___, 01-30-09)

The Court withdraws its order of May 28, 2010, granting the petition for review, as the petition was improvidently granted. The petition for review is denied.

09-0465 JAMES LEE SWEED v. JAY L. NYE ET AL.; from El Paso County; 8th district (08-07-00132-CV, ___ SW3d ___, 04-09-09)

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 remands the case to that court.

Per Curiam Opinion

09-1025 IN RE 24R, INC., D/B/A THE BOOT JACK; from Hidalgo County; 13th district (13-09-00359-CV, ___ SW3d ___, 09-22-09)

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

10-0226 MILLARD VAUGHN AND BARBARA VAUGHN v. PAUL DRENNON AND MARY DRENNON; from Sabine County; 12th district (12-09-00064-CV, ___ SW3d ___, 12-31-09)

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 remands the case to that court.

Per Curiam Opinion

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

09-0497 TYLER SCORESBY, M.D. v. CATARINO SANTILLAN, INDIVIDUALLY AND AS NEXT FRIEND OF SAMUEL SANTILLAN, A MINOR; from Tarrant County; 2nd district (02-08-00357-CV, 287 SW3d 319, 04-30-09)
motion for leave granted

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

09-0340 INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA v. CARMEN MURO; from Dallas County; 5th district
(05-07-00279-CV, 285 SW3d 524, 03-12-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 8, 2010.]

Time allotted to argue: 20/20 minutes

09-0941 SERVICE CORPORATION INTERNATIONAL AND SCI TEXAS FUNERAL SERVICES, INC., D/B/A MONT META MEMORIAL PARK v. JUANITA G. GUERRA, JULIE ANN RAMIREZ, GRACIE LITTLE AND MARY ESTHER MARTINEZ; from Cameron County; 13th district
(13-07-00707-CV, ___ SW3d ___, 10-08-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 9, 2010.]

Time allotted to argue: 20/20 minutes

10-0150 ECOM REAL ESTATE MANAGEMENT, INC. v. THE CITY OF MIDLOTHIAN, TEXAS; from Ellis County; 10th district
(10-09-00039-CV, ___ SW3d ___, 01-27-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 9, 2010.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0859 GRIFFIN MACY v. WASTE MANAGEMENT, INC.; from Harris County; 1st district (01-07-00276-CV, 294 SW3d 638, 05-28-09)
- 09-0958 EDNA A. MARTINEZ v. STATE OFFICE OF RISK MANAGEMENT; from Bexar County; 4th district (04-08-00107-CV, 300 SW3d 9, 06-24-09)
- 09-1022 ALAN W. ALEXANDER, BILL DAVIS, JOSEPH RANDY DILLARD, RUBEN DURAN, KENNY FOSTER, MARIA G. GARZA, GREGORY HAIRE, BOBBY HARPER, EDUARDO JIMENEZ, DENNIS D. LAND, DANNY LEWIS, WILLIAM D. LORD, JAMES S. LUCAS, GARY P. MCCULLY, ROBERT E. RALLS AND JERRY SCHWAB v. TEXAS DEPARTMENT OF PUBLIC SAFETY; from Travis County; 3rd district (03-05-00297-CV, 300 SW3d 62, 10-22-09)
- 09-1039 FORD MOTOR COMPANY v. CARLOS MARROQUIN, ET AL.; from Nueces County; 13th district (13-06-00070-CV, ___ SW3d ___, 11-05-09)
- 09-1066 JAMES BOONE AND CINDY HAYES v. TEXVA, INC. AND R. BRADLEY BIERMAN; from Collin County; 5th district (05-08-01564-CV, 300 SW3d 879, 11-12-09)
- 09-1083 THE CITY OF ROBINSON v. DOYE BAKER; from McLennan County; 10th district (10-07-00398-CV, 305 SW3d 783, 12-02-09)
- 10-0008 PAT POUNDS, ALVIN COMMUNITY COLLEGE DISTRICT, ALVIN INDEPENDENT SCHOOL DISTRICT, CITY OF ALVIN, CITY OF MANVEL AND BRAZORIA COUNTY v. MEGAN L. JURGENS AND JUDY PIPER LEAHY; from Brazoria County; 14th district (14-07-00830-CV, 296 SW3d 100, 06-18-09)
2 petitions
motion to expedite granted
motion to strike denied
- 10-0016 MATHEW T. ALEXANDER, M.D. AND NEUROSURGERY INSTITUTE OF SOUTH TEXAS, P.A. v. BEVERLY ST. CLAIR; from Nueces County; 13th district (13-08-00218-CV, ___ SW3d ___, 09-30-09)

10-0069 CITY OF ALVIN v. SALLIE ZINDLE; from Brazoria County; 14th district
(14-08-00458-CV, ___ SW3d ___, 12-08-09)

10-0191 FORT WORTH TRANSPORTATION AUTHORITY AND MCDONALD
TRANSIT, INC. v. RICKY C. THOMAS; from Tarrant County; 2nd district
(02-08-00236-CV, 303 SW3d 850, 10-29-09)

10-0197 SUSAN CROCKER AND JEANNE CROCKER v. WELLS FARGO BANK, N.A.,
IN ITS CORPORATE CAPACITY AND AS INDEPENDENT EXECUTOR OF
THE ESTATE OF JOHN CROCKER, DECEASED; from Victoria County; 13th
district (13-07-00732-CV, ___ SW3d ___, 12-29-09)

(Justice Johnson not sitting)

10-0231 MICHAEL W. WATERS v. RONALD D. DICKENS; from Erath County; 11th
district (11-08-00108-CV, ___ SW3d ___, 03-11-10)

10-0352 ROBERT WILLIAM JEFFERSON v. UNIVERSITY OF TEXAS MEDICAL
BRANCH HOSPITAL AT GALVESTON, EDUARDO ORIHUELA, M.D.,
WILLIAM ALEX ELFARR, M.D., JOANNA LUCJA BORKOWSKI, M.D. AND
ALEXANDER BRIAN WEST, M.D.; from Galveston County; 1st district
(01-09-00062-CV, ___ SW3d ___, 03-18-10)

10-0432 WEEKS MARINE, INC. v. EDGAR EDUARDO BARRERA; from Starr County; 4th
district (04-08-00681-CV, ___ SW3d ___, 01-27-10)

10-0455 ROBIN HOSEA v. GEORGE WHITTENBURG AND WHITTENBURG,
SCHACTER & HARRIS, P.C.; from Randall County; 7th district
(07-09-00210-CV, 311 SW3d 704, 04-29-10)

10-0459 THEODORE B. MILLER, JR. A/K/A TED B. MILLER, JR. v. M7 CAPITAL LLC;
from Harris County; 14th district (14-08-00951-CV, 312 SW3d 214, 04-29-10)

10-0465 ZUEHL AIRPORT FLYING COMMUNITY OWNERS ASSOCIATION, INC. v.
PHIL MESZLER, ET AL.; from Guadalupe County; 4th district
(04-09-00028-CV, ___ SW3d ___, 02-10-10)

10-0471 IN THE INTEREST OF G.J.P. AND R.P.; from Wood County; 6th district
(06-09-00066-CV, 314 SW3d 217, 05-05-10)

10-0481 IN THE INTEREST OF S.W., ET AL., MINOR CHILDREN; from Bexar County; 4th
district (04-09-00619-CV, ___ SW3d ___, 05-12-10)

- 10-0492 AFTCO ENTERPRISES, INC. AND ETSI, INC. v. ACCEPTANCE INDEMNITY INSURANCE COMPANY AND SOUTHERN COUNTY MUTUAL INSURANCE COMPANY; from Harris County; 1st district (01-09-00280-CV, ___ SW3d ___, 05-13-10)
- 10-0496 IN RE CHARLES ROSS; from Smith County; 12th district (12-09-00317-CV, ___ SW3d ___, 08-18-10)
motion to strike denied
- 10-0512 RACHEL C. RAMON, CLASS REPRESENTATIVE AND ALL OTHER SIMILARLY SITUATED PERSONS v. TEACHER RETIREMENT SYSTEM OF TEXAS, JAMES H. LEE, ROBERT P. GAUNTT, JOHN GRAHAM, JR. AND DORY A. WILEY; from Harris County; 1st district (01-09-00684-CV, ___ SW3d ___, 04-01-10)
unopposed motion for judicial notice denied
- 10-0527 DALLAS CENTRAL APPRAISAL DISTRICT v. 717 S. GOOD LATIMER, LTD.; from Dallas County; 5th district (05-09-00779-CV, ___ SW3d ___, 04-29-10)
- 10-0529 GEORGE A. YOUNG AND SHIRLEY A. YOUNG v. TEXAS FIRST BANK AND MYNDY S. EISEN; from Galveston County; 1st district (01-08-00835-CV, ___ SW3d ___, 04-15-10)
- 10-0549 GEORGE DAVID GORDON, JR., G. DAVID GORDON & ASSOCIATES, P.C., AND AMY GORDON v. ROBERT A. BRUNIG D/B/A BRUNIG & ASSOCIATES, P.C.; from Tarrant County; 2nd district (02-09-00040-CV, ___ SW3d ___, 05-20-10)
- 10-0571 JAMES POAG v. KATHY MCCORMICK FLORIES; from Tarrant County; 2nd district (02-08-00170-CV, 317 SW3d 820, 07-01-10)
- 10-0649 CARLOS A. ARMENTA v. TDCJ-ID, ET AL.; from Bowie County; 6th district (06-10-00039-CV, ___ SW3d ___, 05-19-10)
- 10-0652 DIAMOND OFFSHORE MANAGEMENT COMPANY AND DIAMOND OFFSHORE SERVICES COMPANY v. JOHNATHAN CUMMINGS; from Harris County; 1st district (01-08-00647-CV, ___ SW3d ___, 08-23-10)
- 10-0662 TRULA MONTGOMERY SAMUEL v. WAL-MART STORES, INC.; from Harris County; 1st district (01-08-00702-CV, ___ SW3d ___, 07-15-10)
- 10-0707 ROBERT V. MARTINEZ, JR. v. EMILIA C. MARTINEZ; from Bexar County; 4th district (04-09-00568-CV, ___ SW3d ___, 06-30-10)
motion to request to take judicial notice denied

10-0715 BONNIE BURNETTE ERWIN v. SHERIFF J.B. SMITH; from Smith County; 12th district (12-10-00209-CV, ___ SW3d ___, 08-04-10)
motion for the appointment of counsel dismissed as moot

10-0728 WILL BRINSON FERGUSON v. DAVID WALKER, COUNTY ATTORNEY; from Montgomery County; 9th district (09-10-00174-CV, ___ SW3d ___, 07-22-10)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

10-0518 JOHN F. HEARD, JR. AND JANET F. HEARD AKA J.L. FLIPPIN v. MINGYI CHOWWANG; from Harris County; 14th district (14-09-00100-CV, ___ SW3d ___, 05-27-10)

ORDERS ON MOTIONS FOR REHEARING

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

10-0299 UNITED FIRE & CASUALTY CO. v. BORING & TUNNELING COMPANY OF AMERICA D/B/A BORTUNCO; from Harris County; 1st district (01-08-00487-CV, ___ SW3d ___, 02-11-10)

10-0390 RAY ATHEY A/K/A RAY D. ATHEY AND BELINDA ATHEY v. MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR LENDER, ITS SUCCESSORS AND ASSIGNS; from McLennan County; 11th district (11-09-00224-CV, 314 SW3d 161, 04-22-10)

10-0799 CHRISTINA PRINCE v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Williamson County; 3rd district (03-09-00496-CV&03-09-00497-CV, ___ SW3d ___, 08-20-10)

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

10-0104 IN RE TOYOTA MOTOR CORPORATION AND TOYOTA MOTOR SALES,
U.S.A., INC.; from Johnson County; 10th district
(10-09-00371-CV, ___ SW3d ___, 01-20-10)

(Justice Green not sitting)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0657 IN RE GT VENTURE MANAGEMENT, AG AND SACHA H. SPINDLER; from
Harris County; 1st district (01-10-00373-CV, ___ SW3d ___, 07-20-10)
stay order issued September 10, 2010, lifted

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

10-0855 IN RE JEFFREY COOK; from Tarrant County; 2nd district
(02-10-00068-CV, ___ SW3d ___, 06-08-10)
abatement order issued

[**Note:** The petition for writ of mandamus is abated under TEX. R. APP. P. 7.2 until
further order of this Court.]

(Justice Lehrmann not sitting)

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

10-0092 JASPER C. ROWE v. COMMISSION FOR LAWYER DISCIPLINE

THE SUPREME COURT OF TEXAS

Orders Pronounced October 27, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0875 IN RE ES ENERGY SOLUTIONS, LP; from Dallas County
motion for emergency relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced October 29, 2010

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

- 10-0610 KENNEDY WIRE ROPE & SLING COMPANY v. JAMIE CRENSHAW; from Duval County; 4th district (04-09-00410-CV, ___ SW3d ___, 06-30-10) agreed motion for rendition of judgment to effectuate settlement agreement granted

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court vacates the judgments of the court of appeals and the trial court, and remands the case to the trial court for rendition of judgment pursuant to the parties' settlement agreement.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0570 CHRIS D. RILEY v. TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS; from Travis County; 3rd district (03-09-00058-CV, 315 SW3d 135, 05-14-10)
- 10-0642 2327 MANANA LLC AND JERRY SPENCER, L.P. v. SUMMIT ELECTRIC SUPPLY CO., INC.; from Dallas County; 5th district (05-09-00107-CV, ___ SW3d ___, 06-25-10)
- 10-0681 ANGIE HANSON AND JOE HANSON v. GREYSTAR DEVELOPMENT & CONSTRUCTION, LP, ET AL.; from Denton County; 2nd district (02-09-00397-CV, 317 SW3d 850, 07-15-10)
- 10-0723 STACEY D. GAILEY v. MERMAID POOLS OF EL PASO, LLC AND ROBERT PURDUE & CO., INC., D/B/A MERMAID POOLS; from El Paso County; 8th district (08-08-00255-CV, ___ SW3d ___, 06-23-10)
- 10-0767 IN THE ESTATE OF ERNEST H. WARREN, DECEASED; from Van Zandt County; 12th district (12-09-00256-CV, ___ SW3d ___, 06-30-10)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF
JURISDICTION:

10-0742 ROBERT P. SAVARESE AND PATRICIA SAVARESE v. COUNTRYWIDE HOME LOANS, INC.; from Dallas County; 5th district
(05-10-00376-CV, ___ SW3d ___, 06-02-10)

ORDERS ON MOTIONS FOR REHEARING

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

09-1063 MARSA HALL v. CHARLES C. BELL, TONY R. O'HARE, KEVIN MAYFIELD AND JOHN DOE; from Walker County; 10th district
(10-09-00245-CV, ___ SW3d ___, 11-10-09)

10-0193 DALLAS FORT WORTH INTERNATIONAL AIRPORT BOARD v. LINDA BANKS; from Tarrant County; 2nd district
(02-09-00176-CV, ___ SW3d ___, 01-07-10)

10-0289 MATTHEW T. HINTERLONG v. ARLINGTON INDEPENDENT SCHOOL DISTRICT; from Tarrant County; 2nd district
(02-09-00050-CV, ___ SW3d ___, 02-11-10)

10-0304 LESLIE CLINT SLAY v. NATIONSTAR MORTGAGE, LLC, F/K/A CENTEX HOME EQUITY COMPANY, L.L.C.; from Parker County; 2nd district
(02-09-00052-CV, ___ SW3d ___, 02-25-10)

10-0446 MARSHA CHAMBERS v. JUSTICE OF THE PEACE COURT PRECINCT #1; from Kaufman County; 5th district (05-09-00407-CV, ___ SW3d ___, 03-24-10)

10-0701 BARRY D. MINNFEE v. BRAD LEXINGTON; from Bexar County; 4th district
(04-09-00770-CV, ___ SW3d ___, 02-03-10)

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

10-0298 IN RE MARGARET CASTRO; from Harris County; 14th district
(14-10-00238-CV, ___ SW3d ___, 03-18-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0815 IN RE MADELINE MOORE AND BRIAN MOORE; from Robertson County; 10th district (10-09-00376-CV, ___ SW3d ___, 03-10-10)
- 10-0820 IN RE TIMOTHY CASPER; from Harris County; 1st district (01-10-00612-CV, ___ SW3d ___, 09-16-10)
motion for expedited review dismissed as moot
- 10-0864 IN RE TIMOTHY W. BUCHANAN; from Borden County
petition for writs of prohibition, injunction, and mandamus denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

- 10-0272 IN RE ALBERT G. HILL, III AND ERIN HILL; from Dallas County; 5th district (05-10-00447-CV, ___ SW3d ___, 04-21-10)
motion to abate original proceeding pending finalization of global settlement granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until further order of this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced November 2, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0894 IN RE JOSE CARLOS GONZALEZ CALDERON, PETRO GAS GC, INC.,
EQUINOX GC, LLC FKA EQUINOX GC USA, LLC; from Zapata County; 4th
district
motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced November 3, 2010

ORDERS ON CAUSES

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

09-0497 TYLER SCORESBY, M.D. v. CATARINO SANTILLAN, INDIVIDUALLY AND AS NEXT FRIEND OF SAMUEL SANTILLAN, A MINOR; from Tarrant County; 2nd district (02-08-00357-CV, 287 SW3d 319, 04-30-09)
motion for leave granted

THE SUPREME COURT OF TEXAS

Orders Pronounced November 5, 2010

ORDERS ON CAUSES

09-0387 CAROL SEVERANCE v. JERRY PATTERSON, COMMISSIONER OF THE TEXAS GENERAL LAND OFFICE; GREG ABBOTT, ATTORNEY GENERAL FOR THE STATE OF TEXAS; AND KURT SISTRUNK, DISTRICT ATTORNEY FOR THE COUNTY OF GALVESTON, TEXAS

The Court answers the question certified by the United States Court of Appeals for the Fifth Circuit.

Justice Wainwright delivered the opinion of the Court, in which Justice Hecht, Justice Green, Justice Johnson, Justice Willett, and Justice Guzman joined.

Justice Medina delivered a dissenting opinion, in which Justice Lehrmann joined.

(Chief Justice Jefferson not sitting)

09-1072 IN RE RICHARD SCHELLER; from Travis County; 3rd district (03-09-00678-CV, ___ SW3d ___, 12-23-09)
stay order issued January 4, 2010, lifted

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

THE FOLLOWING CAUSE IS DISMISSED:

09-0226 AMERICAN HOME ASSURANCE COMPANY AND ILLINOIS NATIONAL INSURANCE COMPANY v. MARYLAND CASUALTY COMPANY; from Harris County; 1st district (01-07-00711-CV, 277 SW3d 107, 01-29-09)
joint motion to dismiss granted

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0522 EVELYN LITTLE v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE AND GARY JOHNSON, EXECUTIVE DIRECTOR; from Walker County; 10th district (10-07-00236-CV, ___ SW3d ___, 05-12-10)
- 10-0565 ELOISA GOMEZ TELKAMP v. STEIN MART INC., LESLIE SULLIVAN, SHELLY FISHER MARTIN; from Dallas County; 5th district (05-09-00049-CV, ___ SW3d ___, 04-29-10)
- 10-0595 MAURICE STEPHENS A/K/A MAURICE WAYNE STEPHENS, INDIVIDUALLY AND AS TESTAMENTARY TRUSTEE U/W/O JESS M. STEPHENS, DECEASED AND AS TRUSTEE OF THE JESS M. STEPHENS AND ALICE ABERNATHY STEPHENS IRREVOCABLE TRUST AND LISA PRICE v. LPP MORTGAGE, LTD.; from Concho County; 3rd district (03-09-00097-CV, 316 SW3d 742, 07-01-10)
- 10-0606 THOMAS HAYES, MARGARET HAYES, DUSTIN STIBBINS v. ANDERSON COUNTY, TEXAS; from Anderson County; 12th district (12-09-00181-CV, 315 SW3d 170, 05-28-10)
- 10-0684 FERNANDO OTERO, M.D. v. FARIDE LEON A/K/A FARIDE CARMONA, AS NEXT FRIEND OF D.C., A MINOR CHILD; from Hidalgo County; 13th district (13-09-00706-CV, 319 SW3d 195, 07-15-10)
- 10-0685 DONALD EMMETT WARD, SHERREL SCARBOROUGH AND DENNIS SCARBOROUGH v. THOMAS LADNER; from Sabine County; 12th district (12-08-00371-CV, ___ SW3d ___, 06-30-10)
- 10-0739 MILLET HARRISON, JR. v. THE STATE OF TEXAS; from Jefferson County; 9th district (09-10-00017-CV, ___ SW3d ___, 07-08-10)
- 10-0749 LANCE WILLIAMS v. GEORGE COULAM; from Waller County; 1st district (01-09-00279-CV, ___ SW3d ___, 06-24-10)
- 10-0773 KENNETH HICKMAN-BEY v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE AND SERGEANT W. WARD; from Brazoria County; 1st district (01-09-00019-CV, ___ SW3d ___, 06-03-10)

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:

10-0218 TONY CANTU AND ELSA CANTU v. BEN DOMINGUEZ; from Harris County; 14th district (14-08-00156-CV, ___ SW3d ___, 09-10-09)

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

10-0836 IN RE DANNY CLINE

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0794 IN RE J.W.L.; from Tarrant County; 2nd district (02-09-00009-CV, ___ SW3d ___, 06-15-09)

THE FOLLOWING APPEAL FROM A DECISION OF THE BOARD OF DISCIPLINARY APPEALS IS DISMISSED:

10-0607 COMMISSION FOR LAWYER DISCIPLINE v. MUSTAFA ENGIN DERKUNT
motion to dismiss appeal granted
motion to remand denied

THE SUPREME COURT OF TEXAS

Orders Pronounced November 10, 2010

MISCELLANEOUS

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

10-0915 IN RE REPRESENTATIVE LARRY TAYLOR; from Galveston County; 1st district
(01-10-00893-CV, ___ SW3d ___, 10-29-10)
emergency motion for expedited consideration denied
requested response due by 3:00 p.m., November 29, 2010

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced November 12, 2010

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0627 LEONARD PHILLIPS v. AMERICAN ELASTOMER PRODUCTS, LLC; from Harris County; 14th district (14-09-00164-CV, 316 SW3d 181, 06-17-10)
- 10-0717 GIANNA DRIVER v. JAMES G. CONLEY, SR.; from Harrison County; 6th district (06-10-00004-CV, 320 SW3d 516, 08-11-10)
- 10-0816 LOWELL MERRITT v. TERRY DOUGLAS; from Collin County; 5th district (05-09-00180-CV, ___ SW3d ___, 07-23-10)

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:

- 10-0174 TONY CANTU AND ELSA CANTU v. WADE E. MCKINNEY, JR., REBECCA MCKINNEY, JUSTIN MCKINNEY, DANIEL P. BROUSSARD, CRAIG P. DEHAAN, JONNIE K. HARKER, EPERNAY COMMUNITY ASSOCIATION, INC.; from Harris County; 1st district (01-07-00638-CV, ___ SW3d ___, 11-19-09)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

- 10-0907 WALTER LEE HALL, JR., IN ALL NECESSARY CAPACITY v. HON. J. DAVID PHILLIPS, PRES. J., COUNTY COURT AT LAW NUMBER 1, IN AND FOR TRAVIS COUNTY, TEXAS, IN BOTH HIS OFFICIAL AND PERSONAL CAPACITIES, ET AL.; from Travis County
expedited motion to stay denied

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-0902 IN RE CRAIG E. MENDENHALL; from Potter County; 7th district
(07-10-00342-CV, ___ SW3d ___, 09-01-10)

10-0918 IN RE LAKEITH AMIR-SHARIF; from Dallas County; 5th district

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

10-0888 IN RE RABA-KISTNER CONSULTANTS, INC.; from Cameron County; 13th
district
motion to dismiss granted
emergency motion for temporary relief dismissed

THE MOTION IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS
GRANTED:

10-0272 IN RE ALBERT G. HILL, III AND ERIN HILL; from Dallas County; 5th district
(05-10-00447-CV, ___ SW3d ___, 04-21-10)
abatement order issued October 29, 2010, lifted
petition reinstated
unopposed second emergency motion to withdraw granted

THE SUPREME COURT OF TEXAS

Orders Pronounced November 19, 2010

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0593 CHRISTOPHER J. MCCLOSKEY v. ANNE MIRIAM MCCLOSKEY, MICHAEL A. CRAIG AND FIDELITY INVESTMENTS D/B/A NATIONAL FINANCIAL SERVICES, L.L.C.; from Fort Bend County; 14th district (14-08-00365-CV, ___ SW3d ___, 03-23-10) as amended
- 10-0613 STAR HOUSTON, INC., D/B/A STAR MOTOR CARS v. BRETT BRAY, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF THE MOTOR VEHICLE DIVISION OF THE TEXAS DEPARTMENT OF TRANSPORTATION AND MERCEDES-BENZ USA, LLC; from Travis County; 3rd district (03-09-00508-CV, 317 SW3d 742, 04-28-10)
- 10-0698 MARIANO MORENO v. SERGIO SILVA; from Dallas County; 5th district (05-09-00624-CV, 316 SW3d 815, 07-20-10)
- 10-0751 PAUL POONG YOUNG KIM, ANDREW KEEYOUNG CHUNG, JENNIFER E. CHUNG, NAM SIK KIM, MARK H KIM, JURI LEE, SONIA HEASOOK KIM, JIN-BUM HUR AND SOON JA HUR v. BOARD OF TRUSTEES OF THE KOREAN CHRISTIAN CHURCH OF HOUSTON; from Harris County; 1st district (01-08-00970-CV, ___ SW3d ___, 06-03-10)
- 10-0753 ROBERT LAST AND STEPHANIE LAST v. QUAIL VALLEY COUNTRY CLUB, L.P., BULL POWER, INC. AND GLEN MCILVAIN; from Fort Bend County; 1st district (01-08-00759-CV, ___ SW3d ___, 03-25-10)
- 10-0777 MIGUEL REGALADO v. NOEMI B. GUERRA, A/K/A NOEHMI B. GUERRA A/K/A NOEHMI B. REGALADO; from Cameron County; 13th district (13-07-00526-CV, ___ SW3d ___, 08-05-10)
- 10-0812 CHRISTOPHER O'DELL AND ARLINGTON STEAKHOUSE, INC. v. REBECCA WRIGHT; from Tarrant County; 2nd district (02-09-00062-CV, 320 SW3d 505, 08-05-10)

- 10-0817 LINDA-CHERYL SKODA v. MONTAGUE COUNTY AND SYDNEY NOWELL; from Montague County; 2nd district (02-09-00362-CV, ___ SW3d ___, 08-05-10)
- 10-0822 TERRY REBECTOR v. ANGLETON DANBURY HOSPITAL DISTRICT D/B/A ANGLETON DANBURY MEDICAL CENTER; from Brazoria County; 14th district (14-08-00811-CV, ___ SW3d ___, 07-08-10)
- 10-0825 JOSEPH FERRARA v. MICHAEL L. MOORE AND DEBORAH J. MOORE; from Cass County; 6th district (06-10-00006-CV, 318 SW3d 487, 07-28-10)
- 10-0832 IN THE INTERESTS OF E.M., C.M. AND J.M.F., JR., CHILDREN; from Smith County; 12th district (12-09-00092-CV, ___ SW3d ___, 08-25-10)
as redrafted

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0038 METROPOLITAN LIFE INSURANCE COMPANY, THE NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY, MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY AND THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK v. SUSAN COMBS, COMPTROLLER OF PUBLIC ACCOUNTS OF TEXAS AND GREG ABBOTT, ATTORNEY GENERAL OF TEXAS; from Travis County; 3rd district (03-06-00446-CV, 298 SW3d 793, 10-09-09)

(Justice Hecht not sitting)

- 10-0124 SCOGGINS CONSTRUCTION COMPANY, INC. AND BILL R. SCOGGINS v. DEALERS ELECTRICAL SUPPLY CO.; from Hidalgo County; 13th district (13-06-00368-CV, ___ SW3d ___, 10-22-09)
- 10-0514 WPS, INC. v. ENERVEST OPERATING, L.L.C.; from Harris County; 1st district (01-06-00759-CV, ___ SW3d ___, 05-28-10)

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

- 10-0654 IN RE ARTURO SOLIS; from Coryell County; 10th district (10-09-00065-CV, ___ SW3d ___, 12-02-09)

MISCELLANEOUS

THE FOLLOWING MOTION TO CONSOLIDATE IS GRANTED:

10-0415 BP AMERICA PRODUCTION COMPANY v. DISCOVERY OPERATING, INC.;
from Midland County; 11th district (11-08-00127-CV, 311 SW3d 140, 04-15-10)

- consolidated with -

10-0424 BP AMERICA PRODUCTION COMPANY v. DISCOVERY OPERATING, INC.;
from Midland County; 11th district (11-08-00171-CV, 311 SW3d 140, 04-15-10)
unopposed motion to consolidate cases granted

THE SUPREME COURT OF TEXAS

Orders Pronounced November 24, 2010

ORDERS ON CAUSES

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

09-0377 AARON GLENN HAYGOOD v. MARGARITA GARZA DE ESCABEDO; from Angelina County; 12th district (12-07-00130-CV, 283 SW3d 3, 02-18-09) motion to strike brief of amicus curiae denied

ORDERS ON CASES GRANTED

THE FOLLOWING CERTIFIED QUESTION FROM THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT IS ACCEPTED:

10-0940 GREGORIO VILLARREAL; ESTELA VILLARREAL v. TRUSTEE DAVID W. SHOWALTER

[**Note:** This case has been set for oral argument at 9:00 a.m., March 1, 2011.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS DENIED:

10-0732 IN THE INTEREST OF V.V., A MINOR CHILD; from Harris County; 1st district (01-08-00345-CV, ___ SW3d ___, 07-29-10) as redrafted

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0932 IN RE LEW ANDERTON; from Dallas County; 5th district
(05-10-00693-CV, ___ SW3d ___, 10-29-10)
as redrafted
motion for temporary relief to stay enforcement of judgment denied
- 10-0943 IN RE MICHAEL KENNEDY; from Anderson County; 12th district

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

- 10-0946 IN RE VICTOR HUGO DEL RIO; from Harris County
verified emergency complaint, being treated as a petition for writ of habeas corpus,
denied
motion to intervene denied

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

- 10-0962 IN RE RSL FUNDING, LLC AND RAPID SETTLEMENTS, LTD.; from Harris
County; 14th district (14-10-01111-CV, ___ SW3d ___, 11-18-10)
motion for temporary relief granted
requested response due by 3:00 p.m., December 9, 2010

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced November 30, 2010

ORDERS ON CAUSES

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS GRANTED:

09-0794 LTTS CHARTER SCHOOL, INC. D/B/A UNIVERSAL ACADEMY v. C2
CONSTRUCTION, INC.; from Dallas County; 5th district
(05-07-01469-CV, 288 SW3d 31, 02-02-09)
motion of the State of Texas to participate in oral argument granted
motion to either expand or reallocate time denied

Pursuant to Texas Rules of Appellate Procedure 2, 59.4, and 59.6, the Court grants
amicus curiae five minutes of the twenty minutes allotted to the petitioner for oral
argument.

Time allotted to argue: 15/20/5 minutes

THE SUPREME COURT OF TEXAS

Orders Pronounced December 3, 2010

ORDERS ON CAUSES

06-0243 SOLAR APPLICATIONS ENGINEERING, INC. v. T.A. OPERATING CORPORATION; from Bexar County; 4th district (04-04-00180-CV, 191 SW3d 173, 09-28-06)

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

Justice Wainwright delivered the opinion of the Court.

(Justice Green not sitting)

08-0172 TEXAS COMPTROLLER OF PUBLIC ACCOUNTS v. ATTORNEY GENERAL OF TEXAS AND THE DALLAS MORNING NEWS, LTD.; from Travis County; 3rd district (03-07-00102-CV, 244 SW3d 629, 01-17-08)
2 petitions

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

Chief Justice Jefferson delivered the opinion of the Court, in which Justice Medina, Justice Green, Justice Guzman, and Justice Lehrmann joined.

Justice Wainwright delivered an opinion dissenting in part and concurring in part, in which Justice Johnson joined.

(Justice Hecht and Justice Willett not sitting)

08-1066 MICHAEL T. JELINEK, M.D. AND COLUMBIA RIO GRANDE HEALTHCARE, L.P. D/B/A RIO GRANDE REGIONAL HOSPITAL v. FRANCISCO CASAS AND ALFREDO DELEON, JR., AS PERSONAL REPRESENTATIVES OF THE ESTATE OF ELOISA CASAS, DECEASED; from Hidalgo County; 13th district (13-06-00088-CV, ___ SW3d ___, 07-29-08)
2 petitions

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

Justice Guzman delivered the opinion of the Court, in which Justice Hecht, Justice Wainwright, Justice Medina, Justice Johnson, and Justice Willett joined, and in which Chief Justice Jefferson, Justice Green, and Justice Lehrmann joined as to Parts I and II.A.

Chief Justice Jefferson delivered an opinion dissenting in part, in which Justice Green and Justice Lehrmann joined.

Justice Lehrmann delivered an opinion, dissenting in part.

09-0026 WIND MOUNTAIN RANCH, LLC v. CITY OF TEMPLE, TEXAS; from Bell County; 7th district (07-07-00305-CV, ___ SW3d ___, 11-25-08)

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

09-0300 THE UNIVERSITY OF TEXAS AT AUSTIN v. ROBERT HAYES; from Travis County; 3rd district (03-06-00581-CV, 279 SW3d 877, 03-06-09)
as amended

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 dismisses the case for lack of jurisdiction.

Per Curiam Opinion

09-0330 LIANA LEORDEANU v. AMERICAN PROTECTION INSURANCE COMPANY; from Travis County; 3rd district (03-06-00529-CV, 278 SW3d 881, 02-13-09)

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

Justice Hecht delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Wainwright, Justice Medina, Justice Green, Justice Willett, Justice Guzman, and Justice Lehrmann joined.

Justice Johnson delivered a dissenting opinion.

09-0432 IN RE OLSHAN FOUNDATION REPAIR COMPANY, LLC AND OLSHAN FOUNDATION REPAIR COMPANY OF DALLAS, LTD.; from Wise County; 2nd district (02-08-00336-CV, ___ SW3d ___, 10-02-08)

stay order issued July 3, 2009, lifted

- and -

09-0433 IN RE OLSHAN FOUNDATION REPAIR COMPANY, LLC AND OLSHAN FOUNDATION REPAIR COMPANY OF DALLAS, LTD.; from Wise County; 2nd district (02-08-00342-CV, ___ SW3d ___, 10-02-08)
stay order issued July 3, 2009, lifted

- and -

09-0474 IN RE OLSHAN FOUNDATION REPAIR COMPANY, LLC AND OLSHAN FOUNDATION REPAIR COMPANY OF DALLAS, LTD.; from Dallas County; 5th district (05-08-01143-CV, 277 SW3d 124, 02-05-09)
petition for writ of mandamus denied
stay order issued July 3, 2009, lifted

- and -

09-0703 IN RE OLSHAN FOUNDATION REPAIR COMPANY, LLC AND OLSHAN FOUNDATION REPAIR COMPANY OF DALLAS, LTD.; from Ellis County; 10th district (10-09-00119-CV, ___ SW3d ___, 07-01-09)
stay order issued July 3, 2009, lifted

With the exception of 09-0474, the Court conditionally grants the writs of mandamus.

Justice Wainwright delivered the opinion of the Court.

Justice Hecht delivered a concurring opinion, in which Justice Medina joined.

09-0683 CHRISTI BAY TEMPLE v. GUIDEONE SPECIALTY MUTUAL INSURANCE CO., ET AL.; from Nueces County; 13th district (13-07-00537-CV, ___ SW3d ___, 03-31-09)

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 remands the case to the trial court.

Per Curiam Opinion

09-1007 MARIA ALEJANDRO REYES, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF KAREN REYES, A/K/A KAREN VAQUERA, DECEASED v. THE CITY OF LAREDO; from Webb County; 4th district

(04-09-00132-CV, ___ SW3d ___, 09-09-09)
2 petitions

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 dismisses the case.

Per Curiam Opinion

THE FOLLOWING MOTIONS TO PARTICIPATE IN ORAL ARGUMENT ARE GRANTED:

09-0399 BP AMERICA PRODUCTION COMPANY, ATLANTIC RICHFIELD COMPANY AND VASTAR RESOURCES, INC. v. STANLEY G. MARSHALL, JR., ROBERT RAY MARSHALL, CATHERINE IRENE MARSHALL F/K/A CATHERINE I.M. HASHMI, AND MARGARET ANN MARSHALL F/K/A MARGARET A.M. JEFFUS, BY AND THROUGH DAVID JEFFUS, AS INDEPENDENT EXECUTOR OF THE ESTATE OF MARGARET MARSHALL; from Zapata County; 4th district (04-06-00478-CV, 288 SW3d 430, 12-10-08)

motion to allow two counsel to present rebuttal argument granted

10-0238 IN RE UNIVERSAL UNDERWRITERS OF TEXAS INSURANCE COMPANY; from Tarrant County; 2nd district (02-10-00013-CV, ___ SW3d ___, 03-23-10)
motion to appear as amicus curiae granted

Time allotted to argue: 20/15/5 minutes

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

08-0148 REGAL FINANCE COMPANY, LTD. AND REGAL FINANCE COMPANY II, LTD. v. TEX STAR MOTORS, INC.; from Harris County; 14th district (14-05-00215-CV, 246 SW3d 745, 01-10-08)

motion for clarification denied

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

08-0727 TEXAS INDUSTRIAL ENERGY CONSUMERS v. CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC; PUBLIC UTILITY COMMISSION OF TEXAS; from Travis County; 3rd district (03-06-00285-CV, 263 SW3d 448, 07-25-08)

09-0292 ZENITH INSURANCE COMPANY v. CARMEN AYALA; from Dallas County; 5th district (05-08-00276-CV, ___ SW3d ___, 02-26-09)

09-0369 GLENN COLQUITT v. BRAZORIA COUNTY; from Brazoria County; 14th district (14-08-00210-CV, 282 SW3d 582, 01-27-09)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

09-0999 TEXAS A&M UNIVERSITY - KINGSVILLE v. MELODY YARBROUGH; from Kleberg County; 13th district (13-07-00744-CV, 298 SW3d 366, 09-24-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 4, 2011.]

Time allotted to argue: 20/20 minutes

10-0096 LANCER INSURANCE COMPANY v. GARCIA HOLIDAY TOURS, LOUIS GARCIA, RAUL GARCIA, OSCAR PEREZ, II, DANIELLE CALHOUN, ADRIANA RIOJAS, JUAN GABRIEL GONZALEZ, MARISOL SALAZAR, RAUL GUERRA, JR., MARIA E. GUERRA AND JOHN A. VELA, JR.; from Jim Wells County; 4th district (04-08-00839-CV, 308 SW3d 35, 12-23-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 4, 2011.]

Time allotted to argue: 20/20 minutes

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

10-0235 IN RE STATE OF TEXAS; from Travis County; 3rd district (03-10-00121-CV, ___ SW3d ___, 03-31-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 4, 2011.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0960 CITY OF MESQUITE v. PKG CONTRACTING, INC.; from Dallas County; 5th district (05-07-00627-CV, 263 SW3d 444, 07-09-08)
- 10-0018 ROBERT PUCKETT, BRIAN HENDRIX, DEPENDENT ADMINISTRATOR OF THE ESTATE OF JAMES JULIUS PUCKETT, JR., DECEASED, MERRILL JOHN STOKES AND CBM COMFORT, INC. D/B/A RANCBUYERS REAL ESTATE A/K/A RANCBUYERS.COM v. QUINT BURRIS, INDIVIDUALLY AND D/B/A QB PROPERTIES; from Victoria County; 13th district (13-07-00703-CV, ___ SW3d ___, 11-24-09)
- 10-0061 NOCONA MEDICAL CLINIC, P.A. v. LINDA DIANE TUCKER AND MYRLE TUCKER; from Montague County; 2nd district (02-09-00002-CV, 301 SW3d 761, 11-19-09)
2 petitions
- 10-0211 JAMES A. SPAKES v. THELMA J. WEBER; from Johnson County; 10th district (10-08-00313-CV, ___ SW3d ___, 01-13-10)
- 10-0379 IN THE INTEREST OF P.L.H., S.R.H. AND C.H.H., MINOR CHILDREN; from Dallas County; 8th district (08-07-00228-CV, ___ SW3d ___, 02-24-10)
- 10-0428 TECHTERRA COMMUNICATIONS, INC., CHRISTIAN BEHIER AND ADELLA ALMAZAN-SEABOLT v. CARL T. WIBBENMEYER; from Williamson County; 3rd district (03-09-00122-CV, ___ SW3d ___, 03-26-10)
- 10-0437 ROLANDO SALINAS AND ERCELDA SALINAS v. NORIMEX INTERNATIONAL METALS, INC. AND JOSE RODOLFO ORNELAS BARRAGAN; from Hidalgo County; 13th district (13-09-00074-CV, ___ SW3d ___, 05-06-10)
- 10-0484 LUMBERMENS MUTUAL CASUALTY COMPANY v. DORIS J. TOBERNY; from Travis County; 3rd district (03-08-00483-CV, ___ SW3d ___, 03-19-10)
- 10-0486 DANIEL STROUD, M.D. v. JERRY GRUBB, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF LONNIE GRUBB, DECEASED; from Harris County; 1st district (01-09-00945-CV, ___ SW3d ___, 05-13-10)
- 10-0510 AIM-EX INDUSTRY, INC. v. JASON SLOVER AND STEPHANIE SLOVER, INDIVIDUALLY AND AS NEXT FRIENDS OF L.S., MINOR CHILD; from

Lubbock County; 7th district (07-09-00184-CV, ___ SW3d ___, 05-19-10)

- 10-0533 TONY CANTU AND ELSA CANTU v. WADE E. MCKINNEY, JR., REBECCA MCKINNEY, JUSTIN MCKINNEY, DANIEL P. BROUSSARD, CRAIG P. DEHAAN, JONNIE K. HARKER, EPERNAY COMMUNITY ASSOCIATION, INC.; from Harris County; 1st district (01-07-01091-CV, ___ SW3d ___, 12-22-09)
- 10-0535 FRIENDSHIP WEST BAPTIST CHURCH v. CENTEX/VESTAL, A JOINT VENTURE; from Dallas County; 5th district (05-09-00053-CV, 314 SW3d 677, 06-10-10)
- 10-0544 JOSE FERNANDEZ GALAN PALAU v. FLOR DE MARIA NAVARRO SANCHEZ; from Harris County; 1st district (01-08-00648-CV, 317 SW3d 780, 06-10-10)
- 10-0547 KCCC PROPERTIES, INC. v. QUALITY VENDING, INC.; from Lubbock County; 7th district (07-09-00298-CV, 312 SW3d 231, 04-29-10)
- 10-0569 TEXAS REAL ESTATE COMMISSION v. GILBERT RODRIGUEZ AND MARY ALICE RODRIGUEZ; from Wilson County; 4th district (04-09-00681-CV, ___ SW3d ___, 06-16-10)
- 10-0573 MONTGOMERY COUNTY, TEXAS v. KAREN MCPETERS; from Montgomery County; 9th district (09-09-00451-CV, ___ SW3d ___, 05-27-10)
- 10-0574 WON PAK, ADISU TADESSE AND RONNY LUONG v. CAMERON M. HARRIS, GARZA & STAPLES, P.C., GARZA & STAPLES, LLP AND DISMUKE, WATERS, AND SCHRIEDEL F/K/A DISMUKE & WATERS, P.C.; from Dallas County; 5th district (05-08-00857-CV, 313 SW3d 454, 04-15-10)
- 10-0594 LARRY BROOKS v. MASS MARKETING, LTD. F/K/A MASS MARKETING, INC., D/B/A SUPER S FOODS; from Comal County; 3rd district (03-07-00658-CV, ___ SW3d ___, 04-06-10)
- 10-0614 LONNIE PHILLIPS, JR. AND LANCE PHILLIPS, AS NEXT FRIEND v. BETTY WILLY AND THE EXECUTOR OF THE ESTATE OF KENNETH BING, KIMBERLY RAE THOMPSON BING AND KENNETH BING, JR.; from Brazoria County; 1st district (01-07-00159-CV, ___ SW3d ___, 01-28-10)
- 10-0619 CHARLES PHILIP MARSH v. BRAD LIVINGSTON, ET AL.; from Brazoria County; 14th district (14-09-00011-CV, ___ SW3d ___, 04-22-10)
- 10-0624 JAMES EDWARD CAREY, III AND GWENDOLYN FAYE CAREY v. THE

STATE OF TEXAS; from Bexar County; 4th district
(04-09-00809-CV, ___ SW3d ___, 07-21-10)

- 10-0626 AGE INDUSTRIES, LTD. v. THOMAS EDWARDS; from El Paso County; 8th district (08-08-00246-CV, 318 SW3d 461, 06-30-10)
as redrafted
- 10-0630 STRATEGIC IMPACT CORPORATION, KIM O. BRASCH AND MARIA C. FLOUDAS v. BIG DOG LOGISTICS, INC., BIG DOG CAPITAL CORP., BIG DOG EXPEDITING, INC., BIG DOG AIR FREIGHT, BIG DOG LOGISTICS I, OL.P., BIG DOG LOGISTICS, L.L.P., FROGFIRE TECHNOLOGIES, INC., BIG DOG GROUP, INC., DANIEL KIRK AND KIRK LANE; from Harris County; 14th district (14-07-00892-CV, ___ SW3d ___, 03-30-10)
- 10-0643 JEFF NOURI, INDIVIDUALLY; MAHMOUD NOURI, INDIVIDUALLY; AND J.A.M. BROTHERS, INC. v. LIZA MOSSLER, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF CHRISTOPHER GLENN MOSSLER; from Travis County; 3rd district (03-08-00476-CV, ___ SW3d ___, 05-27-10)
- 10-0663 RODOLFO AND ANNA VELA v. BRADLEY M. MANNING, AMERICAN NATIONAL INSURANCE CO., H.G. PATTERSON, H.F. ALDRIDGE, HOWARD WOODRIDGE AND B.J. GARRISON; from Dallas County; 5th district (05-09-00400-CV, 314 SW3d 693, 06-11-10)
- 10-0699 LOERA CUSTOMS BROKERAGE, INC. v. REVEILLE TRUCKING, INC.; from Cameron County; 13th district (13-08-00127-CV, ___ SW3d ___, 06-29-10)
as redrafted
- 10-0726 AMANDA HAM v. EQUITY RESIDENTIAL PROPERTY MANAGEMENT SERVICES, CORP. AND THE WIMBERLY APARTMENT HOMES, LTD.; from Collin County; 5th district (05-08-01297-CV, ___ SW3d ___, 06-01-10)
- 10-0733 OLD REPUBLIC INSURANCE COMPANY v. DELIA MENDOZA; from El Paso County; 8th district (08-08-00337-CV, ___ SW3d ___, 07-30-10)
- 10-0743 JOE M. GARZA, ET AL. v. TERRA NOVA INSURANCE COMPANY, ET AL.; from Fort Bend County; 14th district (14-08-00653-CV, ___ SW3d ___, 05-20-10)
- 10-0759 MCKAMY EVERS ESTATES HOMEOWNERS ASSOCIATION, MCKAMY EVERS ESTATES HOMEOWNERS ASSOCIATIONS INC., MCKAMY DEVELOPMENT COMPANY LTD. SKELTON INVESTMENTS LLC. AND JOHN SKELTON v. PLAINSCAPITAL BANK; from Denton County; 2nd district (02-10-00192-CV, ___ SW3d ___, 08-19-10)

- 10-0761 SOUTHWEST GRAIN COMPANY, INC. v. PILGRIM'S PRIDE S.A. DE C.V.; from Hidalgo County; 13th district (13-07-00557-CV, ___ SW3d ___, 06-30-10)
- 10-0762 RICARDO ALFREDO MACIAS v. MARTHA ANN MACIAS; from Gonzales County; 13th district (13-09-00351-CV, ___ SW3d ___, 07-08-10)
- 10-0763 STEVE OUALLINE v. KEN BURNS, JR.; from Ector County; 11th district (11-09-00160-CV, 321 SW3d 719, 08-05-10)
- 10-0770 SIMEON LEBLEU v. CHRISTOPHER HOLEMAN; from Anderson County; 12th district (12-10-00140-CV, ___ SW3d ___, 07-07-10)
- 10-0778 IN THE MATTER OF J.B.L., JUVENILE-RESPONDENT; from Montgomery County; 9th district (09-09-00217-CV, 318 SW3d 544, 08-05-10)
- 10-0793 CAROLINE BERTHELOT, INDIVIDUALLY AND AS TRUSTEE OF THE CAROLINE BETH BERTHELOT LIVING TRUST v. J. BAXTER BRINKMANN; from Dallas County; 5th district (05-09-00216-CV, 322 SW3d 365, 08-17-10)
- 10-0801 FRANCES STEINBERG AND MORTON RUDBERG v. NAUTILUS INSURANCE COMPANY; from Dallas County; 5th district (05-08-01418-CV, 316 SW3d 752, 07-02-10)
- 10-0804 JON JONES v. AMADO Z. MORALES; from Floyd County; 7th district (07-08-00367-CV, 318 SW3d 419, 05-21-10)
- 10-0805 RENE PERALEZ v. NOE PERALEZ, ET AL.; from Hidalgo County; 13th district (13-09-00259-CV, ___ SW3d ___, 06-24-10)
- 10-0807 IN THE INTEREST OF L.M., A CHILD; from Tarrant County; 2nd district (02-09-00323-CV, ___ SW3d ___, 08-05-10)
- 10-0847 ALFREDO MARTINEZ, SR. AND DEBRA MARTINEZ INDIVIDUALLY AND AS PARENTS OF ALFREDO MARTINEZ, JR., DECEASED v. TERI SHANNON MARTINEZ, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF ALFREDO MARTINEZ, JR. DECEASED; from Hidalgo County; 13th district (13-09-00292-CV, ___ SW3d ___, 08-26-10)
- 10-0851 JUAN ENRIQUEZ v. THE HONORABLE RHONDA HURLEY, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY; THE HONORABLE SCOTT H. JENKINS, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY; THE HONORABLE STEPHEN YELENOSKY, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY,

ET AL.; from Travis County; 3rd district
(03-10-00017-CV, ___ SW3d ___, 08-20-10)

10-0955 IN THE INTEREST OF B.G.; from Harris County; 1st district
(01-09-00579-CV, ___ SW3d ___, 09-23-10)

**THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED FOR WANT OF
JURISDICTION:**

10-0670 KATHERINE R. MACKEY v. HOUSING AUTHORITY OF THE CITY OF
GLADEWATER, TEXAS; from Gregg County; 12th district
(12-09-00329-CV, ___ SW3d ___, 05-12-10)

10-0948 IN THE INTEREST OF B.W.B., A CHILD; from Hale County; 7th district
(07-08-00487-CV, ___ SW3d ___, 10-29-09)

ORDERS ON MOTIONS FOR REHEARING

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

09-0087 ELTON M. HYDER, III v. MARTHA ROWAN HYDER, INDIVIDUALLY AND
AS TRUSTEE UNDER THE WILL OF ELTON M. HYDER, JR., BRENT
ROWAN HYDER AND WHITNEY HYDER MORE; from Tarrant County; 5th
district (05-07-01121-CV, ___ SW3d ___, 08-11-08)

(Justice Guzman not sitting)

09-0137 JIM TOBIN AND LINDA TOBIN v. EVANS WEAVER AND WEAVER
INTERESTS, INC.; from Travis County; 3rd district
(03-04-00350-CV, ___ SW3d ___, 07-18-08)

09-0162 VISTA COMMUNITY MEDICAL CENTER, LLP AND CHRISTUS HEALTH
GULF COAST v. TEXAS MUTUAL INSURANCE COMPANY, LIBERTY
MUTUAL INSURANCE COMPANY, ZENITH INSURANCE COMPANY,
ZURICH AMERICAN INSURANCE COMPANY AND TEXAS DEPARTMENT
OF INSURANCE, DIVISION OF WORKERS' COMPENSATION; from Travis
County; 3rd district (03-07-00682-CV, 275 SW3d 538, 11-13-08)

09-0208 GUSTAVO RODRIGUEZ AND BRENDA RODRIGUEZ, INDIVIDUALLY AND
AS NEXT FRIENDS OF JUAN DE DIOS RODRIGUEZ, MINOR CHILD v.
MERCY REGIONAL MEDICAL CENTER A/K/A MERCY HOSPITAL OF

LAREDO (CORRECTLY KNOWN AS MERCY HOSPITAL OF LAREDO D/B/A MERCY REGIONAL MEDICAL CENTER); from Webb County; 4th district (04-06-00386-CV, ___ SW3d ___, 02-20-09)

09-0581 MINNIE SHELTON INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF ANNIE MAE BROWN v. THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON AND THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON D/B/A JOHN SEALY HOSPITAL; from Galveston County; 14th district (14-07-00994-CV, ___ SW3d ___, 04-14-09)

10-0015 CAMERON APPRAISAL DISTRICT v. THORA ROURK, ET AL.; from Cameron County; 13th district (13-07-00684-CV, 305 SW3d 231, 11-24-09)

10-0371 FIVE STAR INTERNATIONAL HOLDINGS INCORPORATED AND F-STAR SOCORRO, LP v. THOMSON, INC., F/K/A THOMSON CONSUMER ELECTRONICS, INC.; from El Paso County; 8th district (08-07-00143-CV, ___ SW3d ___, 03-31-10)

10-0493 MAYOR STEVE MITCHELL v. CHERI DUNCAN-HUBERT; from Dallas County; 5th district (05-09-00018-CV, 310 SW3d 92, 03-18-10)

10-0672 FERGUS M. GINTHER v. BANK OF AMERICA, N.A., FORMERLY NATIONSBANK OF TEXAS, N.A., PREDECESSOR TRUSTEE AND PREDECESSOR EXECUTOR; from Harris County; 1st district (01-08-00430-CV, ___ SW3d ___, 05-28-10)

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-0722 IN RE RICARDO GUTIERREZ; from Swisher County; 7th district (07-10-00216-CV, ___ SW3d ___, 06-11-10)

(Justice Johnson not sitting)

10-0918 IN RE LAKEITH AMIR-SHARIF; from Dallas County; 5th district request to take judicial notice of facts denied

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0365 IN RE THE FROST NATIONAL BANK; from Bexar County; 4th district
(04-10-00381-CV, ___ SW3d ___, 05-19-10)
stay order issued May 20, 2010, lifted
- 10-0480 IN RE BUFORD SCOTT, JR.; from Hood County; 2nd district
(02-09-00389-CV, ___ SW3d ___, 03-15-10)
as redrafted
- 10-0730 IN RE NORTH CYPRESS MEDICAL CENTER OPERATING COMPANY, LTD.
AND NORTH CYPRESS MEDICAL CENTER OPERATING COMPANY GP,
LLC AND DR. ROBERT BEHAR; from Harris County; 1st district
(01-10-00750-CV, ___ SW3d ___, 09-07-10)

(Justice Guzman not sitting)

- 10-0841 IN RE JERRY VALDEZ; from Bexar County; 4th district
(04-10-00636-CV, ___ SW3d ___, 09-15-10)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 10-0869 IN RE AMERICAN HOME ASSURANCE COMPANY, BROADSPIRE SERVICES,
INC. AND TAMMY BINGHAM; from Bexar County; 4th district
(04-10-00735-CV, ___ SW3d ___, 10-19-10)
motion to dismiss original proceeding granted
motion for expedited stay of trial dismissed as moot

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

- 09-0922 IN THE MATTER OF EUGENE X. MERCIER

STAY ORDERS ARE ISSUED IN THE FOLLOWING PETITIONS FOR WRIT OF
MANDAMUS:

10-0934 IN RE SHEILA KENNEDY; from Harris County; 14th district
(14-10-00029-CV, ___ SW3d ___, 07-16-10)
emergency motion for temporary relief granted
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

10-0977 IN RE JAMES M. SHAW AND CARABIN & SHAW, P.C.; from Cameron County;
13th district (13-10-00487-CV, ___ SW3d ___, 10-27-10)
motion for emergency stay granted in part
stay order issued
requested response due by 3:00 p.m., December 20, 2010

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE MOTION IN THE FOLLOWING CASE IS DENIED:

09-0932 ALICE ANDREWS v. ERIC DRAKE; from Dallas County; 5th district
(05-07-01576-CV, 294 SW3d 370, 08-17-09)
motion to recuse denied

TEX. R. APP. P. 16.3(b)

THE SUPREME COURT OF TEXAS

Orders Pronounced December 6, 2010

ORDERS ON CAUSES

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

10-0150 ECOM REAL ESTATE MANAGEMENT, INC. v. THE CITY OF MIDLOTHIAN, TEXAS; from Ellis County; 10th district (10-09-00039-CV, ___ SW3d ___, 01-27-10) agreed motion to postpone oral argument pursuant to TEX. R. APP. P. 10.5(c) granted

THE SUPREME COURT OF TEXAS

Orders Pronounced December 7, 2010

ORDERS ON CAUSES

THE MOTION TO RESET ORAL ARGUMENT IN THE FOLLOWING CAUSE IS
GRANTED:

10-0235 IN RE STATE OF TEXAS; from Travis County; 3rd district
(03-10-00121-CV, ___ SW3d ___, 03-31-10)
unopposed motion to reset oral argument granted

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

THE SUPREME COURT OF TEXAS

Orders Pronounced December 8, 2010

ORDERS ON CAUSES

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

09-0340 INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA v. CARMEN MURO; from Dallas County; 5th district
(05-07-00279-CV, 285 SW3d 524, 03-12-09)
emergency motion to postpone oral argument granted

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

THE SUPREME COURT OF TEXAS

Orders Pronounced December 10, 2010

ORDERS ON CAUSES

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

09-1072 IN RE RICHARD SCHELLER; from Travis County; 3rd district
(03-09-00678-CV, ___ SW3d ___, 12-23-09)
motion to reinstate stay denied

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0703 IN RE THE COMMITMENT OF ALBERT NICOLAS A/K/A ALBERT NICOLAS,
JR. A/K/A ALLEN NICOLAS; from Montgomery County; 9th district
(09-08-00452-CV, ___ SW3d ___, 05-06-10)
- 10-0704 RICHARD PAYNE v. PAUL MORALES, THOMAS S. HINKLE, AND JOE A.
SHAVER; from Karnes County; 4th district
(04-10-00528-CV, ___ SW3d ___, 08-18-10)
- 10-0706 JERRY WANZER v. TDCJ-ID, ET AL.; from Karnes County; 4th district
(04-09-00441-CV, ___ SW3d ___, 06-09-10)
- 10-0712 R.R. YALAMANCHILI v. CHAYN MOUSA; from Harris County; 14th district
(14-08-00491-CV, 316 SW3d 33, 04-22-10)
- 10-0713 MARIA SANTOS DONIHOO v. VIRGINIA LEWIS AND ELLEN CARSON, AS
CO-EXECUTRICES OF THE ESTATE OF EDWARD R. DONIHOO, DECEASED
AND AS REMAINDER BENEFICIARIES UNDER THE WILL; from Hamilton
County; 1st district (01-08-00277-CV, ___ SW3d ___, 03-25-10)
- 10-0786 RUBEN C. RAMIREZ v. THE STATE OFFICE OF RISK MANAGEMENT; from
La Salle County; 4th district (04-09-00541-CV, ___ SW3d ___, 06-30-10)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE
OF APPELLATE PROCEDURE 9.4(i):

10-0872 JOE ALFRED IZEN, JR. v. COMMISSION FOR LAWYER DISCIPLINE; from Harris County; 1st district (01-07-01114-CV, 322 SW3d 308, 05-28-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.2(k)(1)(A) and 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by December 20, 2010."

ORDERS ON MOTIONS FOR REHEARING

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

10-0016 MATHEW T. ALEXANDER, M.D. AND NEUROSURGERY INSTITUTE OF SOUTH TEXAS, P.A. v. BEVERLY ST. CLAIR; from Nueces County; 13th district (13-08-00218-CV, ___ SW3d ___, 09-30-09)

10-0191 FORT WORTH TRANSPORTATION AUTHORITY AND MCDONALD TRANSIT, INC. v. RICKY C. THOMAS; from Tarrant County; 2nd district (02-08-00236-CV, 303 SW3d 850, 10-29-09)

10-0324 LESLIE DURIO POOL, JOE POOL, JR. AND PETER E. FERRARO v. DANAE DURIO DIANA; from Travis County; 3rd district (03-08-00363-CV, ___ SW3d ___, 03-24-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0911 IN RE MARY T. ARD; from Tarrant County; 2nd district
(02-10-00263-CV, ___ SW3d ___, 10-07-10)
- 10-0987 IN RE ON POINT HOLDINGS, L.L.C., D/B/A ON POINT SPORTS AND
PHILIPPE TANGUY; from Harris County; 14th district
(14-10-00915-CV, ___ SW3d ___, 10-14-10)
motion for emergency stay denied
- 10-0988 IN RE RALPH O. DOUGLAS; from Harris County; 14th district
(14-10-00820-CV, ___ SW3d ___, 09-09-10)
petition for review, being treated as a petition for writ of mandamus, denied

THE SUPREME COURT OF TEXAS

Orders Pronounced December 13, 2010

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE
OF APPELLATE PROCEDURE 9.4(i):

10-0912 IN THE INTEREST OF J.M.D. AND M.L.R., CHILDREN; from Midland County;
11th district (11-09-00296-CV, ___ SW3d ___, 09-02-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.2(k)(1)(A), (C), and 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by December 23, 2010."

THE SUPREME COURT OF TEXAS

Orders Pronounced December 14, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-1007 IN RE JOSE A. PEREZ AND NANCY C. PEREZ; from Harris County; 1st district
(01-10-01051-CV, ___ SW3d ___, 12-03-10)
motion to stay trial court proceedings denied

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

10-1011 IN RE SARAH KOVICH; from Dallas County; 5th district
(05-10-01492-CV, ___ SW3d ___, 12-08-10)
agreed emergency motion for temporary relief granted
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced December 16, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-1000 IN RE LA VILLITA MOTOR INNS, J.V., EXECUTIVE MOTELS OF SAN ANTONIO, INC. AND S.A. SUNVEST HOTELS, INC.; from Bexar County; 4th district
emergency motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced December 17, 2010

ORDERS ON CAUSES

05-0729 EXXON CORPORATION AND EXXON TEXAS, INC. v. EMERALD OIL & GAS COMPANY, L.C.; from Refugio County; 13th district (13-99-00757-CV, 228 SW3d 166, 01-27-05)

The Court's opinion of March 27, 2009 is withdrawn and the opinion of this date is substituted. The judgment, issued March 27, 2009, remains in place.

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

Justice Wainwright delivered the opinion of the Court.

(Justice Guzman and Justice Lehrmann not sitting)

05-1076 EXXON CORPORATION AND EXXON TEXAS, INC. v. EMERALD OIL & GAS COMPANY, L.C. AND LAURIE T. MIESCH, ET AL.; from Refugio County; 13th district (13-00-00104-CV, 180 SW3d 299, 11-29-05)
2 motions for rehearing

The Court's opinion of March 27, 2009 is withdrawn and the opinion of this date is substituted.

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

Justice Wainwright delivered the opinion of the Court.

(Justice Guzman and Justice Lehrmann not sitting)

08-0262 ROY KENJI YAMADA, M.D. v. LAURA FRIEND, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SARAH ELIZABETH FRIEND, DECEASED, AND LUTHER FRIEND, INDIVIDUALLY; from Tarrant County; 2nd district (02-07-00177-CV, ___ SW3d ___, 02-28-08)

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

Justice Johnson delivered the opinion of the Court.

09-0048 MCI SALES AND SERVICE, INC., F/K/A HAUSMAN BUS SALES, INC. AND MOTOR COACH INDUSTRIES MEXICO, S.A. DE C.V., F/K/A DINA AUTOBUSES, S.A. DE C.V. v. JAMES HINTON, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF DOLORES HINTON, DECEASED, ET AL.; from McLennan County; 10th district
(10-06-00256-CV&10-08-00353-CV, 272 SW3d 17, 09-10-08)
3 petitions
motion to take judicial notice granted

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

Justice Guzman delivered the opinion of the Court, in which Justice Hecht, Justice Wainwright, Justice Medina, Justice Johnson, Justice Willett, and Justice Lehrmann joined, and in which Chief Justice Jefferson joined as to Parts I and II.

Chief Justice Jefferson delivered an opinion, dissenting in part.

(Justice Green not sitting)

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 08-0523 TEXAS LOTTERY COMMISSION v. FIRST STATE BANK OF DEQUEEN, STONE STREET CAPITAL, INC., AND CLETIUS L. IRVAN; from Travis County; 3rd district (03-07-00249-CV, 254 SW3d 677, 05-16-08)
- 09-0834 CITY OF ELSA, TEXAS v. JOEL HOMER GONZALEZ; from Hidalgo County; 13th district (13-07-00555-CV, 292 SW3d 221, 07-09-09)

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

08-0246 GILBERT TEXAS CONSTRUCTION, L.P. v. UNDERWRITERS AT LLOYD'S LONDON; from Dallas County; 5th district (05-05-01686-CV, 245 SW3d 29, 12-19-07)

The Court's opinion of June 4, 2010 is withdrawn and the opinion of this date is substituted.

The Court affirms the court of appeals' judgment.

Justice Johnson delivered the opinion of the Court.

(Justice Lehrmann not sitting)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

09-0652 THE STATE OF TEXAS v. CHRIS AND HELEN PETROPOULOS; from Travis County; 3rd district (03-04-00714-CV, ___ SW3d ___, 04-28-09)

[Note: This case has been set for oral argument at 9:00 a.m., February 1, 2011.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0842 ROSE MARIE AMMONS v. THE WILSON N. JONES MEMORIAL HOSPITAL D/B/A THE WILSON N. JONES MEDICAL CENTER; from Grayson County; 5th district (05-07-01430-CV, 266 SW3d 51, 08-21-08)

10-0108 TEXAS BACK INSTITUTE, P.A. D/B/A TEXAS BACK INSTITUTE AND WILLIAM D. BRADLEY, M.D. v. BRENDA PETERS; from Denton County; 2nd district (02-08-00417-CV, ___ SW3d ___, 12-23-09)

10-0184 CSFB 1999-C1 ROCKHAVEN PLACE LIMITED PARTNERSHIP v. HARRY FATH; from Dallas County; 5th district (05-08-00175-CV, 303 SW3d 1, 07-30-09)

- 10-0369 JOSHUA BUSH v. DAVID PARKUS, M.D. AND CHRISTUS HEALTH; from Jefferson County; 9th district (09-09-00060-CV, ___ SW3d ___, 04-01-10) as redrafted
- 10-0543 SANDRA GERVAIS LAINE v. FARMERS INSURANCE EXCHANGE; from Harris County; 1st district (01-08-01010-CV, ___ SW3d ___, 02-04-10)
- 10-0552 IN THE INTEREST OF C.T.H.S. AND C.R.H.S.; from Montgomery County; 9th district (09-09-00004-CV, ___ SW3d ___, 04-29-10)
- 10-0625 MARIO MARTINEZ v. CELADON TRUCKING SERVICES, INC.; from El Paso County; 8th district (08-07-00313-CV, 320 SW3d 377, 03-24-10)
- 10-0637 LAREDO COCA-COLA BOTTLING CO. AND COCA-COLA ENTERPRISES, INC. v. SUSAN COMBS, SUCCESSOR TO CAROLE KEETON STRAYHORN, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 3rd district (03-09-00157-CV, 317 SW3d 735, 04-15-10)
- (Justice Hecht not sitting)
- 10-0668 JACOB NEUFELD v. KENNETH HUDNALL, STANLEY BAKER, JOEL HOVDEN, TEJAS MOTORS, AND LONE STAR AUTO AUCTION, INC.; from Lubbock County; 7th district (07-09-00350-CV, ___ SW3d ___, 07-16-10)
- 10-0716 ALVARO SANCHEZ v. OMAR LUCIO, CAMERON COUNTY SHERIFF, ET AL.; 13th district (13-10-00227-CV, ___ SW3d ___, 07-22-10)
- 10-0747 CYNTHIA MALVEAUX AND LOUIS MALVEAUX v. THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON; from Galveston County; 14th district (14-09-00878-CV, ___ SW3d ___, 07-29-10)
- 10-0756 CONNELL SPAIN v. SURGEON CHARLES THOMAS BLACK, M.D., PEDIATRIC SURGICAL ASSOCIATES OF FORT WORTH, BAYLOR ALL SAINTS MEDICAL CENTER, TARRANT COUNTY COMMISSIONERS, TARRANT COUNTY, TEXAS, DALLAS COUNTY COMMISSIONERS, ON BEHALF OF DALLAS COUNTY AND DALLAS COUNTY, TEXAS; from Dallas County; 8th district (08-09-00036-CV, ___ SW3d ___, 08-31-10)
- 10-0757 BETTIE J. ROBERTS A/K/A BETTIE BERARD AND ANNIE MARIE JOHNSON v. T P ENTERPRISES, INC.; from Brazoria County; 14th district (14-09-00206-CV, 321 SW3d 674, 08-03-10) as redrafted

- 10-0764 JAMES M. WILKINSON AND STEPHANIE S. WILKINSON v. HARRIS COUNTY APPRAISAL DISTRICT AND HARRIS COUNTY APPRAISAL REVIEW BOARD; from Harris County; 1st district
(01-08-00547-CV, 317 SW3d 763, 06-03-10)
- 10-0769 ERIC J. ROMERO v. ODRA J. TORT; from Hidalgo County; 13th district
(13-07-00758-CV, ___ SW3d ___, 06-24-10)
- 10-0779 JOSE A. PEREZ AND NANCY C. PEREZ v. OLD AMERICAN COUNTY MUTUAL FIRE INSURANCE COMPANY; from Harris County; 14th district
(14-09-00456-CV, ___ SW3d ___, 08-12-10)
- 10-0818 ULTIMATE FORD, INC. D/B/A ULTIMATE FORD GIDDINGS, AND WEATHERBY FORD, INC. D/B/A ULTIMATE FORD v. MOTOR VEHICLE DIVISION OF THE TEXAS DEPARTMENT OF TRANSPORTATION AND FORD MOTOR COMPANY, INC.; from Travis County; 3rd district
(03-09-00548-CV, ___ SW3d ___, 08-27-10)
- 10-0824 SONIA CABALLERO DE RANGEL AND ELIAZAR RANGEL v. PROGRESSIVE COUNTY MUTUAL INSURANCE COMPANY; from El Paso County; 8th district
(08-09-00138-CV, ___ SW3d ___, 08-24-10)
- 10-0828 LINDON M. STEWART v. JOSEPH S. LANGDON AND KAREN LANGDON, HUSBAND AND WIFE; from Hood County; 2nd district
(02-09-00232-CV, ___ SW3d ___, 08-26-10)
- 10-0843 ALMA DOREEN TODD v. COLLEGE STATION MEDICAL CENTER, LLC; from Brazos County; 10th district (10-09-00398-CV, ___ SW3d ___, 09-01-10)
- 10-0861 R.B. HARDY AND SONS, INC. v. HOYER-GLOBAL (USA), INC.; from Harris County; 1st district (01-09-00041-CV, ___ SW3d ___, 06-10-10)
- 10-0879 QUAN TIEN v. JOHN J. ALAPPATT, M.D.; from Harris County; 1st district
(01-10-00072-CV, ___ SW3d ___, 10-14-10)
- 10-0884 IN THE INTEREST OF C.J.O., A CHILD; from Ector County; 11th district
(11-09-00365-CV, ___ SW3d ___, 09-09-10)
- 10-0892 JUAN ENRIQUEZ v. RISSIE OWENS; from Travis County; 3rd district
(03-09-00309-CV, ___ SW3d ___, 07-09-10)
as supplemented

10-0899 BERNICE M. DEROUEN v. THE FALLS COUNTY SHERIFF DEPARTMENT AND RICKY SCAMAN, DEPUTY SHERIFF IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES; from Falls County; 10th district (10-09-00291-CV, ___ SW3d ___, 09-01-10)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

10-0813 BUTTROSS V, INC. v. VICTORIA SQUARE CONDOMINIUM HOMEOWNERS ASSOCIATION, INC. AND JOHN MUHICH, INDIVIDUALLY AND D/B/A STORCORP SERVICES, LLC AND STORCORP SERVICES, LLC; from Travis County; 3rd district (03-09-00526-CV, ___ SW3d ___, 08-18-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by December 27, 2010."

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

10-0782 SANDRA SHUTTER v. WELLS FARGO BANK, N.A.; from Kaufman County; 5th district (05-09-00639-CV, 318 SW3d 467, 07-21-10)

(Justice Johnson not sitting)

ORDERS ON MOTIONS FOR REHEARING

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

09-0563 DR. ARTHUR HADLEY v. WYETH LABORATORIES, INC.; from Harris County; 14th district (14-07-01055-CV, 287 SW3d 847, 05-28-09)

(Justice Guzman not sitting)

10-0069 CITY OF ALVIN v. SALLIE ZINDLE; from Brazoria County; 14th district (14-08-00458-CV, ___ SW3d ___, 12-08-09)

10-0135 DAVID R. SCHECTER, M.D., INDIVIDUALLY AND D/B/A SCHECTER AND BLUMENFELD, P.A. v. DORIS PENROD; from El Paso County; 8th district (08-07-00121-CV, 319 SW3d 737, 11-12-09)

10-0578 MIKE USTANIK AND TERESA USTANIK v. NORTEX FOUNDATION DESIGNS, INC. AND JERRY L. COFFEE, P.E.; from Johnson County; 10th district (10-09-00272-CV, 320 SW3d 409, 06-16-10)

10-0948 IN THE INTEREST OF B.W.B., A CHILD; from Hale County; 7th district (07-08-00487-CV, ___ SW3d ___, 10-29-09)

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-0875 IN RE ES ENERGY SOLUTIONS, LP; from Dallas County

10-0902 IN RE CRAIG E. MENDENHALL; from Potter County; 7th district (07-10-00342-CV, ___ SW3d ___, 09-01-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0504 IN RE SAN PATRICIO COUNTY, TEXAS; from Refugio County; 13th district
(13-10-00296-CV, ___ SW3d ___, 06-11-10)
- 10-0576 IN RE ROY P. ANDERSON; from Cherokee County; 12th district
(12-09-00278-CV, 316 SW3d 787, 07-14-10)
motion to supplement record dismissed as moot
- 10-0883 IN RE RUBEN PEÑA; from Cameron County; 13th district
(13-10-00342-CV, ___ SW3d ___, 09-20-10)
- 10-0923 IN RE DAVID LEE SUGARS; from Brazos County; 10th district
(10-10-00216-CV, ___ SW3d ___, 08-04-10)
- 10-0979 IN RE CARL J. NICHOLS; from Dallas County; 5th district

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

- 10-0944 IN THE MATTER OF R.T.; from Bexar County; 4th district
(04-09-00553-CV, ___ SW3d ___, 04-14-10)

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

- 10-0960 IN RE XL SPECIALTY INSURANCE COMPANY AND CAMBRIDGE
INTEGRATED SERVICES GROUP, INC.; from Dallas County; 5th district
(05-10-01067-CV, ___ SW3d ___, 10-27-10)
emergency motion to stay granted
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced December 22, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO
TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

10-1026 IN RE CAROL ANN GIBBONS AND VIRGINIA FLOYD; from Tarrant County;
2nd district (02-10-00400-CV, ___ SW3d ___, 11-04-10)
motion to permit filing of petition for writ of mandamus longer than fifteen pages
denied

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rule of Appellate Procedure 52.6 and is struck. Relator is ordered to redraw; the redrawn petition is due to be filed January 5, 2011."

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

10-1010 IN RE JENNIFER CARY; from Collin County; 5th district
(05-10-01071-CV, ___ SW3d ___, 09-20-10)
motion to abate granted
abatement order issued

[**Note:** The case is abated under TEX. R. APP. P. 7.2(b) until further order of this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced December 28, 2010

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE
OF APPELLATE PROCEDURE 9.4(i):

10-0912 IN THE INTEREST OF J.M.D., A CHILD; from Midland County; 11th district
(11-09-00296-CV, ___ SW3d ___, 09-02-10)

The Court strikes the redrafted petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.1(a), 9.8(b), and 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by January 7, 2011."

THE SUPREME COURT OF TEXAS

Orders Pronounced December 29, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

10-0915 IN RE REPRESENTATIVE LARRY TAYLOR; from Galveston County; 1st district
(01-10-00893-CV, ___ SW3d ___, 10-29-10)
relator's motion to dismiss granted
partially agreed motion to dismiss petition for writ of mandamus dismissed as moot

THE SUPREME COURT OF TEXAS

Orders Pronounced January 7, 2011

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0431 YAHVAH THRU HIS "YAHWEH KINGDOM PEOPLE" EKKLESIA VIA "Y.K.P." KINGDOM CORPORATION SOLE AMBASSADOR CLAUDE HUGH LLOYD THE SECOND OF YAHVAH YAHVAHSHUA YAHVAHRUACH AND AMBASSADOR CASSONDRA JEAN LLOYD OF YAHVAH YAHVAHSHUA YAHVAHRUACH v. HARRIS COUNTY, CITY OF BAYTOWN AND GOOSE CREEK SCHOOLS; from Harris County; 1st district (01-08-00292-CV, ___ SW3d ___, 03-11-10)

10-0720 YAKOV ELMAKISS v. KAREN G. HUGHES; from Smith County; 12th district (12-09-00269-CV, ___ SW3d ___, 07-30-10)

(Justice Lehrmann not sitting)

10-0738 BRUCE WAYNE HOUSER v. ANITA R. BREAU, ET AL.; from Jefferson County; 1st district (01-09-00343-CV, ___ SW3d ___, 03-18-10)

10-0771 LISA KAY WARREN, GUARDIAN OF THE ESTATE OF C.W., A MINOR AND KEITH LEE BAILEY HODGES v. BETH CARROLL BAILEY, INDEPENDENT EXECUTRIX OF THE ESTATE OF KEVIN RAY BAILEY, DECEASED; from Henderson County; 12th district (12-09-00277-CV, 319 SW3d 185, 07-01-10)
2 petitions

10-0785 LIMAS JEFFERSON v. HOLMAN STREET BAPTIST CHURCH; from Harris County; 14th district (14-09-00214-CV, 317 SW3d 540, 07-22-10)

(Justice Hecht not sitting)

10-0835 KRISTOFER THOMAS KASTNER v. THE STATE OF TEXAS, ET AL.; from Travis County; 3rd district (03-08-00678-CV, ___ SW3d ___, 07-29-10)
as redrafted

10-0839 PEDRO DELGADILLO CERDA AND LETICIA MARTINEZ v. RUSSELL SOLTANI INDIVIDUALLY AND D/B/A ATLANTIC CAR GROUP, INC.; from

Harris County; 14th district (14-10-00602-CV, ___ SW3d ___, 09-02-10)
as redrafted

- 10-0856 ROBERT H. OSBURN, P.C. v. REALTY ENGINEERING, INC.; from Comal County; 3rd district (03-09-00578-CV, ___ SW3d ___, 08-06-10)
- 10-0865 MYLUS JAMES WALKER, JR. AND DINKINS KELLY LENOX LAMB & WALKER, LLP v. DAWN JOHNSON WHATLEY, INDIVIDUALLY AND AS THE PERSONAL REPRESENTATIVE OF PERRY LEE WHATLEY AND MICHAEL EASTON; from Harris County; 9th district (09-10-00285-CV, 318 SW3d 541, 08-05-10)
- 10-0882 PETER JACOBSON v. EXPO HOLDINGS, LP D/B/A EXPO MOTORCARS AND G. MICHAEL KIM; from Harris County; 14th district (14-09-00343-CV, ___ SW3d ___, 08-24-10)
- 10-0893 CARLA CAMPBELL v. ABRAZO ADOPTION ASSOCIATES; from Bexar County; 4th district (04-09-00827-CV, ___ SW3d ___, 07-07-10)
- 10-0905 BOBBY DEAN COSTON v. NANCY JUNE COSTON; from Henderson County; 12th district (12-09-00458-CV, ___ SW3d ___, 08-18-10)
- 10-0909 PU CHANG TSAI v. MANTAI SHRIMP FARM INC., HAN KUEI SU, SUN CHA SU; from Harris County; 1st district (01-09-00096-CV, ___ SW3d ___, 08-19-10)
- 10-0914 ALLEN PAUL TRAHAN, CHARLENE C. TRAHAN, CHARLES M. CHAMBERS AND LOIS J. CHAMBERS v. LLOYD LAMBRIGHT, ELAINE LAMBRIGHT, D.G. FOOTE, MINOR LONGNION, NITA LONGNION, CHRIS N. MURPHY, MARIA A. MURPHY AND JUDY KAY BURRIS; from San Augustine County; 6th district (06-10-00026-CV, 322 SW3d 424, 09-02-10)
- 10-0920 NORRIS J. DEVOLL v. DAROLD WINGERT, WINGERT WATER SYSTEMS, INC. AND ALVENA WINGERT; from Comal County; 3rd district (03-09-00440-CV, ___ SW3d ___, 08-20-10)
- 10-0922 MICHAEL ANTHONY EVANS v. WAYNE TIFFIN; from De Witt County; 13th district (13-09-00455-CV, ___ SW3d ___, 08-19-10)
- 10-0924 GUADALUPE LOPEZ v. SONIC RESTAURANTS, INC. AND ROBERT MARTINEZ; from Bexar County; 4th district (04-10-00318-CV, ___ SW3d ___, 10-13-10)
- 10-0931 IN THE INTEREST OF S.C.S, A CHILD; from Dallas County; 5th district

(05-09-00832-CV, ___ SW3d ___, 08-06-10)

10-0942 JUAN JESUS CANTU AND MARIA YOLANDA CANTU v. ZAR-MAT PROPERTIES, A TEXAS GENERAL PARTNERSHIP, JOSE RUBEN MATA AND ZARAGOSA HINOJOSA, JR.; from Hidalgo County; 13th district (13-10-00114-CV, ___ SW3d ___, 08-30-10)

10-0945 KELLY KANTON LABAJ AND THIRD COAST AUTO GROUP, LP v. DEEANN VANHOUTEN; from Travis County; 7th district (07-09-00241-CV, 322 SW3d 416, 09-01-10)

10-0956 DENNIS AND GAIL DAVIS v. BNSF RAILWAY COMPANY; from Burleson County; 10th district (10-09-00309-CV, ___ SW3d ___, 10-06-10)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

10-0765 DENNIS J. WILKERSON, SR. v. LINETT M. WILKERSON; from Harris County; 1st district (01-09-00319-CV, 321 SW3d 110, 06-03-10)
unopposed motion to dismiss petition for review granted

ORDERS ON MOTIONS FOR REHEARING

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

- 08-0673 CHARLES FARMER v. KARLA J.M. ROGERS AND MICKEY TOMPKINS; from Orange County; 9th district (09-06-00323-CV, ___ SW3d ___, 05-29-08)
- 09-0906 TEXAS SPECIALTY TRAILERS, INC., J. MARVIN WILLIAMS, JR. AND RICHARD KELLERMAN D/B/A JK TRUCKING v. JACKSON & SIMMEN DRILLING COMPANY; from Jack County; 2nd district (02-07-00228-CV, ___ SW3d ___, 08-13-09)
- 09-1039 FORD MOTOR COMPANY v. CARLOS MARROQUIN, ET AL.; from Nueces County; 13th district (13-06-00070-CV, ___ SW3d ___, 11-05-09)
- 09-1066 JAMES BOONE AND CINDY HAYES v. TEXVA, INC. AND R. BRADLEY BIERMAN; from Collin County; 5th district (05-08-01564-CV, 300 SW3d 879, 11-12-09)
- 10-0008 PAT POUNDS, ALVIN COMMUNITY COLLEGE DISTRICT, ALVIN INDEPENDENT SCHOOL DISTRICT, CITY OF ALVIN, CITY OF MANVEL AND BRAZORIA COUNTY v. MEGAN L. JURGENS AND JUDY PIPER LEAHY; from Brazoria County; 14th district (14-07-00830-CV, 296 SW3d 100, 06-18-09)
2 motions
as supplemented
- 10-0496 IN RE CHARLES ROSS; from Smith County; 12th district (12-09-00317-CV, ___ SW3d ___, 08-18-10)
- 10-0529 GEORGE A. YOUNG AND SHIRLEY A. YOUNG v. TEXAS FIRST BANK AND MYNDE S. EISEN; from Galveston County; 1st district (01-08-00835-CV, ___ SW3d ___, 04-15-10)
- 10-0565 ELOISA GOMEZ TELKAMP v. STEIN MART INC., LESLIE SULLIVAN, SHELLY FISHER MARTIN; from Dallas County; 5th district (05-09-00049-CV, ___ SW3d ___, 04-29-10)
- 10-0597 IN THE ESTATE OF CARL JASPER HOELZER, DECEASED; from Jefferson County; 9th district (09-09-00003-CV, ___ SW3d ___, 04-29-10)
- 10-0613 STAR HOUSTON, INC., D/B/A STAR MOTOR CARS v. BRETT BRAY, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF THE MOTOR VEHICLE DIVISION

OF THE TEXAS DEPARTMENT OF TRANSPORTATION AND MERCEDES-
BENZ USA, LLC; from Travis County; 3rd district
(03-09-00508-CV, 317 SW3d 742, 04-28-10)

- 10-0739 MILLET HARRISON, JR. v. THE STATE OF TEXAS; from Jefferson County; 9th
district (09-10-00017-CV, ___ SW3d ___, 07-08-10)
- 10-0816 LOWELL MERRITT v. TERRY DOUGLAS; from Collin County; 5th district
(05-09-00180-CV, ___ SW3d ___, 07-23-10)
- 10-0955 IN THE INTEREST OF B.G.; from Harris County; 1st district
(01-09-00579-CV, ___ SW3d ___, 09-23-10)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

- 10-1009 LAURANCE KRIEGEL v. SCANDIA WIND SOUTHWEST, SCANDIA WIND,
TRES AMIGAS, LLC, MARIAH PROJECT, SHARYLAND PROJECT,
SHARYLAND DISTRIBUTION AND TRANSMISSION SERVICES, LP
motion for injunctive relief denied

THE FOLLOWING CASE IS REINSTATED:

- 10-0855 IN RE JEFFREY COOK; from Tarrant County; 2nd district
(02-10-00068-CV, ___ SW3d ___, 06-08-10)
abatement order issued October 22, 2010, lifted
motion to reinstate granted
petition for writ of mandamus reinstated

(Justice Lehrmann not sitting)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 10-1041 IN RE RICHARD JOHN FLORANCE, JR.; from Collin County
motion for leave to file petition for writ of mandamus dismissed as moot

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

10-0599 IN RE CAMPBELL RANCH LLC, WILLIAM S. WALKER, WILLIAM L. DAWKINS, JR., ROBERT SCHULTE AND LEE HUBBARD; from Webb County; 4th district (04-10-00413-CV, ___ SW3d ___, 07-28-10)
unopposed motion to dismiss petition for writ of mandamus granted

(Justice Guzman not sitting)

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DISMISSED FOR WANT OF JURISDICTION:

10-1036 IN RE PAUL FRANKLIN; from Harris County

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

10-1011 IN RE SARAH KOVICH; from Dallas County; 5th district
(05-10-01492-CV, ___ SW3d ___, 12-08-10)
stay order issued December 14, 2010, lifted in part
unopposed motion to abate original proceeding granted
abatement order issued

[**Note:** The case is abated under TEX. R. APP. P. 7.2(b) until further order of this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced January 11, 2011

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

10-0283 CHRISTOPHER N. EPPS AND LAURA L. EPPS v. BRUCE FOWLER, JR. AND
STEPHANIE L. FOWLER; from Williamson County; 3rd district
(03-08-00055-CV, ___ SW3d ___, 02-10-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 3, 2011.]

Time allotted to argue: 20/20 minutes

10-0434 1/2 PRICE CHECKS CASHED v. UNITED AUTOMOBILE INSURANCE
COMPANY; from Dallas County; 5th district
(05-08-01685-CV, 310 SW3d 197, 04-14-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 3, 2011.]

Time allotted to argue: 20/20 minutes

(Justice Johnson not sitting)

10-0688 CMH HOMES, INC., VANDERBILT MORTGAGE AND FINANCE, INC. AND
BRUCE ROBIN MOORE, JR. v. ADAM PEREZ; from Duval County; 4th district
(04-10-00259-CV, ___ SW3d ___, 07-28-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 3, 2011.]

Time allotted to argue: 20/20 minutes

THE SUPREME COURT OF TEXAS

Orders Pronounced January 14, 2011

ORDERS ON CAUSES

10-0013 RITA LACKEY FILLINGIM PEARSON v. WILLIS DAN FILLINGIM; from Hemphill County; 7th district (07-08-00144-CV, ___ SW3d ___, 03-24-09)

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

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

08-0172 TEXAS COMPTROLLER OF PUBLIC ACCOUNTS v. ATTORNEY GENERAL OF TEXAS AND THE DALLAS MORNING NEWS, LTD.; from Travis County; 3rd district (03-07-00102-CV, 244 SW3d 629, 01-17-08)
2 motions

(Justice Hecht and Justice Willett not sitting)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

10-0731 BENCHMARK ENGINEERING CORPORATION v. SAM HOUSTON RACE PARK; from Harris County; 14th district (14-08-01167-CV, 316 SW3d 41, 04-29-10)
joint motion to dispose of petition for review in accordance with settlement agreement granted

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court vacates the judgments of the court of appeals and the trial court, and remands the case to the trial court for rendition of judgment pursuant to the parties' settlement agreement.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

- 10-1001 LA VILLITA MOTOR INNS, J.V., EXECUTIVE MOTELS OF SAN ANTONIO, INC. AND S.A. SUNVEST HOTELS, INC. v. ORIX CAPITAL MARKETS, LLC, BANK OF AMERICA, N.A., LNR PARTNERS, INC., CAPMARK FINANCE, INC., NICHOLAS M. PYKA AS TRUSTEE, MICHAEL N. BLUE AS TRUSTEE AND GRETA E. GOLDSBY AS TRUSTEE; from Bexar County; 4th district (04-09-00573-CV, ___ SW3d ___, 08-25-10)
abatement order issued

[**Note:** Effective as of December 17, 2010, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0937 LINBECK CONSTRUCTION CORPORATION, AS MANAGING VENTURER OF LINBECK/CON-REAL/RUSSELL JOINT VENTURE v. CITY OF GRAND PRAIRIE; from Dallas County; 5th district (05-08-00650-CV, 293 SW3d 896, 08-11-09)

(Justice Hecht not sitting)

- 09-0954 IVALUE GROUP, INC. AND JULIAN ROSS v. M&A TECHNOLOGY; from Dallas County; 8th district (08-08-00022-CV, 295 SW3d 356, 08-12-09)
2 petitions
motion to dismiss petition for review denied
- 09-1075 DREW CANTY, ET AL. v. CITY OF NACOGDOCHES, ET AL.; from Nacogdoches County; 12th district (12-08-00001-CV, ___ SW3d ___, 10-14-09)
- 10-0185 CITY OF LAREDO v. HILDA NEGRETE; from Webb County; 4th district (04-08-00737-CV, ___ SW3d ___, 02-10-10)
- 10-0263 WTG GAS PROCESSING, L.P. v. CONOCOPHILLIPS COMPANY, TARGA RESOURCES TEXAS GP LLC, TARGA RESOURCES, INC., TARGA TEXAS FIELD SERVICES LP AND WARBURG PINCUS LLC; from Harris County; 14th district (14-08-00019-CV, 309 SW3d 635, 03-02-10)

- 10-0322 GLOBAL STEEL CORPORATION AND GLOBAL STEEL CORP. v. INTERNATIONAL METAL SALES, INC.; from Williamson County; 3rd district (03-07-00172-CV, ___ SW3d ___, 03-24-10)
- 10-0407 JAMIE ELIZABETH KEE v. ROY BRIAN KEE; from Dallas County; 5th district (05-08-00013-CV, 307 SW3d 812, 02-04-10)
- 10-0464 SUSAN WHEELER v. HON. MAYOR WILLIAM WHITE, CHIEF HAROLD HURTT AND OFFICER'S CIVIL SERVICE COMMISSION; from Harris County; 14th district (14-08-00490-CV, 314 SW3d 225, 05-06-10)
- 10-0483 CITY OF DALLAS v. LEONARD JONES; from Dallas County; 5th district (05-08-01296-CV, 310 SW3d 523, 03-10-10)
- 10-0559 JUAN NARVAEZ v. TEXAS MUTUAL INSURANCE COMPANY; from Dallas County; 5th district (05-08-00109-CV, 312 SW3d 94, 03-16-10)
- 10-0588 TIM CASTILLE v. CECIL HICKS; from Wheeler County; 7th district (07-09-00095-CV, 313 SW3d 874, 05-21-10)
- 10-0621 JOE B. GULLEY, JR. AND IMELDA GULLEY v. WIRT DAVIS, II, INDIVIDUALLY; ET AL.; from Polk County; 1st district (01-08-00572-CV, 321 SW3d 213, 07-01-10)
- 10-0644 MAE DAVIS v. STATE OFFICE OF RISK MANAGEMENT; from El Paso County; 8th district (08-08-00307-CV, 315 SW3d 152, 05-19-10)
- 10-0665 ANDERSON PETRO-EQUIPMENT, INC., A TEXAS DOMESTIC CORPORATION AND CURTIS RAY ANDERSON v. STATE OF TEXAS; from Travis County; 3rd district (03-08-00467-CV, 317 SW3d 812, 06-18-10)
- 10-0790 TEXANS UNITING FOR REFORM AND FREEDOM v. AMADEO SAENZ, P.E., COBY CHASE, TEXAS DEPARTMENT OF TRANSPORTATION AND TEXAS TRANSPORTATION COMMISSION; from Travis County; 3rd district (03-08-00475-CV, 319 SW3d 914, 08-20-10)
- 10-0811 AIM HIGH LOGISTICS SERVICES, LLC v. EXEL TRANSPORTATION SERVICES, INC. AND RICK SIPKOI AND SIP-CODE LOGISTICS, INC.; from Dallas County; 5th district (05-09-00154-CV, 323 SW3d 224, 06-14-10)
- 10-0842 DAMON LEE WOOD v. COASTAL BEND COLLEGE, ET AL.; from Bee County; 13th district (13-09-00253-CV, ___ SW3d ___, 05-27-10)

- 10-0853 LOWELL MERRITT v. GUS CANNON; from Travis County; 3rd district
(03-10-00125-CV, ___ SW3d ___, 08-27-10)
- 10-0912 IN THE INTEREST OF J.M.D., A CHILD; from Midland County; 11th district
(11-09-00296-CV, ___ SW3d ___, 09-02-10)
as redrafted
- 10-0926 GEORGE JONES v. STATE OF TEXAS; from Montgomery County; 9th district
(09-10-00171-CV, ___ SW3d ___, 09-23-10)

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF
JURISDICTION:**

- 10-0729 RAMONA BLACK v. WASHINGTON MUTUAL BANK, SERVICING AGENT;
from Harris County; 1st district (01-09-00151-CV, 318 SW3d 414, 05-13-10)

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0593 CHRISTOPHER J. MCCLOSKEY v. ANNE MIRIAM MCCLOSKEY, MICHAEL
A. CRAIG AND FIDELITY INVESTMENTS D/B/A NATIONAL FINANCIAL
SERVICES, L.L.C.; from Fort Bend County; 14th district
(14-08-00365-CV, ___ SW3d ___, 03-23-10)
- 10-0629 GTE SOUTHWEST INCORPORATED v. SUSAN COMBS, SUCCESSOR TO
CAROLE KEETON STRAYHORN, COMPTROLLER OF PUBLIC ACCOUNTS
OF THE STATE OF TEXAS AND GREG ABBOTT, ATTORNEY GENERAL OF
THE STATE OF TEXAS; from Travis County; 3rd district
(03-08-00561-CV, ___ SW3d ___, 06-03-10)

(Justice Hecht not sitting)

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

- 10-0693 IN RE LUFKIN INDUSTRIES, INC.; from Panola County; 6th district
(06-10-00038-CV, 317 SW3d 516, 07-08-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0402 IN RE GERARDA ESCAMILLA LUNA, AS NEXT FRIEND OF MINORS YAZMIN ALEJANDRA LOPEZ ESCAMILLA AND ANDREINA TORRES ESCAMILLA; from Webb County; 4th district (04-10-00333-CV, ___ SW3d ___, 05-26-10)
motion to file amended reply brief dismissed as moot
stay order issued June 14, 2010, lifted
- 10-0658 IN RE DEANA POLLARD SACKS; from Harris County; 14th district (14-09-00631-CV, ___ SW3d ___, 04-16-10)
- 10-1006 IN RE BECKY K. PINKARD; from Dallas County; 5th district (05-10-01170-CV, ___ SW3d ___, 11-23-10)
- 10-1026 IN RE CAROL ANN GIBBONS AND VIRGINIA FLOYD; from Tarrant County; 2nd district (02-10-00400-CV, ___ SW3d ___, 11-04-10)
as redrafted
emergency motion for stay denied
- 11-0003 IN RE WALTER LEE HALL, JR., IN ALL NECESSARY CAPACITY; from Travis County; 3rd district (03-10-00785-CV, ___ SW3d ___, 12-13-10)
motion for temporary relief denied

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

- 10-1050 IN RE ADRIAN HARDING; from Brazoria County; 14th district (14-10-00104-CV, ___ SW3d ___, 07-26-10)
emergency motion for temporary relief granted
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced January 21, 2011

ORDERS ON CAUSES

06-0752 WILLIAM H. NEALON, M.D. AND ERIC M. WALSER, M.D. v. HARRY WILLIAMS; from Galveston County; 1st district (01-05-00553-CV, 199 SW3d 462, 07-13-06)

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 remands the case to that court.

Per Curiam Opinion

07-0131 JOHN CHRISTOPHER FRANKA, M.D. AND NAGAKRISHNA REDDY, M.D. v. STACEY VELASQUEZ AND SARAGOSA ALANIZ, INDIVIDUALLY AND AS NEXT FRIENDS OF THEIR MINOR CHILD, SARAGOSA MARIO ALANIZ; from Bexar County; 4th district (04-06-00190-CV, 216 SW3d 409, 09-06-06)

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

Justice Hecht delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Wainwright, Justice Green, Justice Johnson, and Justice Willett joined.

Justice Medina delivered a dissenting opinion, in which Justice Lehrmann joined.

(Justice Guzman not sitting)

07-0647 EVELYN CLARK, R.N., ROSEANNE RODRIGUEZ, MHS, AND ELIZABETH ORTIZ, MAS v. CYNTHIA SELL, ON BEHALF OF MITCHELL RAY SELL; from Lubbock County; 7th district (07-07-00049-CV, 228 SW3d 873, 06-27-07)

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 remands the case to that court.

Per Curiam Opinion

08-0248 CARMELITA P. ESCALANTE, M.D., E. EDMUND KIM, M.D., EDGARDO

RIVERA, M.D., AND FRANKLIN C. WONG, M.D. v. DONITA ROWAN AND JAMES NIESE; from Harris County; 14th district (14-05-00828-CV&14-06-00197-CV, 251 SW3d 720, 01-22-08)

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 remands the case to that court.

Per Curiam Opinion

08-0419 THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO v. KIA BAILEY AND LARRY BAILEY; from Bexar County; 4th district (04-07-00323-CV, 261 SW3d 147, 04-16-08)

The Court affirms the court of appeals' judgment.

Justice Hecht delivered the opinion of the Court.

09-0544 JEREMY MOLINET v. PATRICK KIMBRELL, M.D. AND JOHN HORAN, M.D.; from Bexar County; 4th district (04-08-00379-CV, 288 SW3d 464, 12-31-08)

The Court affirms the court of appeals' judgment.

Justice Johnson delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice Wainwright, Justice Green, Justice Willett, and Justice Guzman joined.

Justice Lehrmann delivered a dissenting opinion, in which Justice Medina joined.

09-0665 TERRY LEONARD, P.A. AND APRIL DAWN HAIN, M.D. v. ANDRE GLENN; from Bexar County; 4th district (04-08-00200-CV, 293 SW3d 669, 05-20-09)

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 remands the case to that court.

Per Curiam Opinion

09-0830 ULYSSES L. ROSEMOND v. MAHA KHALIFA AL-LAHIQ, M.D.; from Harris County; 14th district (14-08-00550-CV, ___ SW3d ___, 08-04-09)

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 remands the case to that court.

Per Curiam Opinion

10-0134 CESAR ROMERO, M.D., ANTHONY CLAXTON, M.D., AND DAVID KORMAN, M.D. v. JACOB LIEBERMAN ON BEHALF OF THE ESTATE OF LARRY LIEBERMAN, DECEASED; from Kaufman County; 5th district (05-08-01636-CV, ___ SW3d ___, 11-03-09)

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 remands the case to that court.

Per Curiam Opinion

10-0306 WILMA REEDY, R.N. v. ELIZABETH POMPA AND NICHOLAS POMPA, III, AS PARENTS AND NEXT FRIENDS OF ANNICA POMPA, A MINOR; from De Witt County; 13th district (13-08-00590-CV, 310 SW3d 112, 03-18-10)

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 remands the case to that court.

Per Curiam Opinion

THE FOLLOWING CAUSES ARE RESET FOR ORAL ARGUMENT:

09-0340 INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA v. CARMEN MURO; from Dallas County; 5th district
(05-07-00279-CV, 285 SW3d 524, 03-12-09)

[**Note:** Oral argument of this case will be conducted on Thursday, March 3, 2011 at 9:00 a.m. at The University of Texas - Pan American, Edinburg, Texas. *See* TEX. CONST. ART. V, § 3(a).]

Time allotted to argue: 20/20 minutes

10-0235 IN RE STATE OF TEXAS; from Travis County; 3rd district
(03-10-00121-CV, ___ SW3d ___, 03-31-10)

[**Note:** Oral argument of this case will be conducted on Thursday, March 3, 2011 at 9:00 a.m. at The University of Texas - Pan American, Edinburg, Texas. *See* TEX. CONST. ART. V, § 3(a).]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

09-0412 JESSICA WILKINS, INDIVIDUALLY AND IN HER CAPACITY AS REPRESENTATIVE OF THE ESTATE OF SHA'NYA HARRIS v. KATHRYN MCMANEMY, M.D. AND JALIL THURBER, M.D.; from Harris County; 14th district (14-06-00876-CV, ___ SW3d ___, 03-31-09)

10-0744 JOHN GANNON, INC. v. GUNNARSON OUTDOOR ADVERTISING, INC.; from Hays County; 3rd district (03-08-00404-CV, ___ SW3d ___, 08-11-10)

10-0814 RAFFAELE M. PANDOZY, PH.D. v. THE CITY OF DALLAS; from Dallas County; 5th district (05-09-00587-CV, ___ SW3d ___, 07-28-10)

10-0848 DOMINION OKLAHOMA TEXAS EXPLORATION & PRODUCTION, INC. v. FAULCONER ENERGY CORPORATION, FAULCONER ENERGY JOINT VENTURE 1988 AND VERNON E. FAULCONER, INC.; from Hidalgo County; 13th district (13-09-00186-CV, ___ SW3d ___, 08-31-10)
2 petitions

- 10-0897 MICHAEL BRYER v. THE WOODLANDS LAND DEVELOPMENT COMPANY, LP, KWAW, LLC, MONTGOMERY COUNTY, BRAZOS TRANSIT DISTRICT AND WOODFOREST NATIONAL BANK; from Montgomery County; 9th district (09-09-00326-CV, ___ SW3d ___, 09-09-10)
- 10-0936 JUAN HERNANDEZ v. YOLANDA HERNANDEZ; from Cameron County; 13th district (13-08-00722-CV, ___ SW3d ___, 09-30-10)
- 10-0951 KYLE WILLIAMS v. ALAN MANRING; from Harris County; 14th district (14-09-00523-CV, 324 SW3d 858, 10-07-10)
- 10-0967 RANDALL E. ROLLINS v. THE HONORABLE JAMES JAY; from Harris County; 1st district (01-10-00520-CV, ___ SW3d ___, 11-18-10)
- 10-0994 JAMES G. GORDON v. STEVEN H. CLEMONS, JENNY L. MARTINEZ, WHITNEY BOWLING, LEGGETT & CLEMONS, PLLC, GODWIN PAPPAS RONQUILLO, LLP AND PHILLIP W. OFFILL, JR.; from Montgomery County; 9th district (09-09-00475-CV, ___ SW3d ___, 09-09-10)
- 10-1018 ZURICH FINANCIAL, LIMITED, DOING BUSINESS AS TIFFANY CUSTOM HOMES AND UPSCO, INC. v. DAVID DAVIS AND ANGELA DAVIS; from Montgomery County; 9th district (09-09-00484-CV, ___ SW3d ___, 10-07-10)

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0128 SOUTHWESTERN BELL TELEPHONE, L.P., SUCCESSOR TO SOUTHWESTERN BELL TELEPHONE COMPANY v. SUSAN COMBS, SUCCESSOR TO CAROLE KEETON STRAYHORN, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 7th district (07-07-00172-CV, ___ SW3d ___, 10-28-08)

(Justice Hecht not sitting)

- 09-0958 EDNA A. MARTINEZ v. STATE OFFICE OF RISK MANAGEMENT; from Bexar County; 4th district (04-08-00107-CV, 300 SW3d 9, 06-24-09)
- 10-0807 IN THE INTEREST OF L.M., A CHILD; from Tarrant County; 2nd district (02-09-00323-CV, ___ SW3d ___, 08-05-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0961 IN RE WILLIAM E. JOHNSON; from Williamson County; 3rd district
(03-10-00431-CV, ___ SW3d ___, 09-22-10)
- 10-1005 IN RE GO INTERESTS, LLC, GREGORY M. OBERT, GWENDOLYN OBERT,
GO HELICOPTERS, INC., HELITRANS COMPANY, HILLTOP COMMERCIAL
HOLDINGS, INC. AND GO COLORADO 2007 REVOCABLE TRUST; from Wise
County; 2nd district (02-10-00427-CV, ___ SW3d ___, 12-03-10)
- 10-1014 IN RE H. GLENN GUNTER; from Dallas County; 5th district
(05-10-01044-CV, 323 SW3d 308, 09-15-10)
- 11-0004 IN RE MARY MEDINA RIOS; from Hidalgo County; 13th district
(13-07-00648-CV, ___ SW3d ___, 10-07-10)
request for emergency relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 10-0266 IN RE MITSUBISHI HEAVY INDUSTRIES LTD.; from Galveston County; 1st
district (01-10-00086-CV, ___ SW3d ___, 03-11-10)
motion to dismiss petition for writ of mandamus granted

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

- 11-0007 IN RE ASCENSION MARTINEZ, JR., INDIVIDUALLY AND D/B/A RBR REAL
ESTATE; from Hidalgo County; 13th district
(13-10-00589-CV, ___ SW3d ___, 12-22-10)
emergency motion to stay granted
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced January 28, 2011

ORDERS ON CAUSES

09-0480 IN THE INTEREST OF C.H.C., A CHILD; from Dallas County; 5th district
(05-09-00121-CV, ___ SW3d ___, 07-28-09)

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 remands the case to that court.

Per Curiam Opinion

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0660 TERRY G. WHITTON v. EDWARD M. AND APRIL LOESCHER; from Harris County; 1st district (01-08-00497-CV, ___ SW3d ___, 04-15-10)

10-0691 JERRY N. SHARPE v. ANGELA D. MCDOLE; from Travis County; 3rd district (03-09-00139-CV, ___ SW3d ___, 05-19-10)

10-0868 TRESSIE A. DAMRON v. CITIBANK (SOUTH DAKOTA), N.A.; from Travis County; 3rd district (03-09-00438-CV, ___ SW3d ___, 08-25-10)

10-0900 IN THE INTEREST OF E.A.E., O.E., C.B.E., C.E., C.E., AND C.E., CHILDREN; from Tarrant County; 2nd district (02-09-00162-CV, ___ SW3d ___, 09-16-10)

10-0952 SABRINA KAY TAYLOR v. TERESA WASHBURN-GRANT; from Harris County; 1st district (01-09-00458-CV, ___ SW3d ___, 11-10-10)

10-0958 WILMA REYNOLDS v. DAVID REYNOLDS; from Brazoria County; 14th district (14-09-00720-CV, ___ SW3d ___, 08-31-10)

10-0964 VERNON KING v. ELOY RUVALCABA; from McLennan County; 10th district (10-08-00233-CV, ___ SW3d ___, 10-13-10)

10-1021 VAN LEE BREWER v. JASON A. SIMENTAL, ET AL.; from Walker County; 7th district (07-10-00155-CV, ___ SW3d ___, 10-15-10)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

11-0054 BRIDGET BROWN PARSON v. IN THE ESTATE OF VENNIE ZANELLA BOOTY BROWN; from Dallas County; 5th district (05-10-00412-CV, ___ SW3d ___, 06-09-10)
motion to abate denied

ORDERS ON MOTIONS FOR REHEARING

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

10-0614 LONNIE PHILLIPS, JR. AND LANCE PHILLIPS, AS NEXT FRIEND v. BETTY WILLY AND THE EXECUTOR OF THE ESTATE OF KENNETH BING, KIMBERLY RAE THOMPSON BING AND KENNETH BING, JR.; from Brazoria County; 1st district (01-07-00159-CV, ___ SW3d ___, 01-28-10)

10-0663 RODOLFO AND ANNA VELA v. BRADLEY M. MANNING, AMERICAN NATIONAL INSURANCE CO., H.G. PATTERSON, H.F. ALDRIDGE, HOWARD WOODRIDGE AND B.J. GARRISON; from Dallas County; 5th district (05-09-00400-CV, 314 SW3d 693, 06-11-10)
as supplemented
motion to withdraw as counsel dismissed as moot

10-0804 JON JONES v. AMADO Z. MORALES; from Floyd County; 7th district (07-08-00367-CV, 318 SW3d 419, 05-21-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-1045 IN RE PASCAL MORGAN; from Hays County; 3rd district (03-10-00548-CV, ___ SW3d ___, 09-03-10)

11-0033 IN RE ALLEN GLENN THOMAS; from Jones County

11-0042 IN RE EDWARD R. NEWSOME; from Harris County; 14th district
(14-10-01139-CV, ___ SW3d ___, 12-02-10)

11-0044 IN RE JENNIFER FLORES-LAMB; from Aransas County; 13th district
(13-11-00018-CV, ___ SW3d ___, 01-13-11)
emergency motion for stay denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

10-0876 IN RE JOSE MANUEL LOPEZ; from Cameron County
motion to abate denied

See TEX. R. APP. P. 5.

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

10-0991 IN RE ESTRELLA RESOURCES, LLC; from Dallas County; 5th district
(05-10-01437-CV, ___ SW3d ___, 11-30-10)
abatement order issued

[**Note:** The case is abated under TEX. R. APP. P. 7.2(b) until further order of this
Court.]

THE FOLLOWING PETITION FOR WRIT OF INJUNCTION IS DENIED:

11-0020 IN RE JERRY WANZER; 4th district

THE SUPREME COURT OF TEXAS

Orders Pronounced January 31, 2011

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0070 IN RE NNN MET CENTER 10-1, LLC ET AL.; from Travis County; 3rd district
(03-11-00029-CV, ___ SW3d ___, 01-31-11)
motion for emergency relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced February 3, 2011

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

11-0068 IN RE SARAH KOVICH; from Dallas County; 5th district
(05-10-01493-CV, ___ SW3d ___, 12-07-10)

[**Note:** The case is abated under TEX. R. APP. P. 7.2(b) until further order of this Court.]

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

10-1011 IN RE SARAH KOVICH; from Dallas County; 5th district
(05-10-01492-CV, ___ SW3d ___, 12-08-10)
unopposed motion to lift abatement granted
abatement order issued January 7, 2011, lifted
petition reinstated
motion to reinstate temporary stay granted
stay order issued
requested response due by 3:00 p.m., February 18, 2011

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced February 4, 2011

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0791 TINA G. DE LOS SANTOS v. RUDY'S PLUMBING SERVICE AND RUDOLFO RODRIGUEZ; from Hidalgo County; 13th district
(13-09-00347-CV, ___ SW3d ___, 07-02-10)
- 10-0949 ROBERT MOORE, M.D. AND DEBORA MOORE, M.D. v. LAS PALMAS MEDICAL CENTER; from El Paso County; 8th district
(08-09-00226-CV, ___ SW3d ___, 10-06-10)

(Justice Hecht not sitting)

- 10-0959 ARTHUR L. STEWART v. EL PASO COUNTY SHERIFF DEPARTMENT & HEALTH CARE PROVIDER; from El Paso County; 8th district
(08-09-00270-CV, 324 SW3d 321, 09-22-10)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 09-0688 WILLIAM MARSH RICE UNIVERSITY v. REGINALD CHARLES COLEMAN; from Harris County; 14th district (14-08-00910-CV, 291 SW3d 43, 05-21-09)
joint motion to dismiss granted

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0319 SEVERIANO DELEON v. ROYAL INDEMNITY COMPANY; from Hays County; 3rd district (03-08-00532-CV, ___ SW3d ___, 01-27-10)
denial of petition for review on August 27, 2010, withdrawn

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

10-0411 BETTIE BELL v. ZURICH AMERICAN INSURANCE COMPANY; from Dallas County; 5th district (05-09-00284-CV, 311 SW3d 507, 10-20-09)
denial of petition for review on October 1, 2010, withdrawn

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

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

10-0822 TERRY L REBECTOR v. ANGLETON DANBURY HOSPITAL DISTRICT D/B/A ANGLETON DANBURY MEDICAL CENTER; from Brazoria County; 14th district (14-08-00811-CV, ___ SW3d ___, 07-08-10)

10-0899 BERNICE M. DEROUEN v. THE FALLS COUNTY SHERIFF DEPARTMENT AND RICKY SCAMAN, DEPUTY SHERIFF IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES; from Falls County; 10th district (10-09-00291-CV, ___ SW3d ___, 09-01-10)

THE SUPREME COURT OF TEXAS

Orders Pronounced February 7, 2011

MISCELLANEOUS

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

11-0084 IN RE ASTEC UNDERGROUND, INC.; from Hidalgo County; 13th district
(13-11-00065-CV, ___ SW3d ___, 02-03-11)
emergency motion to stay proceedings granted
stay order issued
requested response due by 3:00 p.m., February 22, 2011

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced February 8, 2011

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

09-0901 TEXAS RICE LAND PARTNERS, LTD. AND MIKE LATTA v. DENBURY GREEN PIPELINE-TEXAS LLC; from Jefferson County; 9th district (09-09-00002-CV, 296 SW3d 877, 09-24-09)
as amended

[**Note:** This case has been set for oral argument at 9:00 a.m., March 1, 2011.]

Time allotted to argue: 20/20 minutes

09-1010 FPL FARMING LTD. v. ENVIRONMENTAL PROCESSING SYSTEMS, L.C.; from Liberty County; 9th district (09-08-00083-CV, 305 SW3d 739, 10-29-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 1, 2011.]

Time allotted to argue: 20/20 minutes

10-0141 VERNON F. MINTON v. JERRY W. GUNN, INDIVIDUALLY, WILLIAMS SQUIRE & WREN, LLP, JAMES E. WREN, INDIVIDUALLY, SLUSSER & FROST, L.L.P., WILLIAM C. SLUSSER, INDIVIDUALLY, SLUSSER WILSON & PARTRIDGE, L.L.P. AND MICHAEL E. WILSON, INDIVIDUALLY; from Tarrant County; 2nd district (02-06-00443-CV, 301 SW3d 702, 10-08-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 1, 2011.]

Time allotted to argue: 20/20 minutes

(Justice Hecht not sitting)

10-0232 BASITH GHAZALI, M.D. v. PATRICIA BROWN; from Tarrant County; 2nd district (02-09-00191-CV, 307 SW3d 499, 02-25-10)

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

10-0321 TEXAS DEPARTMENT OF PUBLIC SAFETY v. STEPHEN JOSEPH
CARUANA; from Hays County; 3rd district
(03-08-00659-CV, ___ SW3d ___, 02-12-10)

[**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:

10-0526 IN RE UNITED SCAFFOLDING, INC.; from Jefferson County; 9th district
(09-10-00172-CV, 315 SW3d 246, 06-24-10)

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

THE SUPREME COURT OF TEXAS

Orders Pronounced February 11, 2011

ORDERS ON CAUSES

THE FOLLOWING CAUSE IS RESET FOR ORAL ARGUMENT:

09-0901 TEXAS RICE LAND PARTNERS, LTD. AND MIKE LATTA v. DENBURY GREEN PIPELINE-TEXAS LLC; from Jefferson County; 9th district (09-09-00002-CV, 296 SW3d 877, 09-24-09)
agreed motion to reschedule oral argument granted

[**Note:** This case has been reset for oral argument at 9:00 a.m., April 19, 2011.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0719 BRUCE WAYNE HOUSER v. KENNETH W. MCELVEEN, ET AL.; from Jackson County; 13th district (13-05-00426-CV, ___ SW3d ___, 04-01-10)
- 10-0996 MELVIN HOUSTON AND MELVIN HOUSTON D/B/A HOUSTON SYNTHESIZED INVESTMENTS, LLC v. CHRISTINE BADEAUX LUDWICK; from Harris County; 14th district (14-09-00600-CV, ___ SW3d ___, 10-21-10)
- 10-1042 JASON BLAKENEY v. CLIFTON L. HOLMES AND JOE SHUMATE; from Rusk County; 6th district (06-10-00075-CV, ___ SW3d ___, 11-10-10)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

- 10-0867 J. STEPHEN SPENCER v. JONATHAN M. GILBERT; from Blanco County; 3rd district (03-09-00207-CV, ___ SW3d ___, 08-04-10)

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

10-0429 SHELL OIL COMPANY; SWEPI LP D/B/A SHELL WESTERN E&P, SUCCESSOR IN INTEREST TO SHELL WESTERN E&P, INC. v. RALPH ROSS; from Harris County; 1st district (01-08-00713-CV, ___ SW3d ___, 02-25-10) denial of petition for review on August 27, 2010, withdrawn

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

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

10-0197 SUSAN CROCKER AND JEANNE CROCKER v. WELLS FARGO BANK, N.A., IN ITS CORPORATE CAPACITY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF JOHN CROCKER, DECEASED; from Victoria County; 13th district (13-07-00732-CV, ___ SW3d ___, 12-29-09)

(Justice Johnson not sitting)

10-0779 JOSE A. PEREZ AND NANCY C. PEREZ v. OLD AMERICAN COUNTY MUTUAL FIRE INSURANCE COMPANY; from Harris County; 14th district (14-09-00456-CV, ___ SW3d ___, 08-12-10)

THE MOTION FOR REHEARING OF THE FOLLOWING DISCIPLINARY APPEAL IS DENIED:

09-0922 IN THE MATTER OF EUGENE X. MERCIER

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

10-0944 IN THE MATTER OF R.T.; from Bexar County; 4th district (04-09-00553-CV, ___ SW3d ___, 04-14-10) as supplemented

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-1010 IN RE JENNIFER CARY; from Collin County; 5th district
(05-10-01071-CV, ___ SW3d ___, 09-20-10)
motion to reinstate granted
abatement order issued December 22, 2010, lifted
petition reinstated
motion for stay denied
- 10-1051 IN RE TOUPS LAW FIRM, PLLC; from Brazos County; 10th district
(10-10-00226-CV, ___ SW3d ___, 10-06-10)
- 11-0063 IN RE MEZA SIERRA ENTERPRISES, INC.; from Hidalgo County; 13th district
(13-10-00524-CV, ___ SW3d ___, 11-01-10)
motion to stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced February 18, 2011

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0890 MARK A. METZGER, JR. v. PATRICIA F. WESTBO; from Harris County; 1st district (01-09-00952-CV, ___ SW3d ___, 07-29-10)
- 10-1017 LEANNE NICOLE WELLS v. DOUGLAS GIBSON WELLS; from Fort Bend County; 14th district (14-09-00811-CV, ___ SW3d ___, 08-19-10)
- 11-0031 IN THE INTEREST OF L.D., A MINOR CHILD; from Brazos County; 10th district (10-10-00207-CV, ___ SW3d ___, 12-01-10)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 10-0752 IN THE INTEREST OF S.M.D., A CHILD; from Bexar County; 4th district (04-08-00602-CV, 329 SW3d 8, 02-24-10)
joint motion to dismiss granted

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:

- 10-0522 EVELYN LITTLE v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE AND GARY JOHNSON, EXECUTIVE DIRECTOR; from Walker County; 10th district (10-07-00236-CV, ___ SW3d ___, 05-12-10)

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

- 11-0033 IN RE ALLEN GLENN THOMAS; from Jones County
as supplemented

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-1034 IN RE CHARLES ANTHONY ALLEN, SR.; from Karnes County; 4th district

11-0111 IN RE EDWARD ROY NEWSOME; from Harris County; 1st district
(01-07-00164-CV, ___ SW3d ___, 10-16-08)

11-0113 IN RE RALPH DOUGLAS; from Harris County; 14th district
(14-11-00060-CV, ___ SW3d ___, 02-01-11)

THE SUPREME COURT OF TEXAS

Orders Pronounced February 22, 2011

MISCELLANEOUS

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

11-0125 IN RE TRIDENT INSURANCE SERVICES, LLC AND THE TEXAS ASSOCIATION OF PUBLIC EDUCATORS INTERLOCAL SELF-INSURANCE LEAGUE A/K/A TEXAS ASSOCIATION OF PUBLIC EDUCATORS; from Hidalgo County; 13th district (13-11-00072-CV, ___ SW3d ___, 02-15-11) emergency motion for temporary relief denied requested response due by 3:00 p.m., March 4, 2011

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced February 23, 2011

MISCELLANEOUS

THE MOTION IN THE FOLLOWING CASE IS DENIED:

11-0040 MICHAEL WHITMIRE AND FORMER SURETIES R.O. WHITMIRE AND ELSIE
O. WHITMIRE v. GREENRIDGE PLACE APARTMENTS; 1st district
motion for emergency stay of turnover order denied

THE SUPREME COURT OF TEXAS

Orders Pronounced February 25, 2011

ORDERS ON CAUSES

08-0667 EBERHARD SAMLOWSKI, M.D. v. CAROL WOOTEN; from Johnson County; 10th district (10-07-00305-CV, 282 SW3d 82, 05-21-08)

The Court modifies the court of appeals' judgment and affirms that judgment as modified.

Justice Medina announced the judgment of the Court and delivered an opinion, in which Chief Justice Jefferson and Justice Hecht joined.

Justice Guzman filed an opinion concurring in the judgment, in which Justice Lehrmann joined and in which Justice Wainwright joined Parts I & II.B.

Justice Wainwright delivered an opinion dissenting in part and concurring in the judgment.

Justice Johnson delivered a dissenting opinion, in which Justice Green and Justice Willett joined.

09-0446 DEBBIE STOCKTON, AS PARENT AND NEXT FRIEND OF WILLIAM STOCKTON, A MINOR v. HOWARD A. OFFENBACH, M.D.; from Dallas County; 5th district (05-08-01185-CV, 285 SW3d 517, 03-11-09)

The Court affirms the court of appeals' judgment.

Justice Medina delivered the opinion of the Court.

09-0613 TURTLE HEALTHCARE GROUP, L.L.C. D/B/A FRED'S PHARMACY v. YOLANDA HIGUERA LINAN, INDIVIDUALLY AND AS THE NATURAL PARENT OF MARIA YOLANDA LINAN AND GERARDO LINAN, INDIVIDUALLY, AND AS REPRESENTATIVES OF THE ESTATE OF MARIA YOLANDA LINAN, DECEASED; from Hidalgo County; 13th district (13-08-00533-CV, ___ SW3d ___, 06-11-09)

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

Per Curiam Opinion

10-0064 THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
F/K/A THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY v.
NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA; from
El Paso County; 8th district (08-06-00022-CV, ___ SW3d ___, 12-09-09)

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 remands the case to that court.

Per Curiam Opinion

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

09-0005 TRANSCONTINENTAL INSURANCE COMPANY v. JOYCE CRUMP; from Fort
Bend County; 14th district (14-06-00905-CV, 274 SW3d 86, 08-26-08)

(Justice Guzman not sitting)

09-0330 LIANA LEORDEANU v. AMERICAN PROTECTION INSURANCE COMPANY;
from Travis County; 3rd district (03-06-00529-CV, 278 SW3d 881, 02-13-09)

09-0683 CHRISTI BAY TEMPLE v. GUIDEONE SPECIALTY MUTUAL INSURANCE
CO., ET AL.; from Nueces County; 13th district (13-07-00537-CV, ___ SW3d ___,
03-31-09)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 10-0121 THE FINANCE COMMISSION OF TEXAS, THE CREDIT UNION COMMISSION OF TEXAS AND TEXAS BANKERS ASSOCIATION v. VALERIE NORWOOD, ELISE SHOWS, MARYANN ROBLES-VALDEZ, BOBBY MARTIN, PAMELA COOPER AND CARLOS RIVAS; from Travis County; 3rd district (03-06-00273-CV, 303 SW3d 404, 01-08-10)
3 petitions
unopposed motion for dismissal of ACORN as a party due to dissolution and correction of style of the case, granted

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

- 10-0353 PRAIRIE VIEW A&M UNIVERSITY v. DILJIT K. CHATHA; from Waller County; 1st district (01-09-00840-CV, 317 SW3d 402, 04-01-10)

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

- 10-0490 EL APPLE I, LTD. v. MYRIAM OLIVAS; from El Paso County; 8th district (08-07-00257-CV, 324 SW3d 181, 04-21-10)

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

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 07-0061 ROSE TEJADA, AS NEXT FRIEND OF KAYLEE TEJADA AND KELSEY TEJADA v. THOMAS F. ROWE, M.D., THOMAS F. ROWE, M.D., P.A., AND JESSICA LINHART DEMAY, M.D.; from Jefferson County; 9th district (09-06-00025-CV, 907 SW3d 920, 11-22-06)

(Justice Guzman not sitting)

- 09-0628 BARRY G. WILLENS, M.D. v. DAVID JOHNSON; from Montgomery County; 9th district (09-08-00252-CV, 286 SW3d 560, 05-14-09)

- 09-0715 MABON LIMITED v. AFRI-CARIB ENTERPRISES, INC.; from Harris County; 14th district (14-07-00650-CV, 287 SW3d 217, 03-31-09)
2 petitions

(Justice Guzman not sitting)

- 09-0932 ALICE ANDREWS v. ERIC DRAKE; from Dallas County; 5th district (05-07-01576-CV, 294 SW3d 370, 08-17-09)
- 09-0943 H.L. ALEXANDER AND BETHLEHEM BAPTIST CHURCH v. RONALD AND MURELL AVERY; from Jefferson County; 9th district (09-08-00078-CV, ___ SW3d ___, 08-27-09)
- 10-0166 TYLER ROSE NURSERY, INC. AND JOE D. TEW v. THEDFORD CROSSING, L.P.; from Smith County; 12th district (12-08-00089-CV, 306 SW3d 860, 01-29-10)
- 10-0221 BRENDA HATTON v. D.R. HORTON, INC.; from Harris County; 14th district (14-09-00054-CV, ___ SW3d ___, 02-11-10)
motion to strike dismissed as moot

(Justice Guzman not sitting)

- 10-0240 B.B., C.C., E.E. AND G.G. v. HAROLD R. NEWSOM; from Montgomery County; 9th district (09-08-00480-CV, 306 SW3d 910, 02-18-10)
- 10-0489 CARRIE JORDAN v. JERRY AND PAMELA DOSSEY; from Fort Bend County; 1st district (01-09-00618-CV, 325 SW3d 700, 05-13-10)
- 10-0541 ANTHONY ALLEN JONES v. STATE BOARD FOR EDUCATOR CERTIFICATION; from Travis County; 3rd district (03-09-00223-CV, 315 SW3d 237, 06-11-10)
- 10-0585 PHILLIP WILSON AND LAURA WILSON v. NEOMA WHETSTONE; from Hays County; 3rd district (03-08-00738-CV, ___ SW3d ___, 04-20-10)
2 petitions
- 10-0602 ELTON MONTGOMERY v. CAPROCK INVESTMENTS CORP.; from Nolan County; 11th district (11-08-00138-CV, 321 SW3d 91, 05-27-10)
- 10-0651 CLYDE ASHWORTH AND PAULA WELCH v. AMERIQUEST MORTGAGE COMPANY F/K/A LONG BEACH MORTGAGE; from Galveston County; 1st district (01-08-00544-CV, ___ SW3d ___, 04-15-10)
- 10-0673 L.H. MEEKER AND BRIAN RUTLEDGE v. TARRANT COUNTY COLLEGE DISTRICT; from Tarrant County; 2nd district (02-09-00096-CV, 317 SW3d 754, 05-27-10)

2 petitions

- 10-0694 SILVER CITY CLUB v. TEXAS ALCOHOLIC BEVERAGE COMMISSION; from Dallas County; 5th district (05-09-00422-CV, 315 SW3d 643, 06-10-10)
- 10-0711 JANELL S. MARIN v. IESI TX CORPORATION; from Brazoria County; 1st district (01-08-00539-CV, 317 SW3d 314, 02-11-10)
- 10-0740 DOLORES AND RONALD BOWMAN v. BROOKSHIRE GROCERY COMPANY; from Smith County; 12th district (12-09-00219-CV, 317 SW3d 500, 06-30-10)
- 10-0760 DARLENE PATE v. MSDW OFFICE PARTNERS, L.P. AND STREAM REALTY PARTNERS, L.P.; from Dallas County; 5th district (05-09-00423-CV, ___ SW3d ___, 08-04-10)
- 10-0780 CAESAR MORALES, JR. AND RHONDA MORALES v. UNIT TEXAS DRILLING, L.L.C., UNIT DRILLING COMPANY AND CLIFF WELKER; from Matagorda County; 13th district (13-10-00247-CV, ___ SW3d ___, 07-29-10)
- 10-0808 MICHAEL A. ACOSTA v. CITY OF AUSTIN; from Travis County; 3rd district (03-08-00788-CV, ___ SW3d ___, 06-30-10)
- 10-0813 BUTTROSS V, INC. v. VICTORIA SQUARE CONDOMINIUM HOMEOWNERS ASSOCIATION, INC. AND JOHN MUHICH, INDIVIDUALLY AND D/B/A STORCORP SERVICES, LLC AND STORCORP SERVICES, LLC; from Travis County; 3rd district (03-09-00526-CV, ___ SW3d ___, 08-18-10)
as redrafted
- 10-0823 CHEVRON USA, INC. v. SUSAN COMBS, SUCCESSOR TO CAROLE KEETON STRAYHORN, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 3rd district (03-07-00127-CV, 319 SW3d 836, 04-09-10)
- (Justice Hecht not sitting)
- 10-0862 JASON PERRY v. MANDY BOYT; from Travis County; 3rd district (03-10-00006-CV, 323 SW3d 601, 08-31-10)
- 10-0863 AUSTIN GURDWARA SAHIB, INC. D/B/A AUSTIN GURDWARA SAHIB v. JOHN A. BOLLIER AND LESLIE J. BOLLIER; from Travis County; 3rd district (03-09-00313-CV, ___ SW3d ___, 07-09-10)

(Justice Hecht not sitting)

- 10-0885 TEXAS MUTUAL INSURANCE CO. v. SARA CARE CHILD CENTER, INC. AND MARTHA MARTINEZ; from El Paso County; 8th district (08-08-00192-CV, 324 SW3d 305, 09-15-10)
- 10-0895 DGO, INC. D/B/A THE OWNBY COMPANIES v. PAUL MOORE; from Harris County; 14th district (14-08-00362-CV, 321 SW3d 727, 08-10-10)
2 petitions
- 10-0898 ANGELA RACHELL MARTIN v. TRAVIS RYAN MARTIN; from Tarrant County; 2nd district (02-08-00490-CV, ___ SW3d ___, 06-10-10)
- 10-0904 JOE SALINAS ESTRADA, JR. v. JOHN/JANE DOE, DEPUTY CLERK, JANICE STAPLES, CHIEF CLERK, PRESIDING (JOHN/JANE DOE) JUDGE, JOHN RUPERT, FORMER WARDEN OF MARK W. MICHAEL UNIT, ET AL.; from Anderson County
- 10-0908 MICHAEL CARESS, MICHAEL YORK, AND MANUEL VILLARREAL v. JANE M. LIRA; from Webb County; 4th district (04-10-00065-CV, ___ SW3d ___, 09-15-10)
- 10-0925 MARIA LOPEZ v. REGENT CARE CENTER AND REGENT CARE CENTER OF LAREDO, L.P. D/B/A REGENT CARE CENTER LAREDO; from Webb County; 4th district (04-09-00529-CV, ___ SW3d ___, 09-22-10)
- 10-0937 ARTURO SOLIS v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL.; from Coryell County; 10th district (10-10-00222-CV, ___ SW3d ___, 09-08-10)
- 10-0954 JIM JONES TRIGG, JR., ATTORNEY IN FACT FOR MARY JANE TRIGG v. PATTI T. MOORE; from Bastrop County; 7th district (07-10-00107-CV, ___ SW3d ___, 10-08-10)
- 10-0966 ANTHONY HILL v. JEFFREY REILLY, SHAIN LOTT, CLYDE HARGROVE, TINA VITOLO, MAJOR HARRIS, JASON WILLIAMS, AND E.C. WILLIAMS; from Wichita County; 8th district (08-09-00208-CV, ___ SW3d ___, 08-31-10)
- 10-0998 CHARLES DUFF, INDIVIDUALLY AND JUDITH LEE HUNTS, INDIVIDUALLY AND AS THE INDEPENDENT ADMINISTRATOR OF THE ESTATE OF DAVID SCOTT DUFF, DECEASED v. MICHAEL SPEARMAN; INNOVA AIRCRAFT, INC. AND INNOVA VENTURES, INC.; from Montgomery County; 9th district (09-09-00282-CV, 322 SW3d 869, 09-09-10)

- 10-0999 CHARLES E. DURST, JR. v. TEXAS MUTUAL INSURANCE COMPANY AND RUSSELL L. DAVIS; from Guadalupe County; 4th district (04-09-00430-CV, ___ SW3d ___, 08-25-10)
- 10-1019 WILLIAM E. FERGUSON, INDIVIDUALLY AND D/B/A TIMBEROOF COMPANY AND TIMBEROOF ROOF COMPANY, INC., AND TIMBEROOF ROOFING COMPANY, INC., TIMBEROOF ROOFING CO., INC. AND TRC SERVICES, INC., INDIVIDUALLY AND D/B/A THE ROOF CO. HOLDINGS v. PABLO TURULL AND RUTH TURULL; from Harris County; 1st district (01-09-00067-CV, ___ SW3d ___, 07-29-10)
- 10-1040 YIGAL BOSCH v. OPEN PINES CONDOMINIUM OWNERS ASSOCIATION, INC.; from Harris County; 1st district (01-09-00507-CV, ___ SW3d ___, 11-10-10)
- 10-1052 JANA CATHERINE GRISHAM v. SIDNEY EUGENE GRISHAM; from Walker County; 10th district (10-09-00429-CV, ___ SW3d ___, 10-20-10)
- 11-0001 CHARLES SO. T. CHEA AND DIANA CHEA v. PAUL POON, JASON POON, RAYMOND POON AND MARINE FOODS EXPRESS, LTD.; from Harris County; 14th district (14-08-01134-CV, ___ SW3d ___, 11-18-10)
- 11-0027 RESERVOIR SYSTEMS, INC. AND AXEL SIGMAR v. TGS-NOPEC GEOPHYSICAL CO., INC.; from Harris County; 14th district (14-09-00528-CV, ___ SW3d ___, 11-09-10)
- 11-0120 IN THE INTEREST OF M.C.G., A CHILD; from Harris County; 14th district (14-09-00644-CV, 329 SW3d 674, 12-02-10)

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED FOR WANT OF JURISDICTION:

- 10-0873 SHELTON R. MODELIST v. DEUTSCHE BANK NATIONAL TRUST COMPANY, F/K/A BANKERS TRUST OF CALIFORNIA, AS TRUSTEE FOR AAMES FUNDING CORPORATION MT2001-4; from Harris County; 14th district (14-09-00134-CV, ___ SW3d ___, 08-03-10)
- 10-0973 LY KEN, KADCO INVESTMENTS, INC. AND KEITH R. JOHNSON v. MANAGED MORTGAGE INVESTMENTS FUND, L.P. AND TRIBECA MORTGAGE, L.L.C.; from Dallas County; 5th district (05-09-01080-CV, ___ SW3d ___, 07-26-10)

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0535 FRIENDSHIP WEST BAPTIST CHURCH v. CENTEX/VESTAL, A JOINT VENTURE; from Dallas County; 5th district (05-09-00053-CV, 314 SW3d 677, 06-10-10)
- 10-0924 GUADALUPE LOPEZ v. SONIC RESTAURANTS, INC. AND ROBERT MARTINEZ; from Bexar County; 4th district (04-10-00318-CV, ___ SW3d ___, 10-13-10)

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

- 11-0003 IN RE WALTER LEE HALL, JR., IN ALL NECESSARY CAPACITY; from Travis County; 3rd district (03-10-00785-CV, ___ SW3d ___, 12-13-10)

MISCELLANEOUS

THE ABATEMENT ORDER IN THE FOLLOWING CASE IS LIFTED:

- 10-1001 LA VILLITA MOTOR INNS, J.V., EXECUTIVE MOTELS OF SAN ANTONIO, INC. AND S.A. SUNVEST HOTELS, INC. v. ORIX CAPITAL MARKETS, LLC, BANK OF AMERICA, N.A., LNR PARTNERS, INC., CAPMARK FINANCE, INC., NICHOLAS M. PYKA AS TRUSTEE, MICHAEL N. BLUE AS TRUSTEE AND GRETA E. GOLDSBY AS TRUSTEE; from Bexar County; 4th district (04-09-00573-CV, 329 SW3d 30, 08-25-10)
abatement order issued January 14, 2011, lifted
motion to reinstate granted
petition reinstated

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0474 IN RE SHELLY LETNEY; from Harris County; 14th district (14-09-00387-CV, 314 SW3d 520, 05-27-10)
as redrafted
- 10-0798 IN RE DYNCORP INTERNATIONAL LLC; from Harris County; 1st district (01-09-00624-CV, ___ SW3d ___, 03-19-10)

- 10-0870 IN RE ASTRO AIR, L.P.; from Cherokee County; 12th district (12-10-00108-CV, ___ SW3d ___, 09-15-10)
- 10-0962 IN RE RSL FUNDING, LLC AND RAPID SETTLEMENTS, LTD.; from Harris County; 14th district (14-10-01111-CV, ___ SW3d ___, 11-18-10)
motion for leave to file sur-reply brief dismissed as moot
stay order issued November 24, 2010, lifted
- 11-0106 IN RE EDWARD R. NEWSOME
- 11-0107 IN RE EDWARD R. NEWSOME
- 11-0121 IN RE EDWARD R. NEWSOME
- 11-0127 IN RE EDWARD R. NEWSOME
- 11-0128 IN RE EDWARD R. NEWSOME

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

- 10-0608 JOAN MYERS v. COMMISSION FOR LAWYER DISCIPLINE

(Justice Lehrmann not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced March 2, 2011

ORDERS ON CAUSES

THE FOLLOWING CASE IS DISMISSED AS MOOT:

- 10-0940 GREGORIO VILLARREAL; ESTELA VILLARREAL v. TRUSTEE DAVID W. SHOWALTER
motion to dismiss for lack of subject matter jurisdiction granted

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 11-0151 IN RE PAULA JACKSON; from Comal County; 3rd district
(03-11-00049-CV, ___ SW3d ___, 02-25-11)
motion for temporary emergency relief denied
motion for leave to exceed page limit dismissed as moot
- 11-0153 IN RE GARLAND D. ANDERSON, M.D., RANDAL J. URBAN, M.D., BILLY U. PHILIPS, PH.D., VICENTE A. RESTO, M.D., HENRY F. EPSTEIN, M.D., DAVID H. WALKER, M.D., COURTNEY M. TOWNSEND, JR., M.D. AND ROBERT M. HIRSCHFELD, M.D.; from Galveston County; 1st district
(01-11-00159-CV, ___ SW3d ___, 02-28-11)
motion for emergency stay denied

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

- 11-0138 IN RE VALERO ENERGY CORPORATION, THE PREMCOR REFINING GROUP INC. D/B/A VALERO PORT ARTHUR REFINERY, VALERO MARKETING AND SUPPLY COMPANY AND PORT ARTHUR COKER COMPANY, L.L.P.; from Jefferson County; 9th district (09-11-00040-CV, ___ SW3d ___, 02-18-11)
emergency motion for stay granted
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced March 4, 2011

ORDERS ON CAUSES

10-0048 IN RE BILLY JAMES SMITH

The Court conditionally grants the writ of mandamus.

Justice Medina delivered the opinion of the Court.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-1004 LAKEITH AMIR-SHARIF v. NATHANIEL QUARTERMAN, TDCJ DIRECTOR, ET AL.; from De Witt County; 13th district (13-09-00504-CV, ___ SW3d ___, 08-19-10)
- 10-1013 JOHN R. SMITH v. BARBARA ANN SMITH SANDERSON, F/Q/A BARBARA ANN SMITH; from Shelby County; 12th district (12-08-00442-CV, ___ SW3d ___, 07-14-10)
- 10-1046 KEITH EDWARD DIENHART, III v. VALI ANNA MCGRATH-STROATMAN; from Hays County; 3rd district (03-09-00283-CV, ___ SW3d ___, 11-10-10)
- 11-0026 KAREN HAISLER v. JUANITA COBURN, NELDA JONES, CALVIN JONES, AMANDA LAWSON, BRIAN LAWSON AND GREG SNIDER; from Freestone County; 10th district (10-09-00275-CV, ___ SW3d ___, 07-28-10)

ORDERS ON MOTIONS FOR REHEARING

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

- 09-1075 DREW CANTY, ET AL. v. CITY OF NACOGDOCHES, ET AL.; from Nacogdoches County; 12th district (12-08-00001-CV, ___ SW3d ___, 10-14-09)
- 10-0263 WTG GAS PROCESSING, L.P. v. CONOCOPHILLIPS COMPANY, TARGA RESOURCES TEXAS GP LLC, TARGA RESOURCES, INC., TARGA TEXAS FIELD SERVICES LP AND WARBURG PINCUS LLC; from Harris County; 14th district (14-08-00019-CV, 309 SW3d 635, 03-02-10)
- 10-0431 YAHVAH THRU HIS "YAHWEH KINGDOM PEOPLE" EKKLESIA VIA "Y.K.P." KINGDOM CORPORATION SOLE AMBASSADOR CLAUDE HUGH LLOYD THE SECOND OF YAHVAH YAHVAHSHUA YAHVAHRUACH AND AMBASSADOR CASSONDRA JEAN LLOYD OF YAHVAH YAHVAHSHUA YAHVAHRUACH v. HARRIS COUNTY, CITY OF BAYTOWN AND GOOSE CREEK SCHOOLS; from Harris County; 1st district (01-08-00292-CV, ___ SW3d ___, 03-11-10)
- 10-0785 LIMAS JEFFERSON v. HOLMAN STREET BAPTIST CHURCH; from Harris County; 14th district (14-09-00214-CV, 317 SW3d 540, 07-22-10)
motion to amend motion for rehearing dismissed as moot

(Justice Hecht not sitting)

- 10-0839 PEDRO DELGADILLO CERDA AND LETICIA MARTINEZ v. RUSSELL SOLTANI INDIVIDUALLY AND D/B/A ATLANTIC CAR GROUP, INC.; from Harris County; 14th district (14-10-00602-CV, ___ SW3d ___, 09-02-10)
- 10-0920 NORRIS J. DEVOLL v. DAROLD WINGERT, WINGERT WATER SYSTEMS, INC. AND ALVENA WINGERT; from Comal County; 3rd district (03-09-00440-CV, ___ SW3d ___, 08-20-10)

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

- 11-0063 IN RE MEZA SIERRA ENTERPRISES, INC.; from Hidalgo County; 13th district (13-10-00524-CV, ___ SW3d ___, 11-01-10)

MISCELLANEOUS

**THE FOLLOWING APPEALS FROM THE BOARD OF DISCIPLINARY APPEALS ARE
DISMISSED:**

- 11-0115 COMMISSION FOR LAWYER DISCIPLINE v. STEPHEN E. LANGSDORF
motion to dismiss granted
- 11-0117 COMMISSION FOR LAWYER DISCIPLINE v. THOMAS MATTHEW COREA
motion to dismiss granted

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 11-0028 IN RE ROBERT C. MORRIS; from Houston County; 12th district
(12-10-00313-CV, ___ SW3d ___, 10-20-10)
- 11-0108 IN RE BUSINESS STAFFING, INC.; from Atascosa County; 4th district
(04-11-00060-CV, ___ SW3d ___, 02-09-11)
motion for temporary relief denied
- 11-0129 IN RE ARCADE JOSEPH COMEAUX, JR.; from Walker County; 10th district
(10-10-00243-CV, ___ SW3d ___, 09-22-10)
- 11-0140 IN RE RICHARD CHUBA; from Harris County
- 11-0144 IN RE CHARLES ANTHONY ALLEN, SR.; from Dallas County; 5th district
(05-10-01537-CV, ___ SW3d ___, 12-14-10)

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DISMISSED:

- 10-0977 IN RE JAMES M. SHAW AND CARABIN & SHAW, P.C.; from Cameron County;
13th district (13-10-00487-CV, ___ SW3d ___, 10-27-10)
joint motion to dismiss granted
stay order issued December 3, 2010, lifted
- 10-0984 IN RE QUALITY SAFETY SYSTEMS COMPANY, A CANADIAN
PARTNERSHIP; from Dallas County; 5th district
(05-10-00801-CV, ___ SW3d ___, 10-26-10)
agreed motion to dismiss granted

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

10-0386 IN RE DALLAS COUNTY HOSPITAL DISTRICT D/B/A PARKLAND HEALTH
& HOSPITAL SYSTEM; from Dallas County; 5th district
(05-10-00515-CV, 313 SW3d 497, 05-18-10)
agreed motion to abate granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until March 9, 2011, by
which time the parties must file either a status report or a motion to dismiss.]

THE SUPREME COURT OF TEXAS

Orders Pronounced March 9, 2011

MISCELLANEOUS

THE MOTION IN THE FOLLOWING CASE IS DENIED:

10-0720 YAKOV ELMAKISS v. KAREN G. HUGHES; from Smith County; 12th district
(12-09-00269-CV, ___ SW3d ___, 07-30-10)
emergency motion for injunctive relief denied

(Justice Lehrmann not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced March 10, 2011

MISCELLANEOUS

THE FOLLOWING MOTIONS ARE DENIED:

11-0068 IN RE SARAH KOVICH; from Dallas County; 5th district
(05-10-01493-CV, ___ SW3d ___, 12-07-10)
emergency motion for clarification denied
motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced March 11, 2011

ORDERS ON CAUSES

08-0497 RAILROAD COMMISSION OF TEXAS AND PIONEER EXPLORATION, LTD. v. TEXAS CITIZENS FOR A SAFE FUTURE AND CLEAN WATER AND JAMES G. POPP; from Travis County; 3rd district (03-07-00025-CV, 254 SW3d 492, 12-06-07)

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

Justice Guzman delivered the opinion of the Court, in which Justice Hecht, Justice Wainwright, Justice Medina, Justice Green, and Justice Johnson joined.

Chief Justice Jefferson delivered an opinion concurring in the judgment, in which Justice Willett and Justice Lehrmann joined.

09-0309 IN RE JOSEPH CHARLES RUBIOLA, ET AL.; from Bexar County; 4th district (04-09-00115-CV, ___ SW3d ___, 03-04-09)
stay order issued May 15, 2009, lifted

The Court conditionally grants the writ of mandamus.

Justice Medina delivered the opinion of the Court.

09-0396 REID ROAD MUNICIPAL UTILITY DISTRICT NO. 2 v. SPEEDY STOP FOOD STORES, LTD.; from Harris County; 14th district (14-07-00225-CV, 282 SW3d 652, 02-03-09)

The Court affirms the court of appeals' judgment.

Justice Johnson delivered the opinion of the Court.

Justice Willett delivered a concurring opinion, in which Justice Lehrmann joined.

(Justice Guzman not sitting)

10-0117 CHIQUITA MITCHELL, ET AL. v. THE METHODIST HOSPITAL, ET AL.; from Harris County; 1st district (01-08-00898-CV, ___ SW3d ___, 12-31-09)

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 remands the case to the trial court.

Per Curiam Opinion

10-0280 IN RE COMMITMENT OF SETH HILL; from Montgomery County; 9th district (09-08-00482-CV, 308 SW3d 465, 03-25-10)
as redrafted

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 remands the case to the trial court.

Per Curiam Opinion

THE FOLLOWING CAUSE IS SET FOR SUBMISSION:

09-0387 CAROL SEVERANCE v. JERRY PATTERSON, COMMISSIONER OF THE TEXAS GENERAL LAND OFFICE; GREG ABBOTT, ATTORNEY GENERAL FOR THE STATE OF TEXAS; AND KURT SISTRUNK, DISTRICT ATTORNEY FOR THE COUNTY OF GALVESTON, TEXAS
motion for rehearing granted

[**Note:** This case has been set for oral argument at 9:00 a.m., April 19, 2011.]

Time allotted to argue: 20/20 minutes

(Chief Justice Jefferson not sitting)

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

10-0013 RITA LACKEY FILLINGIM PEARSON v. WILLIS DAN FILLINGIM; from Hemphill County; 7th district (07-08-00144-CV, ___ SW3d ___, 12-03-09)
as supplemented

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

09-1030 SEPCO TUBULARS, INC. AND PADRE TUBULAR, INC. v. JESSE ORTEGA AND COLLINSWORTH WELL TREATMENT; from Brooks County; 4th district (04-08-00483-CV, ___ SW3d ___, 10-28-09)
agreed motion for rendition of judgment to effectuate settlement agreement granted in part as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, and without considering the merits, the Court grants the petition for review, vacates the court of appeals' judgment, vacates in part the trial court's judgment, and remands the case to the trial court for further proceedings in accord with the parties' settlement agreements.

10-0426 SAFESHRED, INC. v. LOUIS MARTINEZ, III; from Travis County; 3rd district (03-08-00626-CV, 310 SW3d 649, 04-23-10)

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

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0167 PAGE M. VOGELSANG v. GALLAGHER HEALTHCARE INSURANCE SERVICES; from Harris County; 1st district (01-07-00478-CV, 312 SW3d 640, 08-21-09)

10-0274 TEXAS MUTUAL INSURANCE COMPANY v. RALF G. BOETSCH; from Dallas County; 5th district (05-08-00749-CV, 307 SW3d 874, 03-09-10)

10-0417 SHERIFF JAMES R. HOLDER AND COMAL COUNTY, TEXAS v. CRISTINA L. TREADWAY; from Comal County; 3rd district (03-08-00086-CV, 309 SW3d 780, 04-16-10)

10-0591 ENES KANLIC, M.D. v. SHIRLEY MEYER; from El Paso County; 8th district (08-09-00235-CV, 320 SW3d 419, 06-23-10)

10-0819 MATTHEW A. MATTHEWS v. ELIZABETH MCCALL NORTHRUP; from Harris County; 1st district (01-09-00063-CV, ___ SW3d ___, 05-27-10)

- 10-0834 MICHAEL J. DANIELS v. RUSSELL D. DAVES; from Travis County; 3rd district (03-09-00580-CV, 319 SW3d 938, 08-25-10)
- 10-0852 DAPHNE SCARBROUGH v. THE METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY; from Harris County; 1st district (01-08-00792-CV, 326 SW3d 324, 08-31-10)
- 10-0860 SCOTT VAN DYKE v. FOREST HUNTER SMITH; from Harris County; 14th district (14-09-00900-CV, ___ SW3d ___, 07-29-10)
- 10-0872 JOE ALFRED IZEN, JR. v. COMMISSION FOR LAWYER DISCIPLINE; from Harris County; 1st district (01-07-01114-CV, 322 SW3d 308, 05-28-10) as redrafted
- 10-0891 MARK A. METZGER, JR. v. LOREN JACKSON, DISTRICT CLERK OF HARRIS COUNTY, TEXAS; from Harris County; 1st district (01-10-00144-CV, ___ SW3d ___, 07-29-10)
- 10-0975 VISTA HEALTHCARE, INC. v. TEXAS MUTUAL INSURANCE COMPANY, ET AL.; from Travis County; 3rd district (03-09-00178-CV, 324 SW3d 264, 08-26-10)
- 10-1037 KRISTOFER THOMAS KASTNER v. GUTTERMAXX, L.P. BY AND JIM MCCLAUGHLIN, ET AL.; from Harris County; 14th district (14-09-00055-CV, ___ SW3d ___, 11-04-10)
- 10-1039 CIRCLE X LAND AND CATTLE COMPANY, LTD. v. MUMFORD INDEPENDENT SCHOOL DISTRICT; from Robertson County; 14th district (14-09-00330-CV, 325 SW3d 859, 11-16-10)
- (Justice Hecht not sitting)
- 11-0019 TRACEY W. MURPHY v. HUGH GREEN AND JOEL BARBOSA; from Karnes County; 4th district (04-10-00042-CV, ___ SW3d ___, 11-24-10) as supplemented
- 11-0045 ROBERT ZAFFT v. GC SERVICES, L.P.; from Harris County; 14th district (14-09-00563-CV, ___ SW3d ___, 10-05-10)
- 11-0098 IN THE INTEREST OF S.R. AND D.G., CHILDREN; from Robertson County; 10th district (10-10-00063-CV, ___ SW3d ___, 12-08-10)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED AS MOOT:

- 10-0494 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY v. THE HONORABLE GREG ABBOTT, ATTORNEY GENERAL OF TEXAS AND THE HONORABLE ELIOT SHAPLEIGH, TEXAS SENATOR; from Travis County; 3rd district (03-09-00250-CV, 311 SW3d 663, 04-13-10)

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0625 MARIO MARTINEZ v. CELADON TRUCKING SERVICES, INC.; from El Paso County; 8th district (08-07-00313-CV, 320 SW3d 377, 03-24-10)
- 10-0729 RAMONA BLACK v. WASHINGTON MUTUAL BANK, SERVICING AGENT; from Harris County; 1st district (01-09-00151-CV, 318 SW3d 414, 05-13-10)
- 10-0952 SABRINA KAY TAYLOR v. TERESA WASHBURN-GRANT; from Harris County; 1st district (01-09-00458-CV, ___ SW3d ___, 11-10-10)
- 10-0967 RANDALL E. ROLLINS v. THE HONORABLE JAMES JAY; from Harris County; 1st district (01-10-00520-CV, ___ SW3d ___, 11-18-10)

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

- 11-0111 IN RE EDWARD ROY NEWSOME; from Harris County; 1st district (01-07-00164-CV, ___ SW3d ___, 10-16-08)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0537 IN RE TRANSCONTINENTAL REALTY INVESTORS, INC.; from Dallas County;
5th district
stay order issued July 23, 2010, lifted
- 11-0072 IN RE R. WAYNE JOHNSON; from Gray County; 7th district
(07-08-00478-CV, ___ SW3d ___, 12-14-10)
- 11-0157 IN RE KEVIN REVELS; from Houston County

THE MOTION IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS
GRANTED:

- 10-0386 IN RE DALLAS COUNTY HOSPITAL DISTRICT D/B/A PARKLAND HEALTH
& HOSPITAL SYSTEM; from Dallas County; 5th district
(05-10-00515-CV, 313 SW3d 497, 05-18-10)
agreed motion to extend abatement granted
abatement order issued

[**Note:** The Court's abatement order of March 4, 2011 expired by its own terms on March 9, 2011. An extension is granted until March 23, 2011, by which time the parties must file either a status report or a motion to dismiss.]

RELATOR IS ORDERED RELEASED ON BOND IN THE FOLLOWING PETITION FOR
WRIT OF HABEAS CORPUS PROCEEDING:

- 11-0177 IN RE DONALD W. DAVIS; from Denton County; 2nd district
(02-11-00088-CV, ___ SW3d ___, 03-09-11)
motion for temporary relief granted
conditioned upon \$250 bond

[**Note:** The petition for writ of habeas corpus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced March 18, 2011

ORDERS ON CAUSES

08-0421 THE STATE OF TEXAS, ET AL. v. PUBLIC UTILITY COMMISSION OF TEXAS, ET AL.; from Travis County; 3rd district
(03-05-00557-CV, 252 SW3d 1, 04-17-08)
3 petitions

The Court affirms in part and reverses in part the court of appeals' judgment, and remands the case to the Public Utility Commission.

Justice Willett delivered the opinion of the Court.

09-0770 THE CITY OF HOUSTON v. STEVE WILLIAMS, ET AL.; from Harris County; 14th district (14-08-00059-CV, 290 SW3d 260, 03-31-09)
2 petitions

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

Justice Guzman delivered the opinion of the Court.

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

- 10-0379 IN THE INTEREST OF P.L.H., S.R.H. AND C.H.H., MINOR CHILDREN; from Dallas County; 8th district (08-07-00228-CV, 324 SW3d 114, 02-24-10)
denial of petition for review on December 3, 2010, withdrawn
motion for rehearing granted
petition for review reinstated
motion to grant petition for review pursuant to settlement and remand granted in part as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, without hearing oral argument or considering the merits, the Court vacates the judgments of the court of appeals and the trial court, and remands the case to the trial court for rendition of judgment pursuant to the parties' settlement agreement. The parties' request that the court of appeals opinion be vacated is denied.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0857 IN RE COMMITMENT OF GENTRY ROBERTSON; from Montgomery County; 9th district (09-09-00307-CV, ___ SW3d ___, 09-09-10)
- 10-1035 HOUSTON HELICOPTERS, INC. v. BELL HELICOPTER, TEXTRON, INC.; from Tarrant County; 2nd district (02-09-00316-CV, ___ SW3d ___, 10-07-10)
- (Justice Green not sitting)
- 11-0005 TODD ESSE, BRENT ESSE AND 5E OIL AND GAS CORPORATION v. KENNETH HAVIS, TRUSTEE IN LIQUIDATION FOR WESTGATE ENERGY PARTNERS, INC., EMPIRE ENERGY, III, LTD. AND BP AMERICA PRODUCTION COMPANY; from Harris County; 1st district (01-08-00854-CV, ___ SW3d ___, 07-22-10)
- 11-0015 IN THE INTEREST OF S.P., J.P. AND A.P., CHILDREN; from Nacogdoches County; 6th district (06-10-00077-CV, ___ SW3d ___, 12-07-10)
- 11-0029 JAY SANDON COOPER v. LITTON LOAN SERVICING, LP; JP MORGAN CHASE BANK, N.A., AS TRUSTEE; from Dallas County; 5th district (05-08-01056-CV, 325 SW3d 766, 07-22-10)

- 11-0102 WILLIAM E. JOHNSON v. STATE OF TEXAS; from Williamson County; 3rd district (03-10-00431-CV, ___ SW3d ___, 09-22-10)
- 11-0105 SECURITYCOMM GROUP, INC. v. DOUGLAS BROCAIL, ANDREW ENGLEMAN AND RONNIE HOOKS; from Harris County; 14th district (14-09-00295-CV, ___ SW3d ___, 12-28-10)

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

- 09-0079 VENKATESWARLU THOTA, M.D. AND NORTH TEXAS CARDIOLOGY CENTER v. MARGARET YOUNG, INDIVIDUALLY, AND AS REPRESENTATIVE OF THE ESTATE OF WILLIAM R. YOUNG; from Wichita County; 2nd district (02-05-00350-CV, 271 SW3d 822, 11-20-08)
denial of petition for review on August 27, 2010, withdrawn

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

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

- 10-0619 CHARLES PHILIP MARSH v. BRAD LIVINGSTON, ET AL.; from Brazoria County; 14th district (14-09-00011-CV, ___ SW3d ___, 04-22-10)
- 10-0665 ANDERSON PETRO-EQUIPMENT, INC., A TEXAS DOMESTIC CORPORATION AND CURTIS RAY ANDERSON v. STATE OF TEXAS; from Travis County; 3rd district (03-08-00467-CV, 317 SW3d 812, 06-18-10)
- 10-0814 RAFFAELE M. PANDOZY, PH.D. v. THE CITY OF DALLAS; from Dallas County; 5th district (05-09-00587-CV, ___ SW3d ___, 07-28-10)
- 10-0936 JUAN HERNANDEZ v. YOLANDA HERNANDEZ; from Cameron County; 13th district (13-08-00722-CV, ___ SW3d ___, 09-30-10)
- 10-1021 VAN LEE BREWER v. JASON A. SIMENTAL, ET AL.; from Walker County; 7th district (07-10-00155-CV, ___ SW3d ___, 10-15-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

11-0178 IN RE LAKEITH RAQIB AMIR-SHARIF; from Pecos County

11-0179 IN RE LAKEITH AMIR-SHARIF; from Dallas County

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

11-0138 IN RE VALERO ENERGY CORPORATION, THE PREMCOR REFINING GROUP INC. D/B/A VALERO PORT ARTHUR REFINERY, VALERO MARKETING AND SUPPLY COMPANY AND PORT ARTHUR COKER COMPANY, L.L.P.; from Jefferson County; 9th district (09-11-00040-CV, ___ SW3d ___, 02-18-11)
agreed motion to dismiss mandamus granted
stay order issued March 2, 2011, lifted

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DISMISSED AS MOOT:

10-0049 IN RE GREGORY WAYNE WALLIS
unopposed motion to dismiss mandamus action as moot granted

10-0050 IN RE RONALD GENE TAYLOR
unopposed motion to dismiss mandamus action as moot granted

THE SUPREME COURT OF TEXAS

Orders Pronounced March 21, 2011

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0097 IN RE SANADCO INC. AND MAUMAUD A. ISBA; from Travis County; 3rd district (03-11-00063-CV, ___ SW3d ___, 02-07-11)
motion for temporary relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

11-0205 IN RE LIBERTY MUTUAL FIRE INSURANCE COMPANY; from Zavala County; 4th district (04-11-00032-CV, ___ SW3d ___, 03-16-11)

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rule of Appellate Procedure 52.6 and is struck. Relator is ordered to redraw; the redrawn petition is due to be filed March 23, 2011."

THE SUPREME COURT OF TEXAS

Orders Pronounced March 25, 2011

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS DENIED:

11-0090 DUANE M., INDIVIDUALLY, AND AS NEXT FRIEND OF A.M., A MINOR v. WHATABURGER, INC., ROBERT GONZALEZ GARZA AND MICHAEL LEE METTLEN; from Cameron County; 13th district
(13-09-00434-CV, ___ SW3d ___, 11-18-10)

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:

10-0621 JOE B. GULLEY, JR. AND IMELDA GULLEY v. WIRT DAVIS, II, INDIVIDUALLY; ET AL.; from Polk County; 1st district
(01-08-00572-CV, 321 SW3d 213, 07-01-10)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-1011 IN RE SARAH KOVICH; from Dallas County; 5th district
(05-10-01492-CV, ___ SW3d ___, 12-08-10)
as reinstated
stay order issued December 14, 2010, lifted
stay order issued February 3, 2011, lifted

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

11-0197 IN RE BEXAR COUNTY HOSPITAL DISTRICT D/B/A UNIVERSITY HEALTH SYSTEM; from Bexar County; 4th district (04-11-00145-CV, ___ SW3d ___, 03-02-11)
motion for emergency stay granted in part
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced April 1, 2011

ORDERS ON CAUSES

08-0244 BASIC CAPITAL MANAGEMENT, INC., AMERICAN REALTY TRUST, INC., TRANSCONTINENTAL REALTY INVESTORS, INC., CONTINENTAL POYDRAS CORP., CONTINENTAL COMMON, INC., AND CONTINENTAL BARONNE, INC. v. DYNEX COMMERCIAL, INC. AND DYNEX CAPITAL, INC.; from Dallas County; 5th district (05-04-01358-CV, 254 SW3d 508, 02-22-08) motion for leave to amend petition for review dismissed as moot

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

Justice Hecht delivered the opinion of the Court.

09-0857 JOSE CARRERAS, M.D., P.A. v. CARLOS FRANCISCO MARROQUIN, ET AL.; from Hidalgo County; 13th district (13-09-00156-CV, 297 SW3d 420, 08-25-09)

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

Justice Wainwright delivered the opinion of the Court.

10-0243 VERONICA ELLIS AND PACESETTER BUILDERS, INC. D/B/A COLDWELL BANKER PACESETTER STEEL REALTORS v. DR. RON AND TANA SCHLIMMER; from Nueces County; 13th district (13-09-00426-CV, ___ SW3d ___, 01-28-10)

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 remands the case to that court.

Per Curiam Opinion

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

05-1076 EXXON CORPORATION AND EXXON TEXAS, INC. v. EMERALD OIL & GAS COMPANY, L.C. AND LAURIE T. MIESCH, ET AL.; from Refugio County; 13th district (13-00-00104-CV, 180 SW3d 299, 11-29-05)
2 motions for rehearing

The Court's opinion of December 17, 2010 is withdrawn and the opinion of this date is substituted. The judgment, issued December 17, 2010, remains in place.

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

Justice Wainwright delivered the opinion of the Court.

(Justice Guzman and Justice Lehrmann not sitting)

06-0752 WILLIAM H. NEALON, M.D. AND ERIC M. WALSER, M.D. v. HARRY WILLIAMS; from Galveston County; 1st district (01-05-00553-CV, 199 SW3d 462, 07-13-06)

07-0131 JOHN CHRISTOPHER FRANKA, M.D. AND NAGAKRISHNA REDDY, M.D. v. STACEY VELASQUEZ AND SARAGOSA ALANIZ, INDIVIDUALLY AND AS NEXT FRIENDS OF THEIR MINOR CHILD, SARAGOSA MARIO ALANIZ; from Bexar County; 4th district (04-06-00190-CV, 216 SW3d 409, 09-06-06)

(Justice Guzman not sitting)

07-0647 EVELYN CLARK, R.N., ROSEANNE RODRIGUEZ, MHS, AND ELIZABETH ORTIZ, MAS v. CYNTHIA SELL, ON BEHALF OF MITCHELL RAY SELL; from Lubbock County; 7th district (07-07-00049-CV, 228 SW3d 873, 06-27-07)

08-0248 CARMELITA P. ESCALANTE, M.D., E. EDMUND KIM, M.D., EDGARDO RIVERA, M.D., AND FRANKLIN C. WONG, M.D. v. DONITA ROWAN AND JAMES NIESE; from Harris County; 14th district (14-05-00828-CV&14-06-00197-CV, 251 SW3d 720, 01-22-08)

(Justice Guzman not sitting)

08-0667 EBERHARD SAMLOWSKI, M.D. v. CAROL WOOTEN; from Johnson County; 10th district (10-07-00305-CV, 282 SW3d 82, 05-21-08)

09-0665 TERRY LEONARD, P.A. AND APRIL DAWN HAIN, M.D. v. ANDRE GLENN; from Bexar County; 4th district (04-08-00200-CV, 293 SW3d 669, 05-20-09)

- 10-0134 CESAR ROMERO, M.D., ANTHONY CLAXTON, M.D., AND DAVID KORMAN, M.D. v. JACOB LIEBERMAN ON BEHALF OF THE ESTATE OF LARRY LIEBERMAN, DECEASED; from Kaufman County; 5th district (05-08-01636-CV, ___ SW3d ___, 11-03-09)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 10-0513 MATTHEW W. WASSERMAN, M.D. v. CHRISTINA BERGERON GUGEL; from Harris County; 14th district (14-09-00450-CV, ___ SW3d ___, 05-20-10)

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

- 10-0603 TEXAS WEST OAKS HOSPITAL, LP AND TEXAS HOSPITAL HOLDINGS, LLC v. FREDERICK WILLIAMS; from Harris County; 14th district (14-10-00091-CV, 322 SW3d 349, 06-24-10)

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

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0152 BLOCK INVESTMENTS (NEVADA) COMPANY, A NEVADA CORPORATION, BLOCK 1991 INVESTMENT TRUST AND MICHAEL A. BLOCK v. RED SEA GAMING, INC., A NEVADA CORPORATION AND RED SEA NEVADA, INC., A NEVADA CORPORATION; from Dallas County; 8th district (08-07-00288-CV, ___ SW3d ___, 01-13-10)

- 10-0381 TRANSCONTINENTAL INSURANCE COMPANY v. OMNI METALS INC.; from Harris County; 1st district (01-05-01190-CV, 317 SW3d 361, 03-25-10)
3 petitions

- 10-0443 MHW, INC. v. E.D. ANDERSON, ET AL.; from Stephens County; 11th district (11-08-00180-CV, 310 SW3d 567, 03-31-10)
2 petitions

- 10-0466 ASTORIA INDUSTRIES OF IOWA, INC. v. SNF, INC. D/B/A BRAND FX BODY COMPANY; from Tarrant County; 2nd district (02-08-00144-CV, ___ SW3d ___, 04-

08-10)

- 10-0590 RICHARD BRAUN AND MARY BRAUN v. JASON BRAUN AND MARY SCOPAS BRAUN; from Guadalupe County; 4th district (04-09-00486-CV, ___ SW3d ___, 06-23-10)
- 10-0736 JANET CARROLL v. KRISTI DONAU; SHONNA TOBIAS; KARLA MCKINNEY; MELISSA MIGL; KATIE WATSON; LEAH DELAFIELD; NATHAN LOFGREN AND SOONCHA SHERMAN; from Travis County; 3rd district (03-09-00293-CV, ___ SW3d ___, 07-29-10)
- 10-0758 TEXAS DEPARTMENT OF AGING & DISABILITY SERVICES v. ANA MARIA GONZALEZ SALAIS, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF RUBEN GONZALEZ, DECEASED; from Limestone County; 10th district (10-09-00155-CV, 323 SW3d 527, 08-04-10)
- 10-0783 YONG ZHANG v. MED-TOWEL ENTERPRISES, LTD.; from Travis County; 3rd district (03-09-00457-CV, ___ SW3d ___, 04-08-10)
- 10-0789 BLAND HOLLAND v. J. CLEO THOMPSON A/K/A JAMES CLEO THOMPSON, JR., INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF JAMES CLEO THOMPSON; J. CLEO THOMPSON AND JAMES CLEO THOMPSON, JR., A PARTNERSHIP; AND J. CLEO THOMPSON AND JAMES CLEO THOMPSON, JR., L.P.; from Crockett County; 8th district (08-08-00311-CV, ___ SW3d ___, 08-11-10)
- 10-0792 MARTIN BROCK JONES, JR. v. J. CLEO THOMPSON, A/K/A JAMES CLEO THOMPSON, JR., INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF JAMES CLEO THOMPSON; J. CLEO THOMPSON AND JAMES CLEO THOMPSON, JR., A PARTNERSHIP; AND J. CLEO THOMPSON AND JAMES CLEO THOMPSON, JR., L.P.; from Crockett County; 8th district (08-08-00245-CV, ___ SW3d ___, 08-11-10)
- 10-0797 ROMFOR SUPPLY COMPANY AND ROMFOR WEST AFRICA LTD. v. PARKER DRILLING COMPANY AND PARKER DRILLING COMPANY (BOLIVIA) S.A.; from Harris County; 14th district (14-08-00875-CV, 316 SW3d 68, 06-08-10)
- 10-0849 CATHERINE GANNON, M.D., JOCHEN PROFIT, M.D. AND BAYLOR COLLEGE OF MEDICINE, ET AL. v. LAMAR AND TRACI WYCHE, INDIVIDUALLY AND ON BEHALF OF K.W., A MINOR; from Galveston County; 14th district (14-09-00624-CV, 321 SW3d 881, 08-31-10)
3 petitions

- 10-0910 MICHELLE MCCLURE v. KINGWOOD PINES HOSPITAL, L.L.P. AND HORIZON HEALTH CORPORATION; from Harris County; 14th district (14-09-00339-CV, ___ SW3d ___, 09-16-10)
- 10-0921 SCLAFANI INVESTMENTS, INC. v. TIMOTHY L. BARTON, INDIVIDUALLY AND D/B/A JMJ INTERNATIONAL, JMJ DEVELOPMENT, INC. AND JMJ BILTMORE, LLC; from Dallas County; 5th district (05-08-00790-CV, 320 SW3d 453, 07-28-10)
- 10-1003 WENDELL WATSON v. TELECHECK SERVICES, INC. AND TRS RECOVERY SERVICES, INC.; from Panola County; 6th district (06-09-00112-CV, ___ SW3d ___, 10-21-10)
- 10-1025 ANTONIO REYES-VIDAL v. COMMISSION FOR LAWYER DISCIPLINE; from Bexar County; 4th district (04-10-00048-CV, ___ SW3d ___, 11-03-10)
- 11-0047 CORNERSTONE LAND, LTD. v. LETICIA SANCHEZ PIERCE; from Hill County; 10th district (10-10-00151-CV, ___ SW3d ___, 10-27-10)
- 11-0062 KM TS SPRING CYPRESS LLC, AS THE PROPERTY OWNERS AND THE PROPERTY OWNERS v. HARRIS COUNTY APPRAISAL DISTRICT AND THE APPRAISAL REVIEW BOARD OF HARRIS COUNTY APPRAISAL DISTRICT; from Harris County; 14th district (14-09-00978-CV, ___ SW3d ___, 10-07-10)
- 11-0065 LILIA V. MENDOZA v. VICTOR M. RAMIREZ, ET AL.; from Zapata County; 8th district (08-09-00120-CV, ___ SW3d ___, 12-15-10)
- 11-0067 JERRY HICKS AND LISA WINSTON v. PETER MINKOFF; from Dallas County; 5th district (05-10-00606-CV, ___ SW3d ___, 10-21-10)
- 11-0118 JOHN LUCKETT v. BRINKER RESTAURANT CORPORATION DBA CHILI'S RESTAURANTS; BRINKER RESTAURANT CORPORATION, INC.; from Dallas County; 5th district (05-09-00545-CV, ___ SW3d ___, 01-27-11)

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0954 IVALUE GROUP, INC. AND JULIAN ROSS v. M&A TECHNOLOGY; from Dallas County; 8th district (08-08-00022-CV, 295 SW3d 356, 08-12-09)
- 10-0588 TIM CASTILLE v. CECIL HICKS; from Wheeler County; 7th district (07-09-00095-CV, 313 SW3d 874, 05-21-10)
- 10-0720 YAKOV ELMAKISS v. KAREN G. HUGHES; from Smith County; 12th district (12-09-00269-CV, ___ SW3d ___, 07-30-10)

(Justice Lehrmann not sitting)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0545 IN RE FRANK SCHUSTER FARMS, INC.; from Hidalgo County; 13th district (13-10-00225-CV, ___ SW3d ___, 06-29-10)
- 11-0125 IN RE TRIDENT INSURANCE SERVICES, LLC AND THE TEXAS ASSOCIATION OF PUBLIC EDUCATORS INTERLOCAL SELF-INSURANCE LEAGUE A/K/A TEXAS ASSOCIATION OF PUBLIC EDUCATORS; from Hidalgo County; 13th district (13-11-00072-CV, ___ SW3d ___, 02-15-11)
- 11-0215 IN RE N.D.R. B/N/F VICTOR DEL RIO
petition for writ of mandamus and habeas corpus denied
- 11-0231 IN RE RENE ORTEGA, MARY ORTEGA, ROLANDO ORTEGA, AURORA ORTEGA AND ALBERT ORTEGA; from Hidalgo County; 13th district (13-11-00066-CV, ___ SW3d ___, 03-23-11)
motion for immediate temporary relief denied

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DISMISSED:

- 10-0386 IN RE DALLAS COUNTY HOSPITAL DISTRICT D/B/A PARKLAND HEALTH & HOSPITAL SYSTEM; from Dallas County; 5th district (05-10-00515-CV, 313 SW3d 497, 05-18-10)
motion to dismiss petition for writ of mandamus and vacate stay orders granted
motion to abate dismissed as moot
stay order issued May 8, 2010, lifted
stay order issued August 4, 2010, lifted
- 10-0991 IN RE ESTRELLA RESOURCES, LLC; from Dallas County; 5th district (05-10-01437-CV, ___ SW3d ___, 11-30-10)
abatement order issued January 28, 2011, lifted
petition reinstated
motion to dismiss petition for writ of mandamus granted

THE SUPREME COURT OF TEXAS

Orders Pronounced April 5, 2011

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0236 IN RE ES ENERGY SOLUTIONS, LP, ET AL.; from Dallas County; 5th district
(05-11-00372-CV, ___ SW3d ___, 04-01-11)
motion for emergency temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced April 7, 2011

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0243 IN RE WILLIAM "BILL" ESPING, ET AL.; from Dallas County; 5th district
(05-11-00388-CV, ___ SW3d ___, 04-05-11)
emergency motion for stay denied

Justice Hecht, Justice Medina, and Justice Guzman note their dissent from the denial
of the petition for writ of mandamus and would grant a stay.

THE SUPREME COURT OF TEXAS

Orders Pronounced April 8, 2011

ORDERS ON CAUSES

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

08-0421 THE STATE OF TEXAS, ET AL. v. PUBLIC UTILITY COMMISSION OF TEXAS, ET AL.; from Travis County; 3rd district (03-05-00557-CV, 252 SW3d 1, 04-17-08) unopposed joint motion for leave to file motions for rehearing that exceed page limit granted

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

11-0239 LESLIE T. HOLMES v. TEXAS MUTUAL INSURANCE COMPANY; from Jefferson County; 8th district (08-10-00003-CV, ___ SW3d ___, 02-16-11) abatement order issued

[**Note:** The case is removed from the Court's active docket until further order of this Court.]

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

11-0083 GENEKE ANTONIO LYONS v. LYNN SWITZER, IN HER CAPACITY AS 31ST JUDICIAL DISTRICT ATTORNEY, TROOPER JASON HENDERSON, THE TEXAS DEPARTMENT OF PUBLIC SAFETY AND THE STATE OF TEXAS; from Wheeler County; 7th district (07-10-00058-CV, ___ SW3d ___, 12-22-10)

11-0137 CHRISTIAN CARE CENTERS, INC. v. JANE GOLENKO, JEAN MILLER AND JUDY MILLER, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF NELL CONNALLY, DECEASED; from Dallas County; 5th district (05-09-01521-CV, 328 SW3d 637, 11-04-10)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE
OF APPELLATE PROCEDURE 9.4(i):

11-0135 ROY THRELKELD v. GREGORY URECH; from Dallas County; 5th district
(05-09-00631-CV, 329 SW3d 84, 11-17-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.2(k)(1)(C) and 53.6 and is struck. Petitioner is ordered to redraw; the petition is due to be filed by April 18, 2011."

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

10-0889 CITY OF DALLAS v. DAVID JONES AND VERONICA JONES; from Dallas
County; 5th district (05-09-01379-CV, 331 SW3d 781, 07-21-10)
motion to dismiss petition for review granted

ORDERS ON MOTIONS FOR REHEARING

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

10-0084 STACY L. CONNER v. KENNETH AND LOLA CHERNUSHEK; from Lubbock
County; 7th district (07-08-00213-CV, ___ SW3d ___, 09-11-09)

10-0890 MARK A. METZGER, JR. v. PATRICIA F. WESTBO; from Harris County; 1st
district (01-09-00952-CV, ___ SW3d ___, 07-29-10)

10-1040 YIGAL BOSCH v. OPEN PINES CONDOMINIUM OWNERS ASSOCIATION,
INC.; from Harris County; 1st district (01-09-00507-CV, ___ SW3d ___, 11-10-10)

MISCELLANEOUS

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

11-0205 IN RE LIBERTY MUTUAL FIRE INSURANCE COMPANY; from Zavala County;
4th district (04-11-00032-CV, ___ SW3d ___, 03-16-11)
amended emergency motion for stay granted
stay order issued

[**Note:** The redrafted petition for writ of mandamus remains pending before this
Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced April 11, 2011

ORDERS ON MOTIONS FOR REHEARING

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

- 11-0243 IN RE WILLIAM "BILL" ESPING, ET AL.; from Dallas County; 5th district
(05-11-00388-CV, ___ SW3d ___, 04-05-11)
motion to strike denied
motion to strike post-decision supplemental mandamus record denied

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 11-0259 IN RE BUCKNER CHILDREN AND FAMILY SERVICES, INC.; from Dallas
County; 5th district (05-11-00371-CV, ___ SW3d ___, 04-01-11)

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.8 and 52.6 and is struck. Relator is ordered to redraw; the redrawn petition is due to be filed April 21, 2011."

THE SUPREME COURT OF TEXAS

Orders Pronounced April 13, 2011

MISCELLANEOUS

A STAY ORDER IS ISSUED IN THE FOLLOWING CASE:

11-0246 IN RE SHARON PEEBLES; from Harris County; 14th district
(14-10-00973-CV, ___ SW3d ___, 12-02-10)
motion for emergency temporary relief granted
stay order issued

[**Note:** The petition for writ of habeas corpus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced April 14, 2011

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0268 IN RE APOLONIO VILLARREAL; 13th district
(13-11-00221-CV, ___ SW3d ___, 04-12-11)
motion for emergency stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced April 15, 2011

ORDERS ON CAUSES

08-0989 ITALIAN COWBOY PARTNERS, LTD., FRANCESCO SECCHI AND JANE SECCHI v. THE PRUDENTIAL INSURANCE COMPANY OF AMERICA AND FOUR PARTNERS, LLC D/B/A PRIZM PARTNERS AND D/B/A UNITED COMMERCIAL PROPERTY SERVICES; from Dallas County; 11th district (11-05-00264-CV, 270 SW3d 192, 07-24-08)

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

Justice Green delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Wainwright, Justice Medina, Justice Johnson, and Justice Lehrmann joined.

Justice Hecht delivered a dissenting opinion, in which Justice Willett and Justice Guzman joined.

09-0753 JAMES DERWOOD ILIFF v. JERILYN TRIJE ILIFF; from Hays County; 3rd district (03-08-00382-CV, ___ SW3d ___, 07-21-09)

The Court affirms the court of appeals' judgment.

Justice Wainwright delivered the opinion of the Court.

09-0955 ALLEN KELLER COMPANY v. BARBARA JEAN FOREMAN, ET AL.; from Gillespie County; 4th district (04-08-00490-CV, ___ SW3d ___, 08-31-09)

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

Justice Lehrmann delivered the opinion of the Court.

10-0366 IN RE JOHN DOES 1 AND 2; from Jefferson County; 9th district (09-10-00189-CV, ___ SW3d ___, 04-29-10)
stay order issued June 4, 2010, lifted

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

(Justice Medina not sitting)

10-0581 O. LEE TAWES, III v. DORIS BARNES, INDIVIDUALLY AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF LEON MCNAIR BARNES, DECEASED

The Court answers the question certified by the United States Court of Appeals for the Fifth Circuit.

Justice Green delivered the opinion of the Court.

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

10-0280 IN RE COMMITMENT OF SETH HILL; from Montgomery County; 9th district (09-08-00482-CV, 308 SW3d 465, 03-25-10)
motion to expedite mandate denied

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

10-0126 MICROTHERM, INC. AND DAVID E. SEITZ v. DANA CORPORATION; from Cameron County; 13th district (13-05-00281-CV, ___ SW3d ___, 01-21-10)
joint motion to dismiss granted
2 petitions

Pursuant to Texas Rule of Appellate Procedure 56.3, without hearing oral argument or considering the merits, the Court grants the cross-petitions, vacates the judgments of the court of appeals and the trial court, and remands the case to the trial court for rendition of judgment pursuant to the parties' settlement agreement.

10-0316 CITY OF AUSTIN v. HARRY M. WHITTINGTON, ET AL.; from Travis County; 3rd district (03-07-00729-CV, ___ SW3d ___, 02-18-10)

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

10-0906 FIRST COLONY COMMUNITY SERVICES ASSOCIATION, INC. v. THOMAS SWONKE AND CHRISTOPHER GOODRICH; from Fort Bend County; 14th district (14-09-00019-CV, ___ SW3d ___, 06-15-10)
agreed motion for rendition of judgment to effectuate settlement granted

Pursuant to Texas Rule of Appellate Procedure 56.3, without hearing oral argument or considering the merits, the Court vacates the judgments of the court of appeals and the trial court, and remands the case to the trial court for rendition of judgment pursuant to the parties' settlement agreement.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-1081 JOHN W. KRISTENSEN, M.D. v. ANTONIO SALINAS, JR. AND SAN JUANA SALINAS, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVES OF THE ESTATE OF TIFFANY MARIE SALINAS, DECEASED; from Cameron County; 13th district (13-08-00110-CV, ___ SW3d ___, 11-25-009)
- 10-0030 THE CITY OF ARLINGTON, TEXAS AND ALISON TURNER v. MARK ALLEN RANDALL; from Tarrant County; 2nd district (02-08-00374-CV, 301 SW3d 896, 12-10-09)
- 10-0062 MARIETTA SEPAUGH, INDIVIDUALLY, AND AS NEXT FRIEND OF HER MINOR SON, FRANK LAGRONE, DECEASED v. PAUL LAGRONE; from Travis County; 3rd district (03-05-00358-CV, 300 SW3d 328, 08-28-09)
- 10-0203 LJ CHARTER, LLC, C.N. SCHWARZ, JR., CHARLES N. SCHWARZ, III AND CNS VENTURES, LLC v. AIR AMERICA JET CHARTER, INC.; from Harris County; 14th district (14-08-00534-CV, ___ SW3d ___, 12-15-09)
- (Justice Guzman not sitting)
- 10-0415 BP AMERICA PRODUCTION COMPANY v. DISCOVERY OPERATING, INC.; from Midland County; 11th district (11-08-00127-CV, 11-08-00171-CV, 311 SW3d 140, 04-15-10)
- 10-0436 OLIVER D. SMITH AND PEGGY ANN BOWEN SMITH v. HEXION SPECIALTY CHEMICALS, INC.; from Galveston County; 1st district (01-08-00641-CV, 313 SW3d 370, 10-01-09)
- 10-0746 THI OF TEXAS AT LUBBOCK I, LLC D/B/A SOUTHWEST REGIONAL SPECIALTY HOSPITAL v. MARIO PEREA, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JACOB PEREA, DECEASED, MAX PEREA, TONY PEREA AND GEORGE PEREA; from Lubbock County; 7th district (07-08-00359-CV, 329 SW3d 548, 07-28-10)

- 10-0800 IN THE INTEREST OF P.C.S. AND L.R.S., CHILDREN; from Dallas County; 5th district (05-08-00438-CV, 320 SW3d 525, 08-12-10)
- 10-0963 HELP DESK NOW, INC. v. KAYE/BASSMAN INTERNATIONAL CORP.; from Collin County; 5th district (05-08-01708-CV, 321 SW3d 806, 08-24-10)
- 11-0006 FRANKE ANN TROUTMEN v. RONALD LEE BRANEFF; from Robertson County; 10th district (10-08-00203-CV, ___ SW3d ___, 11-17-10)
- 11-0013 THANH D. NGUYEN v. PHU DO NGUYEN; from Harris County; 14th district (14-09-00695-CV, ___ SW3d ___, 11-16-10)
- 11-0043 JOHNSON ROOFING, INC. D/B/A JOHNSON AUCTIONS v. DISCOUNT RENTAL, INC. AND BILLY PERRY; from McLennan County; 10th district (10-10-00239-CV, ___ SW3d ___, 10-06-10)
- 11-0046 SOUTHWEST TEXAS HMO, INC. D/B/A HMO BLUE TEXAS AND HEALTH CARE SERVICE CORPORATION v. VISTA HEALTH PLAN, INC. AND INTEGRANET PROVIDER ORGANIZATION, INC.; from Travis County; 3rd district (03-05-00685-CV, ___ SW3d ___, 10-28-10)
- 11-0087 NORTHWIND PROPERTIES, LTD. v. CITY OF WILMER; from Dallas County; 5th district (05-10-00309-CV, ___ SW3d ___, 12-22-10)
- 11-0094 VALERIE THOMAS BAHAR, M.D. AND VALERIE THOMAS BAHAR, M.D., P.A. v. LYON FINANCIAL SERVICES, INC., A MINNESOTA CORPORATION D/B/A US BANCORP MANIFEST FUNDING SERVICES; from Travis County; 3rd district (03-09-00581-CV, 330 SW3d 379, 11-05-10)
- 11-0095 ROBERT L. WYNNE, D.D.S. v. LOWER COLORADO RIVER AUTHORITY; from Travis County; 3rd district (03-10-00402-CV, ___ SW3d ___, 12-09-10)
- 11-0154 ROBERT W. FLYNN AS TRUSTEE OF THE GLORIA NEIDERT 2005 TRUST v. PATTI L. DIRKSEN; from Bexar County; 4th district (04-10-00126-CV, ___ SW3d ___, 01-12-11)

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED:

10-0965 DAN H. HANKE AND THE HANKE GROUP, P.C., F/K/A HANKE, GREEN AND STEIN; LANGLEY & BANACK INCORPORATED, A/K/A LANGLEY & BANACK, INC.; STEVEN R. BROOK; AND DAVID S. GRAGG v. LAWRENCE T. FLACK; from Bexar County; 4th district (04-08-00177-CV, ___ SW3d ___, 10-13-10)
unopposed motion for partial dismissal pursuant to settlement granted
Cox & Smith petition dismissed
Potter/Fisch petition dismissed

The Court dismisses the petitions for review on behalf of *Cox & Smith* and *Potter/Fisch*. The petition for review on behalf of *Langley & Banack* remains pending before this Court. The case has been restyled as *Dan H. Hanke and The Hanke Group, P.C., f/k/a Hanke, Green and Stein; Langley & Banack Incorporated, a/k/a Langley & Banack, Inc.; Steven R. Brook; and David S. Gragg v. Lawrence T. Flack*.

(Justice Hecht not sitting)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

11-0122 TED KALDIS, ET AL. v. AURORA LOAN SERVICES; from Harris County; 1st district (01-09-00270-CV, ___ SW3d ___, 06-24-10)

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0673 L.H. MEEKER AND BRIAN RUTLEDGE v. TARRANT COUNTY COLLEGE DISTRICT; from Tarrant County; 2nd district (02-09-00096-CV, 317 SW3d 754, 05-27-10)
- 10-0780 CAESAR MORALES, JR. AND RHONDA MORALES v. UNIT TEXAS DRILLING, L.L.C., UNIT DRILLING COMPANY AND CLIFF WELKER; from Matagorda County; 13th district (13-10-00247-CV, ___ SW3d ___, 07-29-10)
- 10-0842 DAMON LEE WOOD v. COASTAL BEND COLLEGE, ET AL.; from Bee County; 13th district (13-09-00253-CV, ___ SW3d ___, 05-27-10)
- 10-1017 LEANNE NICOLE WELLS v. DOUGLAS GIBSON WELLS; from Fort Bend County; 14th district (14-09-00811-CV, ___ SW3d ___, 08-19-10)

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

- 10-1011 IN RE SARAH KOVICH; from Dallas County; 5th district (05-10-01492-CV, ___ SW3d ___, 12-08-10)

MISCELLANEOUS

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

- 09-0765 IN THE MATTER OF BARRY WAYNE BROWN STATE BAR CARD NO. 24045566

THE MOTION IN THE FOLLOWING CASE IS GRANTED:

- 11-0206 MICHAEL ANTHONY DIAZ v. THE STATE OF TEXAS; 7th district unopposed motion to transfer case to the Texas Court of Criminal Appeals granted

THE SUPREME COURT OF TEXAS

Orders Pronounced April 22, 2011

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 11-0116 IN THE INTEREST OF A.L.J., A CHILD; from Howard County; 11th district (11-10-00351-CV, ___ SW3d ___, 01-27-11)
- 11-0191 MICHAEL CONTI AND RAINBOW CONTI v. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Galveston County; 1st district (01-10-00185-CV, ___ SW3d ___, 01-27-11)

THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 11-0159 MASS MARKETING, LTD. D/B/A SUPER S FOODS v. HOPE DURBIN; from Bexar County; 4th district (04-09-00697-CV, ___ SW3d ___, 10-20-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rule of Appellate Procedure 53.2(k) and is struck. Petitioner is ordered to redraw; the petition is due to be filed by May 2, 2011."

- 11-0171 IN THE INTEREST OF B.H.B., ET AL., CHILDREN; from Atascosa County; 4th district (04-10-00130-CV, ___ SW3d ___, 12-15-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rule of Appellate Procedure 9.8(b) and is struck. Petitioner is ordered to redraw; the petition is due to be filed by May 2, 2011."

- 11-0207 IN RE COMMITMENT OF JOE NATHAN POLK; from Montgomery County; 9th district (09-10-00127-CV, ___ SW3d ___, 02-24-11)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rule of Appellate Procedure 53.2(k) and is struck. Petitioner is ordered to redraw; the petition is due to be filed by May 2, 2011."

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 11-0068 IN RE SARAH KOVICH; from Dallas County; 5th district
(05-10-01493-CV, ___ SW3d ___, 12-07-10)
abatement order issued February 3, 2011, lifted
petition reinstated, as amended
first amended emergency motion for temporary relief denied

**THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO
TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):**

- 11-0250 IN RE CHARLES ROSS; from Smith County; 12th district
(12-09-00317-CV, ___ SW3d ___, 08-18-10)

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rules of Appellate Procedure 5, 9.4(d)-(g), and 52.6 and is struck."

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

- 11-0276 IN RE FIRST TEXAS BHC, INC. AND SOUTHWEST BANK; from Tarrant
County; 2nd district (02-11-00120-CV, ___ SW3d ___, 03-31-11)
emergency motion for temporary relief granted
stay order issued
requested response due by 3:00 p.m., May 2, 2011

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced April 29, 2011

ORDERS ON CAUSES

09-0100 TRAVIS CENTRAL APPRAISAL DISTRICT v. DIANE LEE NORMAN; from Travis County; 3rd district (03-06-00768-CV, 274 SW3d 902, 12-19-08)

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

Justice Medina delivered the opinion of the Court.

09-0313 TERRI LOFTIN v. JANICE LEE AND BOB LEE; from Angelina County; 12th district (12-07-00143-CV, 277 SW3d 519, 01-30-09)

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

Justice Hecht delivered the opinion of the Court.

09-0326 LARRY ROCCAFORTE v. JEFFERSON COUNTY; from Jefferson County; 9th district (09-08-00420-CV, 281 SW3d 230, 03-05-09)

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

Chief Justice Jefferson delivered the opinion of the Court, in which Justice Hecht, Justice Wainwright, Justice Medina, Justice Green, Justice Johnson, Justice Guzman, and Justice Lehrmann joined, and in which Justice Willett joined as to parts I through III.

Justice Willett delivered a concurring opinion.

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

06-0714 BARBARA ROBINSON, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JOHN ROBINSON, DECEASED v. CROWN CORK & SEAL COMPANY, INC., INDIVIDUALLY AND AS SUCCESSOR TO MUNDET CORK CORPORATION; from Harris County; 14th district (14-04-00658-CV, 251 SW3d 520, 05-04-06)

(Justice Guzman not sitting)

09-0613 TURTLE HEALTHCARE GROUP, L.L.C. D/B/A FRED'S PHARMACY v. YOLANDA HIGUERA LINAN, INDIVIDUALLY AND AS THE NATURAL PARENT OF MARIA YOLANDA LINAN AND GERARDO LINAN, INDIVIDUALLY, AND AS REPRESENTATIVES OF THE ESTATE OF MARIA YOLANDA LINAN, DECEASED; from Hidalgo County; 13th district (13-08-00533-CV, ___ SW3d ___, 06-11-09)

The Court withdraws its opinion issued February 25, 2011 and issues a substituted opinion.

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

10-0628 TEXAS ELECTRIC UTILITY CONSTRUCTION, LTD. v. INFRA SOURCE UNDERGROUND CONSTRUCTION SERVICES, LLC; from Nacogdoches County; 12th district (12-09-00287-CV, ___ SW3d ___, 06-30-10)

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

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

09-0561 NUECES COUNTY, TEXAS v. JOE GUADALUPE BALLESTEROS; from Nueces County; 13th district (13-06-00405-CV, 286 SW3d 566, 05-14-09)
as redrafted

Justice Willett dissents to the denial of the petition for review

- 09-1029 LARRY ROCCAFORTE v. JEFF GREENWAY; from Jefferson County; 9th district (09-08-00529-CV, ___ SW3d ___, 10-29-09)
- 10-0043 TARRANT COUNTY, TEXAS v. TAMMY HOWLETT; from Tarrant County; 2nd district (02-07-00373-CV, 301 SW3d 840, 12-03-09)
- 10-0447 PHIL HILLIS, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF TAYLOR HILLIS, DECEASED, AND BUFFY HILLIS v. CITY OF DALLAS; from Dallas County; 5th district (05-08-01644-CV, 308 SW3d 526, 03-30-10)
- 10-0974 BIG WOODS LAND DEVELOPMENT, INC. AND MIKE NELSON v. BIG WOODS SPRINGS IMPROVEMENT ASSOCIATION, INC.; from Wood County; 6th district (06-09-00074-CV, 322 SW3d 678, 08-12-10)
- 10-0989 CEVIA FLEMING, INDIVIDUALLY AND ON BEHALF OF ALL OTHER PERSONS SIMILARLY SITUATED v. ALLSTATE INSURANCE COMPANY, ALLSTATE INDEMNITY COMPANY AND ALLSTATE PROPERTY & CASUALTY INSURANCE COMPANY; from Travis County; 3rd district (03-09-00705-CV, ___ SW3d ___, 10-22-10)
- 11-0009 KEITH THOMAS v. JENNIFER COALSTON, ET AL.; from Coryell County; 10th district (10-10-00304-CV, ___ SW3d ___, 09-22-10)
- 11-0012 IN THE MATTER OF THE GUARDIANSHIP OF LOYCE JUANITA PARKER, AN INCAPACITATED PERSON; from Wilbarger County; 7th district (07-09-00235-CV, 329 SW3d 97, 11-22-10)
- 11-0041 MCLENNAN COUNTY APPRAISAL DISTRICT v. HOPPENSTEIN PROPERTIES, INC.; from McLennan County; 10th district (10-09-00426-CV, ___ SW3d ___, 12-22-10)
- 11-0056 IN RE RALPH O. DOUGLAS; from Harris County; 1st district (01-08-00542-CV, 333 SW3d 273, 08-31-10)
- 11-0071 ELLIOTT S. WINFIELD v. TERRY D. KILPATRICK, ET AL.; from Jones County; 11th district (11-10-00035-CV, ___ SW3d ___, 01-20-11)
- 11-0103 JUAN GERARDO PEREZ, ET AL. v. GRUPO TMM, S.A.B., TMM LOGISTICS, S.A. DE C.V. AND LACTO COMMERCIAL ORGANIZADA, S.A. DE C.V.; from Harris County; 14th district (14-09-01072-CV, 327 SW3d 357, 11-16-10)
- 11-0112 SILSBEE OAKS HEALTH CARE, L.L.P. v. MARY LOUISE CHUMLEY, AS

REPRESENTATIVE OF THE ESTATE OF ROY CHUMLEY, DECEASED; from Hardin County; 9th district (09-10-00363-CV, ___ SW3d ___, 12-30-10)

- 11-0123 LAURA M. BROWN AND ROBERT L. BROWN v. EMC MORTGAGE CORPORATION; from Collin County; 5th district (05-08-00914-CV, ___ SW3d ___, 06-07-10)
- 11-0124 STACEY STRYKER v. W. FULTON BROEMER AND BROEMER & ASSOCIATES, L.L.C.; from Harris County; 1st district (01-09-00317-CV, ___ SW3d ___, 11-10-10)
- 11-0132 JOHN HALL AND ROBERTA WAGNER v. KAREN SEAL AND RUSSELL SEAL; from Medina County; 4th district (04-09-00675-CV, ___ SW3d ___, 01-05-11)
- 11-0139 EARL DROTT v. LAVERNA SELLS; from Smith County; 12th district (12-09-00091-CV, 330 SW3d 696, 12-02-10)
- 11-0142 ALEX MELVIN WADE, JR. v. DOMINION AT WOODLANDS; from Montgomery County; 9th district (09-10-00541-CV, ___ SW3d ___, 01-27-11)
- 11-0167 IN THE ESTATE OF MILDRED VRANA, DECEASED; from Jim Wells County; 4th district (04-09-00377-CV, ___ SW3d ___, 11-17-10)
- 11-0173 NEXPLORE CORPORATION v. PAUL WILLIAMS AND HUGHES-ROTH FINANCIAL GROUP; from Dallas County; 5th district (05-09-00621-CV, ___ SW3d ___, 12-07-10)
- 11-0176 BRIAN CALVIN ADAMS v. BRYAN COLLIER AND RISSIE OWENS; from Brazoria County; 1st district (01-08-01024-CV, ___ SW3d ___, 11-04-10)
- 11-0180 RICHARD WEBB, SR., ERMA WEBB, RICHARD JONES AND CARMEN HOLLINS v. EDWIN MALDONADO; from Dallas County; 5th district (05-09-00787-CV, 331 SW3d 879, 01-28-11)
- 11-0188 IN THE INTEREST OF M.C.W., A CHILD; from Lubbock County; 7th district (07-10-00055-CV, ___ SW3d ___, 12-16-10)

(Justice Lehrmann not sitting)

- 11-0204 JOHN Q.A. WEBB, JR., M.D. AND JOHN Q.A. WEBB, JR., M.D., P.A. INDIVIDUALLY AND D/B/A BEAUMONT MEDICAL CLINIC AND BEAUMONT MEDICAL CLINIC v. DIANNE SWAN, INDIVIDUALLY AND AS

REPRESENTATIVE OF THE ESTATE OF JENNIFER RENEE ABSHIRE AND FOR AND ON BEHALF OF ANY WRONGFUL DEATH BENEFICIARIES OF JENNIFER RENEE ABSHIRE, JASON HOLST, INDIVIDUALLY AND DAVID "ANDREW" MAXEY, AS NEXT FRIEND OF TRISTA MAXEY; from Jefferson County; 9th district (09-10-00347-CV, ___ SW3d ___, 02-03-11)

ORDERS ON MOTIONS FOR REHEARING

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

07-0061 ROSE TEJADA, AS NEXT FRIEND OF KAYLEE TEJADA AND KELSEY TEJADA v. THOMAS F. ROWE, M.D., THOMAS F. ROWE, M.D., P.A., AND JESSICA LINHART DEMAY, M.D.; from Jefferson County; 9th district (09-06-00025-CV, 907 SW3d 920, 11-22-06)

(Justice Guzman not sitting)

09-0628 BARRY G. WILLENS, M.D. v. DAVID JOHNSON; from Montgomery County; 9th district (09-08-00252-CV, 286 SW3d 560, 05-14-09)

09-0932 ALICE ANDREWS v. ERIC DRAKE; from Dallas County; 5th district (05-07-01576-CV, 294 SW3d 370, 08-17-09)

10-0867 J. STEPHEN SPENCER v. JONATHAN M. GILBERT; from Blanco County; 3rd district (03-09-00207-CV, ___ SW3d ___, 08-04-10)

10-0873 SHELTON R. MODELIST v. DEUTSCHE BANK NATIONAL TRUST COMPANY, F/K/A BANKERS TRUST OF CALIFORNIA, AS TRUSTEE FOR AAMES FUNDING CORPORATION MT2001-4; from Harris County; 14th district (14-09-00134-CV, ___ SW3d ___, 08-03-10)

10-0973 LY KEN, KADCO INVESTMENTS, INC. AND KEITH R. JOHNSON v. MANAGED MORTGAGE INVESTMENTS FUND, L.P. AND TRIBECA MORTGAGE, L.L.C.; from Dallas County; 5th district (05-09-01080-CV, ___ SW3d ___, 07-26-10)
motion for extension of additional day for review denied

10-0999 CHARLES E. DURST, JR. v. TEXAS MUTUAL INSURANCE COMPANY AND RUSSELL L. DAVIS; from Guadalupe County; 4th district (04-09-00430-CV, ___ SW3d ___, 08-25-10)

- 10-1004 LAKEITH AMIR-SHARIF v. NATHANIEL QUARTERMAN, TDCJ DIRECTOR, ET AL.; from De Witt County; 13th district (13-09-00504-CV, ___ SW3d ___, 08-19-10)
- 10-1019 WILLIAM E. FERGUSON, INDIVIDUALLY AND D/B/A TIMBEROOF COMPANY AND TIMBEROOF ROOF COMPANY, INC., AND TIMBEROOF ROOFING COMPANY, INC., TIMBEROOF ROOFING CO., INC. AND TRC SERVICES, INC., INDIVIDUALLY AND D/B/A THE ROOF CO. HOLDINGS v. PABLO TURULL AND RUTH TURULL; from Harris County; 1st district (01-09-00067-CV, ___ SW3d ___, 07-29-10)
- 11-0026 KAREN HAISLER v. JUANITA COBURN, NELDA JONES, CALVIN JONES, AMANDA LAWSON, BRIAN LAWSON AND GREG SNIDER; from Freestone County; 10th district (10-09-00275-CV, ___ SW3d ___, 07-28-10)
- 11-0027 RESERVOIR SYSTEMS, INC. AND AXEL SIGMAR v. TGS-NOPEC GEOPHYSICAL CO., INC.; from Harris County; 14th district (14-09-00528-CV, ___ SW3d ___, 11-09-10)

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

- 11-0028 IN RE ROBERT C. MORRIS; from Houston County; 12th district (12-10-00313-CV, ___ SW3d ___, 10-20-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0528 IN RE PETROHAWK ENERGY CORPORATION, PETROHAWK PROPERTIES, LP, ONE TEC, LLC AND FLOYD C. WILSON; from Tarrant County; 2nd district (02-10-00205-CV, ___ SW3d ___, 07-09-10)
motion to take judicial notice, as supplemented, dismissed as moot
stay order issued September 10, 2010, lifted
- 10-0556 IN RE MICHAEL A. EARLE, M.D.; from Bexar County; 4th district (04-10-00430-CV, ___ SW3d ___, 06-16-10)
- 11-0185 IN RE GEORGE GLEN ABNEY ; from Nacogdoches County; 12th district (12-99-00369-CR; 12-99-00370-CR, ___ SW3d ___, 08-31-00)

- 11-0200 IN RE METROPOLITAN TRANSIT AUTHORITY; from Harris County; 1st district
(01-10-00752-CV, ___ SW3d ___, 01-03-11)
- 11-0249 IN RE BRAZOS SANDY CREEK ELECTRIC COOPERATIVE, INC. AND
LOWER COLORADO RIVER AUTHORITY; from McLennan County; 10th district
(10-10-00255-CV, ___ SW3d ___, 03-23-11)
motion for emergency stay denied
- 11-0307 IN RE SANDY CREEK ENERGY ASSOCIATES, LP; from McLennan County; 10th
district (10-10-00255-CV, ___ SW3d ___, 03-23-11)

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

- 11-0297 IN RE WEST STAR TRANSPORTATION, INC.; from Lubbock County; 7th district
(07-10-00515-CV, ___ SW3d ___, 02-23-11)
emergency motion for temporary relief granted
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced May 6, 2011

ORDERS ON CAUSES

10-0238 IN RE UNIVERSAL UNDERWRITERS OF TEXAS INSURANCE COMPANY;
from Tarrant County; 2nd district (02-10-00013-CV, ___ SW3d ___, 03-23-10)
stay order issued April 23, 2010 lifted

The Court conditionally grants the writ of mandamus.

Chief Justice Jefferson delivered the opinion of the Court.

(Justice Lehrmann not sitting)

ORDERS ON PETITIONS FOR REVIEW

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR REVIEW:

11-0275 WEEKLEY HOMES, L.P. D/B/A DAVID WEEKLEY HOMES, WEEKLEY
HOMES BUSINESS TRUST, DAVID WEEKLEY AND RANDY BRADEN v.
LEN RAO; from Dallas County; 5th district
(05-10-00570-CV, ___ SW3d ___, 03-22-11)
emergency motion to stay proceedings granted
stay order issued

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

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

11-0075 IVAN FORSTER TUCKER v. SHEILA RENNA TUCKER; from Collin County; 5th
district (05-09-01203-CV, ___ SW3d ___, 11-22-10)

11-0082 DONALD W. CRAWFORD v. JESSE L. DAVIS AND SHIRLEY PEARL; from
Anderson County; 11th district (11-10-00093-CV, ___ SW3d ___, 01-06-11)

11-0162 TIMOTHY RAY WILLIAMS v. THE STATE OF TEXAS; from Randall County; 7th
district (07-10-00100-CV; 07-10-00091-CV, ___ SW3d ___, 01-25-11)

11-0225 THE HOUSING AUTHORITY OF THE CITY OF DALLAS v. JERRY
KILLINGSWORTH; from Dallas County; 5th district
(05-10-00172-CV, 331 SW3d 806, 01-05-11)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE
OF APPELLATE PROCEDURE 9.4(i):

11-0322 TOWN OF NORTHLAKE v. SOMCHAI SARAMANEE AND ANDREW
TERRELL BOGGESS; from Denton County; 2nd district
(02-10-00152-CV, ___ SW3d ____, 03-17-11)

The Court strikes the petition for review with the following notation: "The petition violates Misc. Docket No. 11-9033 - Electronic-Copy and Electronic-Filing Rules 5(c), (d) and is struck. Petitioner is ordered to redraw; the petition is due to be filed by May 16, 2011."

ORDERS ON MOTIONS FOR REHEARING

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

11-0097 IN RE SANADCO INC. AND MAUMAUD A. ISBA; from Travis County; 3rd
district (03-11-00063-CV, ___ SW3d ____, 02-07-11)
motion for temporary relief denied

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

10-0636 IN RE SCARBROUGH, MEDLIN & ASSOCIATES, INC. AND SCARBROUGH,
MEDLIN & ASSOCIATES FINANCIAL SERVICES, INC.; from Collin County; 5th
district (05-10-00792-CV, ___ SW3d ____, 07-30-10)
motion to dismiss petition for writ of mandamus granted

THE SUPREME COURT OF TEXAS

Orders Pronounced May 13, 2011

ORDERS ON CAUSES

08-0613 NAFTA TRADERS, INC. v. MARGARET A. QUINN; from Dallas County; 5th district (05-07-00340-CV, 257 SW3d 795, 06-17-08)

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

Justice Hecht delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Wainwright, Justice Medina, Justice Green, Justice Johnson, Justice Willett, Justice Guzman, and Justice Lehrmann joined.

Chief Justice Jefferson delivered a concurring opinion, in which Justice Wainwright and Justice Lehrmann joined.

09-0025 HARRIS METHODIST FORT WORTH v. JO FAWN OLLIE; from Tarrant County; 2nd district (02-07-00122-CV, 270 SW3d 720, 10-30-08)

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 remands the case to the trial court.

Per Curiam Opinion

09-0399 BP AMERICA PRODUCTION COMPANY, ATLANTIC RICHFIELD COMPANY AND VASTAR RESOURCES, INC. v. STANLEY G. MARSHALL, JR., ROBERT RAY MARSHALL, CATHERINE IRENE MARSHALL F/K/A CATHERINE I.M. HASHMI, AND MARGARET ANN MARSHALL F/K/A MARGARET A.M. JEFFUS, BY AND THROUGH DAVID JEFFUS, AS INDEPENDENT EXECUTOR OF THE ESTATE OF MARGARET MARSHALL; from Zapata County; 4th district (04-06-00478-CV, 288 SW3d 430, 12-10-08)
2 petitions

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

Justice Lehrmann delivered the opinion of the Court.

(Justice Green not sitting)

09-0828 GENESIS TAX LOAN SERVICES, INC. AND M. SUZANNE FROSSARD, TRUSTEE v. KODY AND JANET KOTHMANN AND KODY KOTHMANN, TRUSTEE; from Lubbock County; 7th district (07-08-00070-CV, ___ SW3d ___, 02-27-09)

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

Justice Hecht delivered the opinion of the Court.

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

10-0375 ATMOS ENERGY CORPORATION, CENTERPOINT ENERGY RESOURCES CORP. AND TEXAS GAS SERVICE COMPANY, A DIVISION OF ONEOK, INC. v. THE CITIES OF ALLEN, ET AL.; from Travis County; 3rd district (03-06-00691-CV, 309 SW3d 563, 02-05-10)
3 petitions

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

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0596 CITY OF MIDLAND v. M.T.D. ENVIRONMENTAL, L.L.P.; from Midland County; 11th district (11-09-00004-CV, 315 SW3d 606, 05-13-10)

10-1038 THOMAS ED COLE AND ROY FRANKLIN COLE v. ANADARKO PETROLEUM CORPORATION AND PERMIAN BASIN JOINT VENTURE, LLC; from Ector County; 11th district (11-09-00056-CV, 331 SW3d 30, 10-14-10)
2 petitions

11-0016 VICTOR M. ZURITA, DDS, MS, INDIVIDUALLY AND D/B/A HEIGHTS MEDICAL AND DENTAL CLINIC AND ANA ZURITA v. FERNANDO LOMBANA, M.D., AND HOUSTON MEDICAL & DENTAL CLINIC CORP., ET AL.; from Harris County; 14th district (14-08-00263-CV, 322 SW3d 463, 09-30-10)

11-0174 MAC HAIK CHEVROLET, LTD. AND WELLS FARGO AUTO FINANCE, INC. v.

ALYSHA B. DIAZ AND MIGUEL DIAZ; from Harris County; 1st district
(01-09-00708-CV, ___ SW3d ___, 01-27-11)

11-0203 KIMBERLY A. FINDER, M.D. v. TEXAS MEDICAL BOARD; from Travis County;
3rd district (03-10-00004-CV, ___ SW3d ___, 11-18-10)

11-0208 LOWELL MERRITT v. ROBERT DAVIS; from Collin County; 5th district
(05-09-01231-CV, 331 SW3d 857, 01-27-11)

**THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE
OF APPELLATE PROCEDURE 9.4(i):**

11-0315 JOE LEE RUBIO v. EDUARDO A. CAMPIRANO, SECRETARY OF THE TEXAS
SOUTHMOST COLLEGE DISTRICT AND THE TRUSTEES OF THE TEXAS
SOUTHMOST COLLEGE DISTRICT; from Cameron County; 13th district
(13-08-00345-CV, ___ SW3d ___, 03-17-11)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(f), 53.6, and Misc. Docket No. 11-9033 - Electronic-Copy and Electronic-Filing Rules, Part I: Rules 1-3 and is struck. Petitioner is ordered to redraw; the petition is due to be filed by May 23, 2011."

ORDERS ON MOTIONS FOR REHEARING

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

10-0552 IN THE INTEREST OF C.T.H.S. AND C.R.H.S.; from Montgomery County; 9th
district (09-09-00004-CV, 311 SW3d 204, 04-29-10)

11-0005 TODD ESSE, BRENT ESSE AND 5E OIL AND GAS CORPORATION v.
KENNETH HAVIS, TRUSTEE IN LIQUIDATION FOR WESTGATE ENERGY
PARTNERS, INC., EMPIRE ENERGY, III, LTD. AND BP AMERICA
PRODUCTION COMPANY; from Harris County; 1st district
(01-08-00854-CV, 333 SW3d 166, 07-22-10)

11-0019 TRACEY W. MURPHY v. HUGH GREEN AND JOEL BARBOSA; from Karnes
County; 4th district (04-10-00042-CV, ___ SW3d ___, 11-24-10)

11-0029 JAY SANDON COOPER v. LITTON LOAN SERVICING, LP; JP MORGAN
CHASE BANK, N.A., AS TRUSTEE; from Dallas County; 5th district
(05-08-01056-CV, 325 SW3d 766, 07-22-10)

MISCELLANEOUS

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

11-0257 IN RE MARCUS D. LAMB AND WORD OF GOD FELLOWSHIP, INC., D/B/A
DAYSTAR TELEVISION NETWORK; from Dallas County; 5th district
(05-11-00347-CV, ___ SW3d ___, 04-01-11)
motion for emergency stay denied

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced May 16, 2011

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS DENIED:

11-0116 IN THE INTEREST OF A.L.J., A CHILD; from Howard County; 11th district (11-10-00351-CV, ___ SW3d ___, 01-27-11)

MISCELLANEOUS

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

11-0350 IN RE GECU; from El Paso County; 8th district (08-11-00139-CV, ___ SW3d ___, 05-12-11)
emergency motion for stay granted
requested response due by 3:00 p.m., May 23, 2011

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced May 19, 2011

MISCELLANEOUS

THE MOTION FOR STAY IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0257 IN RE MARCUS D. LAMB AND WORD OF GOD FELLOWSHIP, INC., D/B/A
DAYSTAR TELEVISION NETWORK; from Dallas County; 5th district (05-11-
00347-CV, ___ SW3d ___, 04-01-11)
emergency motion for reconsideration of motion for emergency stay denied

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced May 20, 2011

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-1033 ROY JON v. KENNETH GASTON, ET AL.; from Walker County; 10th district
(10-09-00357-CV, ___ SW3d ___, 09-15-10)
- 11-0025 ALLEN GLENN THOMAS v. TDCJ, ET AL.; from Jones County; 11th district
(11-10-00069-CV, ___ SW3d ___, 01-06-11)
- 11-0202 CORNELIUS C. SULLIVAN, JR., D.D.S. v. CATHERINE M. FLAITSZ, D.D.S.; from
Harris County; 1st district (01-10-00806-CV, ___ SW3d ___, 02-03-11)
- 11-0229 TERRY JAMES v. WANDA PARISH; from Dallas County; 5th district
(05-10-00150-CV, ___ SW3d ___, 03-04-11)
- 11-0253 B.R. CRANE & EQUIPMENT, LLC v. RIVERSIDE EXPORTS, INC.; from Harris
County; 14th district (14-10-00573-CV, ___ SW3d ___, 02-24-11)

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0466 ASTORIA INDUSTRIES OF IOWA, INC. v. SNF, INC. D/B/A BRAND FX BODY COMPANY; from Tarrant County; 2nd district (02-08-00144-CV, ___ SW3d ___, 04-08-10)
- 10-0489 CARRIE JORDAN v. JERRY AND PAMELA DOSSEY; from Fort Bend County; 1st district (01-09-00618-CV, 325 SW3d 700, 05-13-10)
- 10-0783 YONG ZHANG v. MED-TOWEL ENTERPRISES, LTD.; from Travis County; 3rd district (03-09-00457-CV, ___ SW3d ___, 04-08-10)
- 10-0937 ARTURO SOLIS v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL.; from Coryell County; 10th district (10-10-00222-CV, ___ SW3d ___, 09-08-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 11-0254 IN RE LEOPOLDO LEAL; from Nueces County; 13th district (13-11-00108-CV, ___ SW3d ___, 03-03-11)
- 11-0267 IN RE LEOPOLDO LEAL; from Nueces County; 13th district (13-10-00335-CV, ___ SW3d ___, 08-31-10)

THE SUPREME COURT OF TEXAS

Orders Pronounced May 25, 2011

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0388 IN RE AGUSTIN ZURITA; from Travis County; 3rd district (03-11-00309-CV, ___
SW3d ___, 05-23-11)
motion for emergency relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced May 27, 2011

ORDERS ON CAUSES

08-1056 TGS-NOPEC GEOPHYSICAL COMPANY D/B/A TGS-NOPEC CORPORATION
v. SUSAN COMBS, SUCCESSOR-IN-INTEREST TO CAROLE KEETON
STRAYHORN, COMPTROLLER OF PUBLIC ACCOUNTS, AND GREG
ABBOTT, ATTORNEY GENERAL OF TEXAS; from Travis County; 3rd district
(03-07-00640-CV, 268 SW3d 637, 08-15-08)

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

Justice Medina delivered the opinion of the Court.

(Justice Hecht and Justice Guzman not sitting)

09-0520 IN RE COY REECE; from Dallas County; 5th district (05-09-00609-CV, ___ SW3d
___, 06-11-09)
motion to dismiss for lack of jurisdiction denied
motion to revoke bond denied

The Court conditionally grants the writ of mandamus.

Justice Guzman delivered the opinion of the Court, in which Chief Justice Jefferson,
Justice Hecht, Justice Wainwright, Justice Medina, Justice Green, and Justice
Lehrmann joined.

Justice Johnson delivered a dissenting opinion.

Justice Willett delivered a dissenting opinion, in which Justice Johnson joined as to
Part IV.

10-0245 PATRICK O. OJO, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY
SITUATED v. FARMERS GROUP, INC., FIRE UNDERWRITERS
ASSOCIATION, FIRE INSURANCE EXCHANGE, FARMERS UNDERWRITERS
ASSOCIATION, AND FARMERS INSURANCE EXCHANGE

The Court answers the question certified by the United States Court of Appeals for
the Ninth Circuit.

Justice Green delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Wainwright, Justice Medina, Justice Johnson, Justice Guzman, and Justice Lehrmann joined, and in which Justice Willett joined as to Parts I, II, III.A-B, IV, and V.

Chief Justice Jefferson delivered a concurring opinion.

Justice Willett delivered a concurring opinion.

(Justice Hecht not sitting)

10-0688 CMH HOMES, INC., ET AL. v. ADAM PEREZ; from Duval County; 4th district (04-10-00259-CV, 328 SW3d 592, 07-28-10)

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

Justice Wainwright delivered the opinion of the Court.

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

08-0497 RAILROAD COMMISSION OF TEXAS AND PIONEER EXPLORATION, LTD. v. TEXAS CITIZENS FOR A SAFE FUTURE AND CLEAN WATER AND JAMES G. POPP; from Travis County; 3rd district (03-07-00025-CV, 254 SW3d 492, 12-06-07)

09-0446 DEBBIE STOCKTON, AS PARENT AND NEXT FRIEND OF WILLIAM STOCKTON, A MINOR v. HOWARD A. OFFENBACH, M.D.; from Dallas County; 5th district (05-08-01185-CV, 285 SW3d 517, 03-11-09)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

10-0671 KERRY HECKMAN, MONICA MAISENBACHER, SYLVIA PETERSON, TAMMY NEWBERRY, ELVEDA VIEIRA AND JESSICA STEMPCO, ON BEHALF OF THEMSELVES AND ALL OTHER PERSONS SIMILARLY SITUATED v. WILLIAMSON COUNTY, HONORABLE DAN A. GATTIS, HONORABLE SUZANNE BROOKS, HONORABLE TIM WRIGHT, HONORABLE DOUG ARNOLD AND HONORABLE WILLIAM THOMAS EASTES; from Williamson County; 3rd district (03-06-00600-CV, ___ SW3d ___, 04-23-10)

[**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:

10-0687 IN RE FRANK KENT MOTOR COMPANY D/B/A FRANK KENT CADILLAC; from Tarrant County; 2nd district (02-10-00298-CV, ___ SW3d ___, 08-30-10)

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

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0871 CINDY SCHLAPPER v. RAND FOREST, BUCK CHILDERS, ROBERT LEONARD STEWART D/B/A ROBERT LEONARD, MIKE KEUHL, SHORELINE DEVELOPMENT, FLAGSHIP MARINE, DOROTHY STEWART UZZELL AND BETTY STEWART HANSON; from Travis County; 3rd district (03-06-00315-CV, ___ SW3d ___, 08-24-10)

10-1043 RICKY AND JANICE TURNER INDIVIDUALLY AND AS NEXT FRIEND OF KEVIN MICHAEL TURNER, A MINOR v. JONATHAN FRANKLIN M.D. AND EVAN COHN, M.D.; from Collin County; 5th district (05-08-00011-CV, 325 SW3d 771, 08-13-10)
2 petitions

11-0014 SAFWAT KAMEL v. UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON; from Harris County; 1st district (01-09-00163-CV, 333 SW3d 676, 10-21-10)

- 11-0022 MARSHELIA HICKMAN, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF JAYME COX v. TEXAS CYPRESS CREEK HOSPITAL, L.P. D/B/A CYPRESS CREEK HOSPITAL; from Harris County; 14th district (14-10-00149-CV, 329 SW3d 209, 12-02-10)
- 11-0182 BRENT JACO v. GALVESTON INDEPENDENT SCHOOL DISTRICT; from Galveston County; 14th district (14-08-00271-CV, 331 SW3d 182, 01-11-11)
- 11-0223 MIRTA ZORILLA v. THE HOMEOWNERS OF PLAZAS DEL LAGO, INC.; from Hidalgo County; 13th district (13-10-00370-CV, ___ SW3d ___, 02-10-11) as supplemented
- 11-0224 JOHN STEWART STRITZINGER v. KATHERINE WRIGHT; from Travis County; 3rd district (03-10-00455-CV, ___ SW3d ___, 02-23-11) as supplemented

THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO TEXAS
RULE OF APPELLATE PROCEDURE 9.4(i):

- 11-0234 JOHN GANNON, INC. v. MATTHEW D. WIGGINS; from Galveston County; 1st district (01-08-00994-CV, ___ SW3d ___, 07-08-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(g) and is struck. Petitioner is ordered to redraw; the petition is due to be filed by June 6, 2011."

- 11-0309 FLORA XANTHINE ALEXANDER v. WELLS FARGO BANK, N.A.; from Tarrant County; 2nd district (02-10-00005-CV, ___ SW3d ___, 04-07-11)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(d), (g), 53.2(a), (e), (g), (i), (j), (k), and 53.6 and is struck. Petitioner is ordered to redraw; the petition is due to be filed by June 6, 2011."

- 11-0343 LOUATRICE HENDERSON v. THE UNIVERSITY OF TEXAS M.D. ANDERSON CANCER CENTER; from Harris County; 1st district (01-08-00376-CV, ___ SW3d ___, 11-04-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.6 and Misc. Docket No. 11-9033 - Electronic-Copy and Electronic-Filing Rules, Part I: Rule 8(b) and is struck. Petitioner

is ordered to redraw; the petition is due to be filed by June 6, 2011."

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

11-0040 MICHAEL WHITMIRE AND FORMER SURETIES R.O. WHITMIRE AND ELSIE O. WHITMIRE v. GREENRIDGE PLACE APARTMENTS; from Harris County; 1st district (01-09-00291-CV, 333 SW3d 255, 08-19-10)

ORDERS ON MOTIONS FOR REHEARING

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

10-0167 PAGE M. VOGELSANG v. GALLAGHER HEALTHCARE INSURANCE SERVICES; from Harris County; 1st district (01-07-00478-CV, 312 SW3d 640, 08-21-09)

10-0602 ELTON MONTGOMERY v. CAPROCK INVESTMENTS CORP.; from Nolan County; 11th district (11-08-00138-CV, 321 SW3d 91, 05-27-10)

10-0885 TEXAS MUTUAL INSURANCE CO. v. SARA CARE CHILD CENTER, INC. AND MARTHA MARTINEZ; from El Paso County; 8th district (08-08-00192-CV, 324 SW3d 305, 09-15-10)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0298 IN RE EYE LEVEL HOLDINGS, LLC, D/B/A JAWA, ET AL.; from Travis County
motion for leave to withdraw and for substitution of counsel granted

(Justice Hecht not sitting)

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

11-0381 IN RE NICOLE PEREZ; from Bexar County; 4th district (04-11-00134-CV, ____
SW3d ____, 05-11-11)
motion for emergency stay denied

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced June 3, 2011

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 11-0233 ROGER SLUDER AND RICHARD WAGNER v. CAROL JOYCE OGDEN; from Blanco County; 3rd district (03-10-00280-CV, ___ SW3d ___, 01-13-11) as supplemented
- 11-0242 MICHAEL A. KENNEDY v. TEXAS COURT OF CRIMINAL APPEALS, ET AL.; from Anderson County; 6th district (06-10-00120-CV, 336 SW3d 382, 03-01-11)

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0443 MHW, INC. v. E.D. ANDERSON, ET AL.; from Stephens County; 11th district (11-08-00180-CV, 310 SW3d 567, 03-31-10)
2 motions for rehearing
- 11-0046 SOUTHWEST TEXAS HMO, INC. D/B/A HMO BLUE TEXAS AND HEALTH CARE SERVICE CORPORATION v. VISTA HEALTH PLAN, INC. AND INTEGRANET PROVIDER ORGANIZATION, INC.; from Travis County; 3rd district (03-05-00685-CV, ___ SW3d ___, 10-28-10)
2 motions for rehearing
- 11-0122 TED KALDIS, ET AL. v. AURORA LOAN SERVICES; from Harris County; 1st district (01-09-00270-CV, ___ SW3d ___, 06-24-10)

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 11-0042 IN RE EDWARD R. NEWSOME; from Harris County; 14th district (14-10-01139-CV, ___ SW3d ___, 12-02-10)

11-0178 IN RE LAKEITH RAQIB AMIR-SHARIF; from Pecos County

11-0179 IN RE LAKEITH AMIR-SHARIF; from Dallas County

MISCELLANEOUS

THE MOTION TO STAY IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0363 IN RE YAKOV ELMAKISS; from Smith County; 12th district
(12-06-00405-CV, ___ SW3d ___, 06-11-08)
emergency motion for stay denied

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced June 7, 2011

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0428 IN RE JIM CHAMBERS AND MARY ANN CHAMBERS; from Denton County;
2nd district
motion for stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced June 10, 2011

ORDERS ON CAUSES

09-0652 THE STATE OF TEXAS v. CHRIS AND HELEN PETROPOULOS; from Travis County; 3rd district (03-04-00714-CV, ___ SW3d ___, 04-28-09)

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

Justice Johnson delivered the opinion of the Court.

10-0294 IN RE MICHAEL WOLFE; from Harris County; 1st district (01-10-00302-CV, ___ SW3d ___, 04-27-10)
stay order issued April 29, 2010, lifted

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

(Justice Medina and Justice Guzman not sitting)

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

08-0421 THE STATE OF TEXAS, ET AL. v. PUBLIC UTILITY COMMISSION OF TEXAS, ET AL.; from Travis County; 3rd district (03-05-00557-CV, 252 SW3d 1, 04-17-08)
3 motions for rehearing
as supplemented

09-0396 REID ROAD MUNICIPAL UTILITY DISTRICT NO. 2 v. SPEEDY STOP FOOD STORES, LTD.; from Harris County; 14th district (14-07-00225-CV, 282 SW3d 652, 02-03-09)

(Justice Guzman not sitting)

09-0857 JOSE CARRERAS, M.D., P.A. v. CARLOS FRANCISCO MARROQUIN, ET AL.; from Hidalgo County; 13th district (13-09-00156-CV, 297 SW3d 420, 08-25-09)

10-0581 O. LEE TAWES, III v. DORIS BARNES, INDIVIDUALLY AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF LEON MCNAIR BARNES, DECEASED

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

10-0523 PORT ELEVATOR-BROWNSVILLE, LLC v. ROGELIO CASADOS AND RAFAELA CASADOS, INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF THEIR SON, RAFAELCASADOS; from Cameron County; 13th district (13-08-00150-CV, 314 SW3d 529, 05-27-10)

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

10-0605 IN RE THE COMMITMENT OF MICHAEL BOHANNAN; from Montgomery County; 9th district (09-09-00165-CV, ___ SW3d ___, 07-22-10)

[**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:

10-0960 IN RE XL SPECIALTY INSURANCE COMPANY AND CAMBRIDGE INTEGRATED SERVICES GROUP, INC.; from Dallas County; 5th district (05-10-01067-CV, ___ SW3d ___, 10-27-10)

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

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0482 SWEPI LP v. RAILROAD COMMISSION OF TEXAS AND HIDALGO COUNTY; from Travis County; 3rd district (03-09-00425-CV, 314 SW3d 253, 05-11-10)
- 10-1001 LA VILLITA MOTOR INNS, J.V., EXECUTIVE MOTELS OF SAN ANTONIO, INC. AND S.A. SUNVEST HOTELS, INC. v. ORIX CAPITAL MARKETS, LLC, BANK OF AMERICA, N.A., LNR PARTNERS, INC., CAPMARK FINANCE, INC., NICHOLAS M. PYKA AS TRUSTEE, MICHAEL N. BLUE AS TRUSTEE AND GRETA E. GOLDSBY AS TRUSTEE; from Bexar County; 4th district (04-09-00573-CV, 329 SW3d 30, 08-25-10)
as reinstated
- 10-1047 HEIDI BLUNT v. STACIE KELLY; from Harris County; 14th district (14-08-00948-CV, 324 SW3d 896, 11-02-10)
- 10-1049 COX SMITH MATTHEWS INCORPORATED F/K/A COX & SMITH INCORPORATED AND RENEE F. MCELHANEY v. TOTAL CLEAN, LLC; from Bexar County; 4th district (04-09-00392-CV, 330 SW3d 657, 10-20-10)
2 petitions
- (Justice Hecht not sitting)
- 11-0051 SONNY WILSON v. TDCJ-ID; from Walker County; 10th district (10-09-00354-CV, ___ SW3d ___, 12-08-10)
- 11-0085 LADD VIEN v. MARK DEL BUONO AND MARY DEL BUONO; from Ellis County; 10th district (10-09-00318-CV, ___ SW3d ___, 12-15-10)
- 11-0109 RAUL RESENDEZ, INDIVIDUALLY, AND RESENDEZ & ASSOCIATES v. PAT MALONEY, JR., INDIVIDUALLY, LAW OFFICES OF PAT MALONEY, P.C., JAMES WILLINGHAM, JR, INDIVIDUALLY, AND LAW OFFICES OF JIM WILLINGHAM, P.C.; from Harris County; 1st district (01-08-00954-CV, ___ SW3d ___, 12-30-10)
- 11-0134 KIMBERLY WILSON v. IHSAN SHANTI, M.D. AND SHANTI PAIN AND WELLNESS CLINIC, P.A.; from Harris County; 1st district (01-09-00707-CV, 333 SW3d 909, 01-06-11)
- 11-0136 DENNIS JAMES POLEDORE, JR. v. FRANK JEROME FRALEY; from Fort Bend County; 1st district (01-09-00658-CV, ___ SW3d ___, 10-07-10)

- 11-0183 MADHAVAN PISHARODI, M.D., P.A. D/B/A PISHARODI CLINIC v. MARIO SALDAÑA, NANCY LAMAS AND JESUS LAMAS; from Cameron County; 13th district (13-09-00552-CV, ___ SW3d ___, 01-27-11)
- 11-0187 REMARK, INC. AND ROBERT KRAMER v. HAMPDEN CORPORATION AND FANTASY DIAMOND CORPORATION; from Collin County; 5th district (05-09-00276-CV, 331 SW3d 489, 12-21-10)
- 11-0273 RAFAEL PEREZ v. SPRING BRANCH INDEPENDENT SCHOOL DISTRICT; from Harris County; 14th district (14-10-00058-CV, ___ SW3d ___, 03-03-11)
- 11-0277 LAW OFFICES OF LIN & ASSOCIATES AS ASSIGNEE OF SEYED MOHAMMAD SALIMI v. MEMORIAL HERMANN HOSPITAL SYSTEM AND SEYED MOHAMMAD SALIMI; from Harris County; 1st district (01-08-00891-CV, ___ SW3d ___, 01-31-11)
- 11-0287 PATRICK GARCIA v. DICKENS COUNTY, CITY OF SPUR AND SPUR INDEPENDENT SCHOOL DISTRICT; from Dickens County; 7th district (07-10-00496-CV, ___ SW3d ___, 01-21-11)
- 11-0301 CHARLES LESTER SMITH v. CHARLES BERRY WALKER, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF THE ESTATE OF MINNIE OLA KREMER, DECEASED AND WILLIE H. WHITEHEAD; from Polk County; 9th district (09-10-00066-CV, ___ SW3d ___, 03-10-11)
- 11-0310 STACY HAUSCHILDT, INDIVIDUALLY, AND AS NEXT FRIEND OF ASHLEY XIONG AND JARED HAUSCHILDT, MINORS AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF NICHOLAS XIONG, DECEASED AND CHARLES HAUSCHILDT v. CENTRAL FREIGHT LINES, INC. AND JACKIE L. STEWART; from Johnson County; 10th district (10-10-00185-CV, ___ SW3d ___, 02-09-11)
- 11-0320 KUV PARTNERS, LLC AND EILAT, INC. v. WAEL FARES D/B/A FARES CONSTRUCTION; from Tarrant County; 2nd district (02-09-00246-CV, ___ SW3d ___, 03-17-11)

THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO TEXAS
RULE OF APPELLATE PROCEDURE 9.4(i):

- 11-0348 MICHAEL B. WANSEY, INDIVIDUALLY AND D/B/A RIO GRANDE DEFENSIVE DRIVING SCHOOL v. CHERYL D. HOLE; from Hidalgo County; 13th district (13-09-00637-CV, ___ SW3d ___, 04-07-11)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.2(k)(1)(C) and Misc. Docket No. 11-9033 - Electronic-Copy and Electronic-Filing Rules, Part I: Rules 1 and 3 and is struck. Petitioner is ordered to redraw; the petition is due to be filed by June 20, 2011."

- 11-0416 EDWIN R. FORD, REGINA FORD, CLARENCE CAIN, CONNIE CAIN, JAMES L. KERSEY, MARY KERSEY, BRETT PAPELL AND LYNN PAPELL v. HANSON AGGREGATES WEST, INC.; from Comal County; 3rd district (03-09-00397-CV, ___ SW3d ___, 02-09-11)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.2(k) and 53.6 and is struck. Petitioner is ordered to redraw; the petition is due to be filed by June 20, 2011."

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0240 B.B., C.C., E.E. AND G.G. v. HAROLD R. NEWSOM; from Montgomery County; 9th district (09-08-00480-CV, 306 SW3d 910, 02-18-10)
- 10-0719 BRUCE WAYNE HOUSER v. KENNETH W. MCELVEEN, ET AL.; from Jackson County; 13th district (13-05-00426-CV, ___ SW3d ___, 04-01-10)
- 10-0849 CATHERINE GANNON, M.D., JOCHEN PROFIT, M.D. AND BAYLOR COLLEGE OF MEDICINE, ET AL. v. LAMAR AND TRACI WYCHE, INDIVIDUALLY AND ON BEHALF OF K.W., A MINOR; from Galveston County; 14th district (14-09-00624-CV, 321 SW3d 881, 08-31-10)
3 motions for rehearing
as redrafted
- 10-0863 AUSTIN GURDWARA SAHIB, INC. D/B/A AUSTIN GURDWARA SAHIB v. JOHN A. BOLLIER AND LESLIE J. BOLLIER; from Travis County; 3rd district (03-09-00313-CV, ___ SW3d ___, 07-09-10)

- 10-0998 CHARLES DUFF, INDIVIDUALLY AND JUDITH LEE HUNTS, INDIVIDUALLY AND AS THE INDEPENDENT ADMINISTRATOR OF THE ESTATE OF DAVID SCOTT DUFF, DECEASED v. MICHAEL SPEARMAN; INNOVA AIRCRAFT, INC. AND INNOVA VENTURES, INC.; from Montgomery County; 9th district (09-09-00282-CV, 322 SW3d 869, 09-09-10)
- 10-1003 WENDELL WATSON v. TELECHECK SERVICES, INC. AND TRS RECOVERY SERVICES, INC.; from Panola County; 6th district (06-09-00112-CV, ___ SW3d ___, 10-21-10)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 11-0435 IN RE JAMES A. PIKL, P.C. AND SCHEEF & STONE, LLP; from Collin County; 5th district (05-11-00635-CV, ___ SW3d ___, 06-02-11)
motion for leave to file oversized petition denied

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rule of Appellate Procedure 52.6 and is struck. Relator is ordered to redraw; the redrawn petition is due to be filed by June 20, 2011."

THE SUPREME COURT OF TEXAS

Orders Pronounced June 17, 2011

ORDERS ON CAUSES

09-0039 BIC PEN CORPORATION v. JANACE M. CARTER, AS NEXT FRIEND OF BRITTANY CARTER; from Matagorda County; 13th district
(13-03-00560-CV, ___ SW3d ___, 08-18-05)
2 petitions

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

Justice Johnson delivered the opinion of the Court.

(Justice Green not sitting)

09-0794 LTTS CHARTER SCHOOL, INC. D/B/A UNIVERSAL ACADEMY v. C2 CONSTRUCTION, INC.; from Dallas County; 5th district
(05-07-01469-CV, 288 SW3d 31, 02-02-09)

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

Justice Willett delivered the opinion of the Court, in which Justice Hecht, Justice Wainwright, Justice Green, Justice Johnson, and Justice Lehrmann joined.

Justice Guzman delivered a dissenting opinion, in which Chief Justice Jefferson and Justice Medina joined.

09-0941 SERVICE CORPORATION INTERNATIONAL AND SCI TEXAS FUNERAL SERVICES, INC., D/B/A MONT META MEMORIAL PARK v. JUANITA G. GUERRA, JULIE ANN RAMIREZ, GRACIE LITTLE AND MARY ESTHER MARTINEZ; from Cameron County; 13th district
(13-07-00707-CV, ___ SW3d ___, 10-08-09)

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

Justice Johnson delivered the opinion of the Court.

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

10-0374 TEXAS DEPARTMENT OF INSURANCE, HONORABLE MIKE GEESLIN, COMMISSIONER OF INSURANCE AND HONORABLE DANNY SAENZ, SENIOR ASSOCIATE COMMISSIONER v. AMERICAN NATIONAL INSURANCE COMPANY AND AMERICAN LIFE INSURANCE COMPANY OF TEXAS; from Travis County; 3rd district
(03-08-00535-CV, ___ SW3d ___, 04-22-10)

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

(Justice Hecht not sitting)

10-0451 NATURAL GAS PIPELINE COMPANY OF AMERICA v. WILLIAM JUSTISS, DARLENE JUSTISS, JOSEPH JUSTISS, TOMMY ASLPAUGH, JUDY ALSPAUGH, JOE DENTON MASHBURN, CHRISTINE MASHBURN, JOE DONALD MASHBURN, AND JUDY MASHBURN; from Lamar County; 6th district (06-09-00047-CV, ___ SW3d ___, 04-30-10)

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

10-0491 HEARTS BLUFF GAME RANCH, INC. v. THE STATE OF TEXAS AND THE TEXAS WATER DEVELOPMENT BOARD; from Travis County; 3rd district
(03-09-00598-CV, 313 SW3d 479, 05-13-10)

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

10-0548 RUSK STATE HOSPITAL v. DENNIS BLACK AND PAM BLACK, INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF TRAVIS BONHAM BLACK, DECEASED; from Cherokee County; 12th district
(12-09-00206-CV, ___ SW3d ___, 06-23-10)

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

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0494 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY v. THE HONORABLE GREG ABBOTT, ATTORNEY GENERAL OF TEXAS AND THE HONORABLE JOSÉ RODRIGUEZ, TEXAS SENATOR; from Travis County; 3rd district (03-09-00250-CV, 311 SW3d 663, 04-13-10)
order of March 11, 2011, dismissing as moot petition for review, withdrawn motion for rehearing granted in part
petition reinstated
- 10-0656 TEXAS HEALTH AND HUMAN SERVICES COMMISSION; TEXAS DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES; AND COMMISSIONER THOMAS M. SUEHS, IN HIS OFFICIAL CAPACITY ONLY v. MARY L. WOLFE; from Travis County; 3rd district (03-08-00413-CV, ___ SW3d ___, 07-14-10)
- 10-0696 MACOMB FUNDING GROUP, L.L.C. v. INLINER AMERICAS, INC. N/K/A FIRSTLINER AMERICAS, INC., INLINER USA, INC., N/K/A FIRSTLINER USA, INC. AND CAT CONTRACTING, INC.; from Harris County; 14th district (14-08-00350-CV, ___ SW3d ___, 07-22-10)
- (Justice Guzman not sitting)
- 10-0774 CLINICA SANTA MARIA v. LARRY MARTINEZ AND SUSIE STEPHANIE CAMPOS, RAY MARCHAN AND THE WATTS LAW FIRM; from Cameron County; 13th district (13-09-00573-CV, ___ SW3d ___, 06-24-10)
- 11-0039 AMERISURE MUTUAL INSURANCE COMPANY v. SVETLANA POPLIN; from Harris County; 14th district (14-09-00222-CV, ___ SW3d ___, 08-31-10)
- 11-0076 SCOTT D. MARTIN v. RUBEN S. MARTIN, III; from Gregg County; 6th district (06-09-00069-CV, ___ SW3d ___, 11-03-10)
- 11-0126 GANIU BELLO v. CITY OF FORT WORTH, FWISD, TARRANT COUNTY, TARRANT REGIONAL WATER DISTRICT, TARRANT C. HOSPITAL DISTRICT AND TARRANT C. COLLEGE DISTRICT; from Tarrant County; 2nd district (02-09-00462-CV, ___ SW3d ___, 12-09-10)
as amended
- 11-0150 BILLY RAY RISLEY v. FRANCISCO ALVAREZ AND MARIO MADRID; from Harris County; 14th district (14-10-00015-CV, ___ SW3d ___, 02-08-11)

- 11-0172 HOT-HEAD, INC. AND CINARUCO INTERNATIONAL, S.A. v. SAFEHOUSE HABITATS (SCOTLAND), LTD.; from Harris County; 1st district (01-09-00547-CV, 333 SW3d 719, 11-18-10)
- 11-0238 LARRY EDBERG AND JULIE EDBERG v. THE LAUREL CANYON RANCH ARCHITECTURAL REVIEW COMMITTEE; from Medina County; 4th district (04-10-00395-CV, ___ SW3d ___, 02-16-11)
- 11-0258 LEOPOLD MALACHOWITSCH v. EXPO MOTORCARS, L. P., EXPO HOLDINGS, L. P. AND EXPO MOTORCARS, L. L. C.; from Harris County; 14th district (14-10-00906-CV, ___ SW3d ___, 12-30-10)
- 11-0313 JOHN W. MECOM, JR., AS TRUSTEE OF THE MARY ELIZABETH MECOM IRREVOCABLE TRUST NO. II v. KATSY CLUCK, JOHN W. MECOM, III AND MARY ELIZABETH HAHNFELD; from Harris County; 14th district (14-09-00837-CV, ___ SW3d ___, 03-15-11)
- 11-0333 W.O. BURGER I, L.L.C. v. WATSONBURGER OF OKLAHOMA, INC. AND CHARLES E. WATSON; from Grayson County; 5th district (05-09-00397-CV, ___ SW3d ___, 03-22-11)
- 11-0340 IN THE INTEREST OF G.N.M., ET AL., MINOR CHILDREN; from Bexar County; 4th district (04-10-00729-CV, ___ SW3d ___, 03-23-11)
as amended

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE
OF APPELLATE PROCEDURE 9.4(i):

- 11-0052 GORDON R. SIMMONDS v. NORMA A. HARRISON; from Jones County; 11th district (11-09-00359-CV, ___ SW3d ___, 01-06-11)
motion to extend page limits denied

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by June 27, 2011."

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0043 TARRANT COUNTY, TEXAS v. TAMMY HOWLETT; from Tarrant County; 2nd district (02-07-00373-CV, 301 SW3d 840, 12-03-09)
- 11-0043 JOHNSON ROOFING, INC. D/B/A JOHNSON AUCTIONS v. DISCOUNT RENTAL, INC. AND BILLY PERRY; from McLennan County; 10th district (10-10-00239-CV, ___ SW3d ___, 10-06-10)
- 11-0132 JOHN HALL AND ROBERTA WAGNER v. KAREN SEAL AND RUSSELL SEAL; from Medina County; 4th district (04-09-00675-CV, ___ SW3d ___, 01-05-11)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0978 IN RE DANIEL G. OLIVAREZ
- 11-0160 IN RE ARMANDO GARCIA CARDENAS, MARVELIA GARCIA DEL FIERRO AND BLANCA ESTHELA GARCIA DEL FIERRO; from Cameron County; 13th district (13-10-00674-CV, ___ SW3d ___, 01-06-11)
- 11-0336 IN RE KERRI SUE CULVER; from Wood County; 6th district (06-11-00028-CV, ___ SW3d ___, 03-29-11)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 11-0450 IN RE CHARLES WILLIAMSON A/K/A CHARLES J. WILLIAMSON; from Travis County; 7th district (07-09-00248-CV, ___ SW3d ___, 11-17-10)

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(f) and (g) and is struck."

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

11-0276 IN RE FIRST TEXAS BHC, INC. AND SOUTHWEST BANK; from Tarrant County;
2nd district (02-11-00120-CV, ___ SW3d ___, 03-31-11)
unopposed motion to abate original proceeding pending settlement granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until August 1, 2011, by
which time the parties must file either a status report or a motion to dismiss.]

THE SUPREME COURT OF TEXAS

Orders Pronounced June 21, 2011

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0436 IN RE HARDING-CONLEY-DRAWERT-TINCH INSURANCE AGENCY, INC.
A/K/ A HCDT INSURANCE AGENCY, INC., PAUL POETTGEN, MARYANNA
CHRISTENSEN AND JOYCE TINCH, AS HEIR TO ACE TINCH, DECEASED;
from Bexar County; 4th district (04-11-00368-CV, ___ SW3d ___, 06-01-11)
emergency motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced June 24, 2011

ORDERS ON CAUSES

09-0558 MARSH USA INC. AND MARSH & MCLENNAN COMPANIES, INC. v. REX COOK; from Dallas County; 5th district (05-08-00685-CV, 287 SW3d 378, 05-26-09)

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

Justice Wainwright delivered the opinion of the Court, in which Justice Hecht, Justice Medina, Justice Johnson, and Justice Guzman joined.

Justice Willett delivered an opinion concurring in the judgment.

Justice Green delivered a dissenting opinion, in which Chief Justice Jefferson and Justice Lehrmann joined.

09-0850 LTTS CHARTER SCHOOL, INC. D/B/A UNIVERSAL ACADEMY v. JIMMY PALASOTA D/B/A PALASOTA PROPERTY COMPANY; from Dallas County; 5th district (05-08-01039-CV, 293 SW3d 830, 07-28-09)

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 remands the case to that court.

Per Curiam Opinion

10-0434 1/2 PRICE CHECKS CASHED v. UNITED AUTOMOBILE INSURANCE COMPANY; from Dallas County; 5th district (05-08-01685-CV, 310 SW3d 197, 04-14-10)

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

Justice Guzman delivered the opinion of the Court.

10-0592 JOHN GANIM v. J. FAROUK (FRANK) ALATTAR; from Fort Bend County; 14th district (14-08-00756-CV, ___ SW3d ___, 02-18-10)

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 remands the case to that court.

Per Curiam Opinion

(Justice Guzman not sitting)

10-0748 KACHIKWU ILLOH, M.D. v. DAMITA CARROLL AND KAREN BUTLER, INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF JAMES CARROLL; from Harris County; 14th district (14-09-01001-CV, 321 SW3d 711, 08-05-10)

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 remands the case to that court.

Per Curiam Opinion

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

08-0421 THE STATE OF TEXAS, ET AL. v. PUBLIC UTILITY COMMISSION OF TEXAS, ET AL.; from Travis County; 3rd district (03-05-00557-CV, 252 SW3d 1, 04-17-08) motion to withdraw record granted

THE FOLLOWING CAUSE IS ABATED:

06-1084 BISON BUILDING MATERIALS, LTD. v. LLOYD K. ALDRIDGE; from Harris County; 1st district (01-05-00330-CV, 263 SW3d 69, 09-14-06) abatement order issued

[**Note:** Effective as of June 28, 2009, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reargued in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

10-0429 SHELL OIL COMPANY; SWEPI LP D/B/A SHELL WESTERN E&P, SUCCESSOR IN INTEREST TO SHELL WESTERN E&P, INC. v. RALPH ROSS; from Harris County; 1st district (01-08-00713-CV, ___ SW3d ___, 02-25-10) as reinstated

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

10-0435 WEEKS MARINE, INC. v. MAXIMINO GARZA; from Starr County; 4th district (04-08-00660-CV, ___ SW3d ___, 04-21-10)

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

10-0776 JACK EDWARD MILNER v. VICKI ANN MILNER; from Tarrant County; 2nd district (02-08-00442-CV, ___ SW3d ___, 06-03-10)

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

10-0970 NICHOLAS TRAXLER v. ENTERGY GULF STATES, INC.; from Orange County; 9th district (09-09-00362-CV, 320 SW3d 553, 08-19-10)

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

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0187 TEXAS-NEW MEXICO POWER COMPANY, FIRST CHOICE POWER, INC., AND TEXAS GENERATING CO., L.P. v. PUBLIC UTILITY COMMISSION OF TEXAS, ET AL.; from Travis County; 3rd district (03-06-00503-CV, 246 SW3d 324, 01-25-08)
3 petitions

10-0579 TOYOTA INDUSTRIAL EQUIPMENT MFG, INC. v. CARRUTH-DOGGETT, INC., D/B/A TOYOTALIFT OF HOUSTON; from Harris County; 1st district (01-09-00399-CV, 325 SW3d 683, 04-01-10)

(Justice Green not sitting)

- 10-0611 BRAZOS ELECTRIC POWER COOPERATIVE, INC. v. BRAZOS RIVER AUTHORITY; from McLennan County; 10th district (10-09-00403-CV, ___ SW3d ___, 06-23-10)
- 10-0947 DELWIN DEMONT CONWRIGHT v. THE STATE OF TEXAS; from Dallas County; 5th district (05-09-01409-CR, ___ SW3d ___, 11-03-10)
- 11-0211 ATANASIO BANDA v. TEXAS DEPARTMENT OF TRANSPORTATION; from Travis County; 3rd district (03-09-00724-CV, ___ SW3d ___, 12-22-10)
2 petitions
- 11-0303 IN THE INTEREST OF B.R.H., A CHILD; from Bexar County; 4th district (04-10-00750-CV, ___ SW3d ___, 02-09-11)
motion to request attorney denied
- 11-0308 MICHAEL ANTHONY EVANS v. ADRIENNE HERNANDEZ AND MICHAEL JACKSON; from De Witt County; 13th district (13-10-00593-CV, ___ SW3d ___, 03-24-11)
- 11-0337 DONN L. WILLIAMS v. KEITH FLETCHER AND SIMMONS AND FLETCHER; from Harris County; 14th district (14-09-00520-CV&14-09-00674-CV, ___ SW3d ___, 02-03-11)
as amended

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 10-0972 JAMES YOUNG, ROBERT WORRALL AND SHANNON GUSTAFSON v. VALT X. HOLDINGS, INC., DENNIS L. MEHARCHAND AND BRIAN GROH; from Travis County; 3rd district (03-09-00482-CV, 336 SW3d 258, 10-15-10)
motion to dismiss petition for review granted

(Justice Hecht not sitting)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

- 11-0248 JOHN KLEKOTKA AND PRISCILLA KLEKOTKA v. PAMELA DENEVE AND ROBERT DENEVE; from Montgomery County; 9th district (09-10-00255-CV, ___ SW3d ___, 02-17-11)

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0746 THI OF TEXAS AT LUBBOCK I, LLC D/B/A SOUTHWEST REGIONAL SPECIALTY HOSPITAL v. MARIO PEREA, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JACOB PEREA, DECEASED, MAX PEREA, TONY PEREA AND GEORGE PEREA; from Lubbock County; 7th district (07-08-00359-CV, 329 SW3d 548, 07-28-10)
- 11-0062 KM TS SPRING CYPRESS LLC, AS THE PROPERTY OWNERS AND THE PROPERTY OWNERS v. HARRIS COUNTY APPRAISAL DISTRICT AND THE APPRAISAL REVIEW BOARD OF HARRIS COUNTY APPRAISAL DISTRICT; from Harris County; 14th district (14-09-00978-CV, ___ SW3d ___, 10-07-10)
- 11-0082 DONALD W. CRAWFORD v. JESSE L. DAVIS AND SHIRLEY PEARL; from Anderson County; 11th district (11-10-00093-CV, ___ SW3d ___, 01-06-11)
- 11-0208 LOWELL MERRITT v. ROBERT DAVIS; from Collin County; 5th district (05-09-01231-CV, 331 SW3d 857, 01-27-11)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0568 IN RE KENNETH HIGBY, M.D.; from Fort Bend County; 1st district (01-09-00521-CV, 325 SW3d 740, 06-10-10)
- 10-0725 IN RE AVI B. MARKOWITZ; from Brazos County; 10th district (10-10-00116-CV, ___ SW3d ___, 07-07-10)
- 11-0357 IN RE ALAN URESTI; from Bexar County; 4th district (04-11-00153-CV, ___ SW3d ___, 03-16-11)
- 11-0363 IN RE YAKOV ELMAKISS; from Smith County; 12th district (12-06-00405-CV, ___ SW3d ___, 06-11-08)
- 11-0368 IN RE JACK LYNN TUCKER; from Wilson County; 4th district (04-11-00105-CV, ___ SW3d ___, 03-16-11)
- 11-0374 IN RE EDWARD R. NEWSOME; from Harris County

11-0378 IN RE JACK LYNN TUCKER; from Wilson County; 4th district (04-11-00105-CV, ___ SW3d ___, 03-16-11)

THE FOLLOWING PETITIONS FOR WRIT OF HABEAS CORPUS ARE DENIED:

11-0364 IN RE PEDRO AREVALO GARCIA; from Brazoria County

11-0420 IN RE VICTOR DEL RIO; from Harris County

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

11-0409 IN RE LOUIS WARDLOW, HOT-HED, INC. AND CINARUCO INTERNATIONAL, S.A.; from Harris County; 1st district (01-10-00211-CV, ___ SW3d ___, 05-23-11)
abatement order issued

[**Note:** Effective as of June 16, 2011, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

THE SUPREME COURT OF TEXAS

Orders Pronounced June 28, 2011

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0482 IN RE STEPHANIE PEARSON; from Jefferson County
motion for temporary relief denied

See TEX. R. APP. P. 52.3(e)

THE SUPREME COURT OF TEXAS

Orders Pronounced June 29, 2011

MISCELLANEOUS

THE MOTION IN THE FOLLOWING CASE IS DENIED:

11-0177 IN RE DONALD W. DAVIS; from Denton County; 2nd district (02-11-00088-CV,
___ SW3d ___, 03-09-11)
second motion for emergency relief denied

[**Note:** The petition for writ of habeas corpus remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced June 30, 2011

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS DENIED:

11-0465 CLEVE FOSTER, HUMBERTO LEAL AND CLINT BRODEN v. TEXAS
DEPARTMENT OF CRIMINAL JUSTICE; from Travis County; 3rd district (03-11-
00191-CV, 03-11-00287-CV, ___ SW3d ___, 06-10-11)
motion for emergency relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced July 1, 2011

ORDERS ON CAUSES

08-0231 OMAHA HEALTHCARE CENTER, LLC v. WILMA JOHNSON, ON BEHALF OF THE ESTATE OF CLASSIE MAE REED, DECEASED; from Morris County; 6th district (06-07-00089-CV, 246 SW3d 278, 02-08-08)

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 remands the case to the trial court.

Justice Johnson delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice Wainwright, Justice Green, Justice Willett, and Justice Guzman joined.

Justice Lehrmann delivered a dissenting opinion, in which Justice Medina joined.

08-0265 CITY OF DALLAS v. VSC, LLC; from Dallas County; 5th district (05-05-01227-CV, 242 SW3d 584, 01-04-08)

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

Chief Justice Jefferson delivered the opinion of the Court, in which Justice Hecht, Justice Medina, Justice Green, Justice Willett, and Justice Lehrmann joined.

Justice Wainwright delivered a dissenting opinion, in which Justice Johnson and Justice Guzman joined.

08-0634 AEP TEXAS CENTRAL COMPANY v. PUBLIC UTILITY COMMISSION OF TEXAS, ET AL.; from Travis County; 3rd district (03-07-00196-CV, 258 SW3d 272, 06-27-08)
4 petitions

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court affirms in part and reverses in

part the court of appeals' judgment, and remands the case to the Public Utility Commission.

Justice Willett delivered the opinion of the Court.

09-0257 CITY OF DALLAS v. HEATHER STEWART; from Dallas County; 5th district (05-07-01244-CV, ___ SW3d ___, 12-11-08)

The Court affirms the court of appeals' judgment.

Chief Justice Jefferson delivered the opinion of the Court, in which Justice Hecht, Justice Medina, Justice Willett, and Justice Lehrmann joined.

Justice Johnson delivered a dissenting opinion, in which Justice Wainwright, Justice Green, and Justice Guzman joined.

Justice Guzman delivered a dissenting opinion, in which Justice Wainwright, Justice Green, and Justice Johnson joined.

09-0377 AARON GLENN HAYGOOD v. MARGARITA GARZA DE ESCABEDO; from Angelina County; 12th district (12-07-00130-CV, 283 SW3d 3, 02-18-09)

The Court affirms the court of appeals' judgment.

Justice Hecht delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Wainwright, Justice Green, Justice Johnson, Justice Willett, and Justice Guzman joined.

Justice Lehrmann delivered a dissenting opinion, in which Justice Medina joined.

09-0420 ESPERANZA ANDRADE, IN HER OFFICIAL CAPACITY AS SECRETARY OF STATE FOR THE STATE OF TEXAS v. NAACP OF AUSTIN, NELSON LINDER, SONIA SANTANA AND DAVID VAN OS; from Travis County; 3rd district (03-08-00076-CV, 287 SW3d 240, 04-10-09)

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

Chief Justice Jefferson delivered the opinion of the Court.

09-0497 TYLER SCORESBY, M.D. v. CATARINO SANTILLAN, INDIVIDUALLY AND AS NEXT FRIEND OF SAMUEL SANTILLAN, A MINOR; from Tarrant County; 2nd district (02-08-00357-CV, 287 SW3d 319, 04-30-09)
2 petitions

The Court affirms the court of appeals' judgment.

Justice Hecht delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Medina, Justice Green, Justice Willett, Justice Guzman, and Justice Lehrmann joined.

Justice Willett delivered a concurring opinion.

Justice Johnson delivered a dissenting opinion, in which Justice Wainwright joined.

09-0530 TEXAS DEPARTMENT OF PUBLIC SAFETY v. COX TEXAS NEWSPAPERS, L.P., AND HEARST NEWSPAPERS, L.L.C.; from Travis County; 3rd district (03-08-00516-CV, 287 SW3d 390, 05-29-09)

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

Chief Justice Jefferson delivered the opinion of the Court, in which Justice Hecht, Justice Green, Justice Guzman, and Justice Lehrmann joined.

Justice Wainwright delivered a concurring opinion, in which Justice Johnson joined.

(Justice Medina and Justice Willett not sitting)

10-0002 SAMUEL T. JACKSON v. STATE OFFICE OF ADMINISTRATIVE HEARINGS AND SHELIA BAILEY TAYLOR IN HER OFFICIAL CAPACITY AS CHIEF ADMINISTRATIVE LAW JUDGE, STATE OFFICE OF ADMINISTRATIVE HEARINGS; from Travis County; 3rd district (03-07-00293-CV, ___ SW3d ___, 07-30-09)

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

Justice Johnson delivered the opinion of the Court.

10-0096 LANCER INSURANCE COMPANY v. GARCIA HOLIDAY TOURS, ET AL.; from Jim Wells County; 4th district (04-08-00839-CV, 308 SW3d 35, 12-23-09)

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

Justice Medina delivered the opinion of the Court.

10-0364 IN RE GUARANTY INSURANCE SERVICES, INC.; from Travis County; 3rd district (03-09-00640-CV, 310 SW3d 630, 04-16-10)

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral

argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

09-0399 BP AMERICA PRODUCTION COMPANY, ATLANTIC RICHFIELD COMPANY AND VASTAR RESOURCES, INC. v. STANLEY G. MARSHALL, JR., ROBERT RAY MARSHALL, CATHERINE IRENE MARSHALL F/K/A CATHERINE I.M. HASHMI, AND MARGARET ANN MARSHALL F/K/A MARGARET A.M. JEFFUS, BY AND THROUGH DAVID JEFFUS, AS INDEPENDENT EXECUTOR OF THE ESTATE OF MARGARET MARSHALL; from Zapata County; 4th district (04-06-00478-CV, 288 SW3d 430, 12-10-08)
2 motions for rehearing
corrected opinion issued

(Justice Green not sitting)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-1006 BRENDA GOLDSTON AND USMD HOSPITAL AT ARLINGTON, L.P. v. NORMAN E. WRIGHT, JR. AND JACKLYN WRIGHT; from Tarrant County; 2nd district (02-08-00237-CV, ___ SW3d ___, 08-31-09)
- 10-0488 NOEL D. ISCHY AND NOW DEVELOPMENT CO., INC. v. M.P. MCCAMMON, ET AL.; from Concho County; 3rd district (03-06-00707-CV, ___ SW3d ___, 05-12-10)
- 10-0850 LAWRENCE FLINN, JR. v. AHRENS & DEANGELI, P.L.L.C.; FWP TECHNOLOGIES, INC.; EDWARD D. AHRENS; AND DARIN DEANGELI; from Dallas County; 5th district (05-09-00415-CV, 318 SW3d 474, 07-27-10)
- 10-0992 ROBERT WOOD v. CITY OF FLATONIA, TEXAS; from Fayette County; 3rd district (03-09-00495-CV, ___ SW3d ___, 10-21-10)
- 11-0011 ANGELA BRESCIA AND DUANE BRESCIA v. SLACK & DAVIS, L.L.P. AND DONNA BOWEN; from Travis County; 3rd district (03-08-00042-CV, ___ SW3d ___, 11-19-10)

(Justice Hecht not sitting)

- 11-0141 HEALTHSOUTH OF HOUSTON, INC. D/B/A HEALTHSOUTH REHABILITATION HOSPITAL OF NORTH HOUSTON v. WILMA V. PARKS, INDIVIDUALLY AND AS THE INDEPENDENT EXECUTRIX OF THE ESTATE OF FRANK S. PARKS, DECEASED; from Montgomery County; 9th district (09-10-00317-CV, 329 SW3d 885, 12-09-10)
- 11-0198 FERNANDO D. CUELLAR AND JACOB G. RATHMELL, JR., SUCCESSOR CO-TRUSTEES UNDER THE WILLS OF FERNANDO CUELLAR AND INOCENTE T. DE CUELLAR, DECEASED, AND TRUSTEES UNDER TRUST DEEDS EXECUTED BY FERNANDO CUELLAR AND INOCENTE T. DE CUELLAR v. WILLIAM S. HAUSSER, ALBERT F. HAUSSER, ROBERT HAUSSER, JR., EUGENE L. AMES, JR., LAWRENCE J. FLUME, JR., CORWIN D. DENNEY FOUNDATION AND DES CYGEN DENNEY SETTLEMENT PARTNERS, LTD.; from Zapata County; 4th district (04-09-00560-CV, ___ SW3d ___, 02-02-11)
- 11-0244 ROUND ROCK LIFE CONNECTION CHURCH, INC., ET AL. v. THE CITY OF ROUND ROCK, TEXAS; from Williamson County; 3rd district (03-09-00523-CV, ___ SW3d ___, 02-18-11)
- 11-0292 LINDA AND DONNIE FAUST v. BNSF RAILWAY COMPANY; from Tarrant County; 2nd district (02-08-00226-CV, 337 SW3d 325, 01-27-11)
- 11-0387 WESLEY KENNEMER, INDEPENDENT EXECUTOR OF THE ESTATE OF LOREN SMITH BARTOO, DECEASED v. FORT WORTH COMMUNITY CREDIT UNION; from Parker County; 8th district (08-10-00127-CV, 335 SW3d 843, 03-09-11)

ORDERS ON MOTIONS FOR REHEARING

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

09-0937 LINBECK CONSTRUCTION CORPORATION, AS MANAGING VENTURER OF LINBECK/CON-REAL/RUSSELL JOINT VENTURE v. CITY OF GRAND PRAIRIE; from Dallas County; 5th district (05-08-00650-CV, 293 SW3d 896, 08-11-09)

(Justice Hecht not sitting)

11-0056 IN RE RALPH O. DOUGLAS; from Harris County; 1st district (01-08-00542-CV, 333 SW3d 273, 08-31-10)
as amended

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

10-0556 IN RE MICHAEL A. EARLE, M.D.; from Bexar County; 4th district (04-10-00430-CV, ___ SW3d ___, 06-16-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-0460 IN RE ALICE M. PUIG IN HER INDIVIDUAL CAPACITY AND IN HER CAPACITY AS THE INDEPENDENT ADMINISTRATRIX OF THE ESTATE OF ALICIA PRIETO PUIG, AND CHARLES B. PUIG; from Webb County; 4th district (04-10-00197-CV, ___ SW3d ___, 06-02-10)
stay order issued July 30, 2010, lifted

Per Curiam Opinion

11-0392 IN RE ROY E. ADDICKS, JR.; from Wichita County; 2nd district (02-11-00066-CV, ___ SW3d ___, 02-17-11)

11-0488 IN RE MICHAEL PARMA
motion for emergency relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

11-0440 IN RE ISMAEL DIAZ AND RAMONA DIAZ; from Nueces County; 13th district
(13-11-00246-CV, ___ SW3D ___, 05-13-11)
motion to dismiss granted
motion to stay dismissed as moot

THE SUPREME COURT OF TEXAS

Orders Pronounced July 8, 2011

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

10-0838 ROBINSON & HARRISON POULTRY CO., INC. v. MARCELO GALVAN, ET AL.; from Hidalgo County; 13th district (13-08-00650-CV, 323 SW3d 236, 06-17-10) unopposed motion to abate original proceeding pending settlement granted abatement order issued

[**Note:** This case is removed from the Court's active docket until August 17, 2011, by which time the parties must file either a status report or a motion to dismiss.]

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

11-0058 RICHARD CROUNSE v. STATE FARM MUTUAL AUTOMOBILE INSURANCE CO.; from Harris County; 1st district (01-09-00183-CV, 336 SW3d 717, 12-23-10)

11-0199 YAN JIN v. PNC BANK; from Travis County; 3rd district (03-10-00392-CV, ___ SW3d ___, 03-09-11)

11-0237 IN THE ESTATE OF RUBY RENEE BYROM, DECEASED; from Cherokee County; 12th district (12-09-00279-CV, ___ SW3d ___, 02-16-11)

11-0328 RICKY THOMAS LOVELL v. TEXAS DEPARTMENT OF INSURANCE WORKERS' COMPENSATION DIVISION NETWORK AND TRAVELERS INDEMNITY COMPANY; from Travis County; 3rd district (03-09-00594-CV, ___ SW3d ___, 03-18-11)

11-0365 JOHN HATTON v. DANIEL D. GRIGAR; from Fort Bend County; 1st district (01-09-00588-CV, ___ SW3d ___, 02-17-11)

11-0384 EDWARD FERRO v. ARTHUR DINICOLANTONIO, ET AL.; from Galveston County; 1st district (01-09-00726-CV, ___ SW3d ___, 02-10-11)

11-0413 ALETHA RAY v. CASTILIAN VILLAGE TOWNHOUSE ASSOCIATION; from Harris County; 1st district (01-10-00937-CV, ___ SW3d ___, 03-24-11)

**THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO TEXAS
RULE OF APPELLATE PROCEDURE 9.4(i):**

- 11-0347 TSBA, INC. A/B/A THE SURETY BONDING AGENCY, INC. v. PERKINS INSURANCE AGENCIES, LLP, LEROY PERKINS, MARK PERKINS AND SBMP, INC.; from Taylor County; 11th district (11-10-00170-CV, ___ SW3d ___, 03-31-11)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(g) and Misc. Docket No. 11-9033, Part I. Electronic-Copy Rules and is struck. Petitioner is ordered to redraw; the petition is due to be filed by July 18, 2011."

- 11-0475 EDWARD A. COPLEY, AS INDEPENDENT EXECUTOR OF THE ESTATE OF BELTON KLEBERG JOHNSON, DECEASED, ET AL. v. SARA JOHNSON PITT, ET AL.; from Bexar County; 4th district (04-08-00079-CV, ___ SW3d ___, 02-16-11)

The Court strikes the petition for review with the following notation: "The petition violates Misc. Docket No. 11-9033, Part II. E-Filing Rules and is struck. Petitioner is ordered to redraw; the petition is due to be filed by July 18, 2011."

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF
JURISDICTION:**

- 11-0501 WILLIE A. MILTON v. NATHANIEL QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE - CORRECTIONAL INSTITUTIONAL DIVISION; JENNIFER SMITH, CHAIRPERSON DRC AUGUST 11TH, 2009; AND KARRI HANSFORD, ALLRED MAIL ROOM SUPERVISOR; from Wichita County; 2nd district (02-10-00212-CV, ___ SW3d ___, 03-03-11)
motion for extension of time to file petition for review denied

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0736 JANET CARROLL v. KRISTI DONAU; SHONNA TOBIAS; KARLA MCKINNEY; MELISSA MIGL; KATIE WATSON; LEAH DELAFIELD; NATHAN LOFGREN AND SOONCHA SHERMAN; from Travis County; 3rd district (03-09-00293-CV, ___ SW3d ___, 07-29-10)

11-0123 LAURA M. BROWN AND ROBERT L. BROWN v. EMC MORTGAGE CORPORATION; from Collin County; 5th district (05-08-00914-CV, ___ SW3d ___, 06-07-10)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0411 IN RE BRIAN J. GLENN; from Bexar County; 4th district (04-11-00325-CV, ___ SW3d ___, 05-18-11)

THE SUPREME COURT OF TEXAS

Orders Pronounced July 11, 2011

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 11-0527 IN RE DONALD W. DAVIS; from Denton County
motion for emergency stay denied
writ of prohibition denied
- 11-0535 IN RE CRAWFORD KER; from Tarrant County; 2nd district
(02-11-00245-CV, ___ SW3d ___, 07-08-11)
motion to stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced July 12, 2011

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0537 IN RE JENNIFER EDDINGTON; from Panola County
emergency motion for stay denied
motion to exceed page limits dismissed as moot

See TEX. R. APP. P. 52.3(e)

THE SUPREME COURT OF TEXAS

Orders Pronounced July 14, 2011

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0516 IN RE RUSH TRUCK CENTERS OF TEXAS, L.P. AND RUSH ENTERPRISES, INC.; from Dallas County; 5th district (05-11-00740-CV, ___ SW3d ___, 06-27-11) motion to stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced July 15, 2011

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 11-0192 AIR STARTER COMPONENTS, INC. v. JAMES E. GLATTLY, ET AL.; from Fort Bend County; 1st district (01-09-00098-CV, 332 SW3d 620, 10-07-10)
- 11-0280 HELEN MAY STEPHENSON, INDIVIDUALLY AND AS INDEPENDENT ADMINISTRATRIX OF THE ESTATE OF L.D. MAY, DECEASED, BARBARA MAY JERRY, DOROTHY MAY JOUBERT, PAUL MAY, PERCY MAY AND RUSSELL MAY v. WENDY MAY; from Jefferson County; 9th district (09-10-00024-CV, ___ SW3d ___, 02-10-11)
- 11-0289 CRESCENT OAKS LP v. HARRIS COUNTY APPRAISAL DISTRICT; from Harris County; 14th district (14-10-00199-CV, ___ SW3d ___, 01-13-11)
- 11-0418 MARK T. DAVIS AND ALAMO TITLE COMPANY v. THE CADLE COMPANY; from Bexar County; 4th district (04-09-00763-CV, ___ SW3d ___, 12-29-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 11-0250 IN RE CHARLES ROSS; from Smith County; 12th district (12-09-00317-CV, ___ SW3d ___, 08-18-10)
as redrafted
- 11-0381 IN RE NICOLE PEREZ; from Bexar County; 4th district (04-11-00134-CV, ___ SW3d ___, 05-11-11)
as corrected
- 11-0386 IN RE NICOLE PEREZ; from Bexar County; 4th district (04-11-00135-CV, ___ SW3d ___, 05-11-11)
- 11-0468 IN RE BETTY LOU BRADSHAW; from Hood County; 2nd district
emergency motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced July 22, 2011

ORDERS ON CAUSES

THE FOLLOWING CAUSES ARE SET FOR SUBMISSION:

09-0079 VENKATESWARLU THOTA, M.D. AND NORTH TEXAS CARDIOLOGY CENTER v. MARGARET YOUNG, INDIVIDUALLY, AND AS REPRESENTATIVE OF THE ESTATE OF WILLIAM R. YOUNG; from Wichita County; 2nd district (02-05-00350-CV, 271 SW3d 822, 11-20-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 13, 2011.]

Time allotted to argue: 20/20 minutes

10-0121 THE FINANCE COMMISSION OF TEXAS, THE CREDIT UNION COMMISSION OF TEXAS AND TEXAS BANKERS ASSOCIATION v. VALERIE NORWOOD, ELISE SHOWS, MARYANN ROBLES-VALDEZ, BOBBY MARTIN, PAMELA COOPER AND CARLOS RIVAS; from Travis County; 3rd district (03-06-00273-CV, 303 SW3d 404, 01-08-10)
3 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., September 13, 2011.]

Time allotted to argue: 20/20 minutes

10-0232 BASITH GHAZALI, M.D. v. PATRICIA BROWN; from Tarrant County; 2nd district (02-09-00191-CV, 307 SW3d 499, 02-25-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 13, 2011.]

Time allotted to argue: 20/20 minutes

10-0316 CITY OF AUSTIN v. HARRY M. WHITTINGTON, ET AL.; from Travis County; 3rd district (03-07-00729-CV, ___ SW3d ___, 02-18-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 14, 2011.]

Time allotted to argue: 20/20 minutes

10-0321 TEXAS DEPARTMENT OF PUBLIC SAFETY v. STEPHEN JOSEPH
CARUANA; from Hays County; 3rd district
(03-08-00659-CV, ___ SW3d ___, 02-12-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 14, 2011.]

Time allotted to argue: 20/20 minutes

10-0353 PRAIRIE VIEW A&M UNIVERSITY v. DILJIT K. CHATHA; from Waller
County; 1st district (01-09-00840-CV, 317 SW3d 402, 04-01-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 15, 2011.]

Time allotted to argue: 20/20 minutes

10-0374 TEXAS DEPARTMENT OF INSURANCE, HONORABLE MIKE GEESLIN,
COMMISSIONER OF INSURANCE AND HONORABLE DANNY SAENZ,
SENIOR ASSOCIATE COMMISSIONER v. AMERICAN NATIONAL
INSURANCE COMPANY AND AMERICAN LIFE INSURANCE COMPANY OF
TEXAS; from Travis County; 3rd district
(03-08-00535-CV, ___ SW3d ___, 04-22-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 14, 2011.]

Time allotted to argue: 20/20 minutes

(Justice Hecht not sitting)

10-0375 ATMOS ENERGY CORPORATION, CENTERPOINT ENERGY RESOURCES
CORP. AND TEXAS GAS SERVICE COMPANY, A DIVISION OF ONEOK,
INC. v. THE CITIES OF ALLEN, ET AL.; from Travis County; 3rd district
(03-06-00691-CV, 309 SW3d 563, 02-05-10)
3 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., September 15, 2011.]

Time allotted to argue: 20/20 minutes

10-0426 SAFESHRED, INC. v. LOUIS MARTINEZ, III; from Travis County; 3rd district
(03-08-00626-CV, 310 SW3d 649, 04-23-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 4, 2011.]

Time allotted to argue: 20/20 minutes

10-0429 SHELL OIL COMPANY; SWEPI LP D/B/A SHELL WESTERN E&P, SUCCESSOR IN INTEREST TO SHELL WESTERN E&P, INC. v. RALPH ROSS; from Harris County; 1st district (01-08-00713-CV, ___ SW3d ___, 02-25-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 4, 2011.]

Time allotted to argue: 20/20 minutes

10-0435 WEEKS MARINE, INC. v. MAXIMINO GARZA; from Starr County; 4th district (04-08-00660-CV, ___ SW3d ___, 04-21-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 4, 2011.]

Time allotted to argue: 20/20 minutes

10-0451 NATURAL GAS PIPELINE COMPANY OF AMERICA v. WILLIAM JUSTISS, DARLENE JUSTISS, JOSEPH JUSTISS, TOMMY ASLPAUGH, JUDY ALSAUGH, JOE DENTON MASHBURN, CHRISTINE MASHBURN, JOE DONALD MASHBURN, AND JUDY MASHBURN; from Lamar County; 6th district (06-09-00047-CV, ___ SW3d ___, 04-30-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 5, 2011.]

Time allotted to argue: 20/20 minutes

10-0490 EL APPLE I, LTD. v. MYRIAM OLIVAS; from El Paso County; 8th district (08-07-00257-CV, 324 SW3d 181, 04-21-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 15, 2011.]

Time allotted to argue: 20/20 minutes

10-0491 HEARTS BLUFF GAME RANCH, INC. v. THE STATE OF TEXAS AND THE TEXAS WATER DEVELOPMENT BOARD; from Travis County; 3rd district (03-09-00598-CV, 313 SW3d 479, 05-13-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 5, 2011.]

Time allotted to argue: 20/20 minutes

10-0513 MATTHEW W. WASSERMAN, M.D. v. CHRISTINA BERGERON GUGEL; from Harris County; 14th district (14-09-00450-CV, ___ SW3d ___, 05-20-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 5, 2011.]

Time allotted to argue: 20/20 minutes

10-0523 PORT ELEVATOR-BROWNSVILLE, LLC v. ROGELIO CASADOS AND RAFAELA CASADOS, INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF THEIR SON, RAFAEL CASADOS; from Cameron County; 13th district (13-08-00150-CV, 314 SW3d 529, 05-27-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 6, 2011.]

Time allotted to argue: 20/20 minutes

10-0526 IN RE UNITED SCAFFOLDING, INC.; from Jefferson County; 9th district (09-10-00172-CV, 315 SW3d 246, 06-24-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 6, 2011.]

Time allotted to argue: 20/20 minutes

10-0548 RUSK STATE HOSPITAL v. DENNIS BLACK AND PAM BLACK, INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF TRAVIS BONHAM BLACK, DECEASED; from Cherokee County; 12th district (12-09-00206-CV, ___ SW3d ___, 06-23-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 6, 2011.]

Time allotted to argue: 20/20 minutes

10-0603 TEXAS WEST OAKS HOSPITAL, LP AND TEXAS HOSPITAL HOLDINGS, LLC v. FREDERICK WILLIAMS; from Harris County; 14th district (14-10-00091-CV, 322 SW3d 349, 06-24-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 8, 2011.]

Time allotted to argue: 20/20 minutes

10-0605 IN RE THE COMMITMENT OF MICHAEL BOHANNAN; from Montgomery County; 9th district (09-09-00165-CV, ___ SW3d ___, 07-22-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 8, 2011.]

Time allotted to argue: 20/20 minutes

10-0628 TEXAS ELECTRIC UTILITY CONSTRUCTION, LTD. v. INFRA SOURCE UNDERGROUND CONSTRUCTION SERVICES, LLC; from Nacogdoches County; 12th district (12-09-00287-CV, ___ SW3d ___, 06-30-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 8, 2011.]

Time allotted to argue: 20/20 minutes

10-0671 KERRY HECKMAN, MONICA MAISENBACHER, SYLVIA PETERSON, TAMMY NEWBERRY, ELVEDA VIEIRA AND JESSICA STEMPKO, ON BEHALF OF THEMSELVES AND ALL OTHER PERSONS SIMILARLY SITUATED v. WILLIAMSON COUNTY, HONORABLE DAN A. GATTIS, HONORABLE SUZANNE BROOKS, HONORABLE TIM WRIGHT, HONORABLE DOUG ARNOLD AND HONORABLE WILLIAM THOMAS EASTES; from Williamson County; 3rd district (03-06-00600-CV, ___ SW3d ___, 04-23-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 9, 2011.]

Time allotted to argue: 20/20 minutes

10-0687 IN RE FRANK KENT MOTOR COMPANY D/B/A FRANK KENT CADILLAC; from Tarrant County; 2nd district (02-10-00298-CV, ___ SW3d ___, 08-30-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 9, 2011.]

Time allotted to argue: 20/20 minutes

10-0776 JACK EDWARD MILNER v. VICKI ANN MILNER; from Tarrant County; 2nd district (02-08-00442-CV, ___ SW3d ___, 06-03-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 9, 2011.]

Time allotted to argue: 20/20 minutes

10-0960 IN RE XL SPECIALTY INSURANCE COMPANY AND CAMBRIDGE INTEGRATED SERVICES GROUP, INC.; from Dallas County; 5th district (05-10-01067-CV, ___ SW3d ___, 10-27-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 10, 2011.]

Time allotted to argue: 20/20 minutes

10-0970 NICHOLAS TRAXLER v. ENTERGY GULF STATES, INC.; from Orange County; 9th district (09-09-00362-CV, 320 SW3d 553, 08-19-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 10, 2011.]

Time allotted to argue: 20/20 minutes

ORDERS ON CASES GRANTED

THE FOLLOWING CERTIFIED QUESTION FROM THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT IS ACCEPTED:

11-0519 EVANSTON INSURANCE CO. v. LEGACY OF LIFE, INC.

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

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

11-0196 DAVE JONES, INDIVIDUALLY AND D/B/A CHACHI'S BAIL BONDS v. THE STATE OF TEXAS; from Starr County; 4th district (04-10-00526-CV, ___ SW3d ___, 02-09-11)

11-0361 DAVID ALAN SHEPHERD v. OFFICE DEPOT AND UNITED PARCEL SERVICE (UPS); from Gregg County; 6th district (06-10-00110-CV, ___ SW3d ___, 03-30-11) as supplemented

11-0451 RUFUS ODEM v. DELOITTE & TOUCHE LP, JOHN MORGAN AND KATHIE SCHWERDTFEGER; from Bexar County; 4th district (04-09-00747-CV, ___ SW3d ___, 02-02-11)

**THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO TEXAS
RULE OF APPELLATE PROCEDURE 9.4(i):**

11-0538 MICHAEL RENE CORPUS v. CITY OF MCALLEN; from Hidalgo County; 13th district (13-10-00670-CV, ___ SW3d ___, 05-19-11)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rule of Appellate Procedure 53 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by August 1, 2011."

11-0545 HUMBERTO FLORES v. CHARLES APPLER, ET AL.; from Dallas County; 5th district (05-09-01523-CV, ___ SW3d ___, 05-24-11)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(a), (f), (h), 53.2(k), and Misc. Docket No. 11-9033, Part I. Electronic-Copy Rules and is struck. Petitioner is ordered to redraw; the petition is due to be filed by August 1, 2011."

ORDERS ON MOTIONS FOR REHEARING

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS
DENIED:**

11-0040 MICHAEL WHITMIRE AND FORMER SURETIES R.O. WHITMIRE AND ELSIE O. WHITMIRE v. GREENRIDGE PLACE APARTMENTS; from Harris County; 1st district (01-09-00291-CV, 333 SW3d 255, 08-19-10)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

11-0415 IN RE PEARL HOLMES, ET AL.; from Jefferson County; 9th district (09-11-00153-CV, ___ SW3d ___, 04-05-11)
motion for emergency relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

10-0272 IN RE ALBERT G. HILL, III AND ERIN HILL; from Dallas County; 5th district (05-10-00447-CV, ___ SW3d ___, 04-21-10)
joint motion to dismiss granted

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

11-0398 IN RE MAGELLAN TERMINALS HOLDINGS, L.P. AND MAGELLAN
MIDSTREAM HOLDINGS GP, LLC; from Harris County; 1st district
(01-11-00373-CV, ___ SW3d ___, 05-13-11)
motion to abate granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until September 22, 2011,
by which time the parties must file either a status report or a motion to dismiss.]

THE SUPREME COURT OF TEXAS

Orders Pronounced July 29, 2011

ORDERS ON CAUSES

09-0387 CAROL SEVERANCE v. JERRY PATTERSON, COMMISSIONER OF THE TEXAS GENERAL LAND OFFICE; GREG ABBOTT, ATTORNEY GENERAL FOR THE STATE OF TEXAS; AND KURT SISTRUNK, DISTRICT ATTORNEY FOR THE COUNTY OF GALVESTON, TEXAS

The Court abates consideration on rehearing of the certified questions pending the mootness determination of the United States Court of Appeals for the Fifth Circuit.

Per Curiam Opinion

(Chief Justice Jefferson not sitting)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 11-0281 ARTURO NERI PRADO v. FREDERICKSBURG POLICE DEPARTMENT, ET AL.; from Gillespie County; 4th district (04-10-00565-CV, ___ SW3d ___, 03-30-11)
- 11-0304 DALLAS NATIONAL INSURANCE COMPANY v. SABIC AMERICAS, INC.; from Harris County; 1st district (01-08-00758-CV, ___ SW3d ___, 03-10-11)
- 11-0315 JOE LEE RUBIO v. EDUARDO A. CAMPIRANO, SECRETARY OF THE TEXAS SOUTHMOST COLLEGE DISTRICT AND THE TRUSTEES OF THE TEXAS SOUTHMOST COLLEGE DISTRICT; from Cameron County; 13th district (13-08-00345-CV, ___ SW3d ___, 03-17-11)
as redrafted
- 11-0346 EX PARTE ROBERT E. MACLAREN; from Walker County; 10th district (10-11-00081-CV, ___ SW3d ___, 05-04-11)
- 11-0369 ED D. LIECK v. U.S. DENRO STEELS, INC., D/B/A JINDAL UNITED STEEL, CORP., SAW PIPES USA, INC. AND JSW STEEL (USA) INC.; from Chambers

County; 14th district (14-09-01008-CV, ___ SW3d ___, 04-05-11)

- 11-0377 WENDY GONZALEZ ANAYA, INDIVIDUALLY AND AS NEXT FRIEND OF NEWBORN BABY CHRISTOPHER GABRIEL HERNANDEZ, DECEASED AND JOSE HERNANDEZ, INDIVIDUALLY v. GEOFFREY ZIMMERMAN, M.D.; from Harris County; 1st district (01-07-00570-CV, ___ SW3d ___, 03-31-11)
- 11-0399 RICARDO GUTIERREZ v. TRANSTAR BUILDERS, INC.; from Harris County; 1st district (01-09-00811-CV, ___ SW3d ___, 04-14-11)
- 11-0416 EDWIN R. FORD, REGINA FORD, CLARENCE CAIN, CONNIE CAIN, JAMES L. KERSEY, MARY KERSEY, BRETT PAPELL AND LYNN PAPELL v. HANSON AGGREGATES WEST, INC.; from Comal County; 3rd district (03-09-00397-CV, 338 SW3d 39, 02-09-11)
as redrafted
- 11-0419 CITY OF WACO v. ARMANDO M. FUENTES III; from McLennan County; 10th district (10-09-00126-CV, ___ SW3d ___, 03-09-11)
- 11-0421 MARK ADAMS BROWN v. CLAY CROOKS; from Tom Green County; 7th district (07-09-00018-CV, ___ SW3d ___, 04-13-11)
- 11-0432 LAKEITH AMIR-SHARIF v. BRUCE ZELLER, ET AL.; from Swisher County; 7th district (07-10-00244-CV, ___ SW3d ___, 02-28-11)
as supplemented
motion for temporary relief denied
- 11-0457 LISA TEAGUE v. THE CITY OF DALLAS AND COUNTY OF DALLAS, TEXAS; from Dallas County; 5th district (05-10-01163-CV, ___ SW3d ___, 05-04-11)

ORDERS ON MOTIONS FOR REHEARING

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

- 10-1001 LA VILLITA MOTOR INNS, J.V., EXECUTIVE MOTELS OF SAN ANTONIO, INC. AND S.A. SUNVEST HOTELS, INC. v. ORIX CAPITAL MARKETS, LLC, BANK OF AMERICA, N.A., LNR PARTNERS, INC., CAPMARK FINANCE, INC., NICHOLAS M. PYKA AS TRUSTEE, MICHAEL N. BLUE AS TRUSTEE AND GRETA E. GOLDSBY AS TRUSTEE; from Bexar County; 4th district (04-09-00573-CV, 329 SW3d 30, 08-25-10)

- 11-0009 KEITH THOMAS v. JENNIFER COALSTON, ET AL.; from Coryell County; 10th district (10-10-00304-CV, ___ SW3d ___, 09-22-10)
- 11-0022 MARSHELIA HICKMAN, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF JAYME COX v. TEXAS CYPRESS CREEK HOSPITAL, L.P. D/B/A CYPRESS CREEK HOSPITAL; from Harris County; 14th district (14-10-00149-CV, 329 SW3d 209, 12-02-10)
- 11-0224 JOHN STEWART STRITZINGER v. KATHERINE WRIGHT; from Travis County; 3rd district (03-10-00455-CV, ___ SW3d ___, 02-23-11)
- 11-0310 STACY HAUSCHILDT, INDIVIDUALLY, AND AS NEXT FRIEND OF ASHLEY XIONG AND JARED HAUSCHILDT, MINORS AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF NICHOLAS XIONG, DECEASED AND CHARLES HAUSCHILDT v. CENTRAL FREIGHT LINES, INC. AND JACKIE L. STEWART; from Johnson County; 10th district (10-10-00185-CV, ___ SW3d ___, 02-09-11)
- 11-0320 KUV PARTNERS, LLC AND EILAT, INC. v. WAEL FARES D/B/A FARES CONSTRUCTION; from Tarrant County; 2nd district (02-09-00246-CV, ___ SW3d ___, 03-17-11)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

- 11-0464 MARKUS A. GREEN v. BOBBY JONES

See TEX. R. APP. P. 5

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 11-0145 IN RE ROBERT G. ROSBERG; from Dallas County; 5th district
- 11-0406 IN RE SABRINA TAYLOR AND ANDRE' EDMOND; from Harris County; 1st district (01-10-00859-CV, ___ SW3d ___, 06-03-11)
motion for temporary relief denied
- 11-0422 IN RE MARTIN WOOD CO., INC. AND STONEHAM MILL, INC.; from San Jacinto County; 9th district (09-11-00164-CV, ___ SW3d ___, 04-28-11)
motion to stay denied

11-0435 IN RE JAMES A. PIKL, P.C. AND SCHEEF & STONE, LLP; from Collin County;
5th district (05-11-00635-CV, ___ SW3d ___, 06-02-11)
as redrafted

11-0450 IN RE CHARLES WILLIAMSON A/K/A CHARLES J. WILLIAMSON; from Travis
County; 7th district (07-09-00248-CV, ___ SW3d ___, 11-17-10)
as redrafted

11-0463 IN RE JAMES A. WALTERS; from Dallas County; 5th district (05-11-00376-
CV, ___ SW3d ___, 04-21-11)
motion for emergency relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced August 5, 2011

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

- 10-0195 WILMINGTON TRUST COMPANY, SOLELY IN ITS CAPACITY AS OWNER TRUSTEE OF THE ROWAN-HALIFAX JACK-UP RIG, TEXTRON FINANCIAL CORPORATION, NORTH SEA INVESTMENTS, INC. AND NORTH SEA (CONNECTICUT) LP v. ROWAN COMPANIES, INC.; from Harris County; 14th district (14-07-00465-CV, 305 SW3d 698, 10-08-09)
joint motion to abate dismissed as moot
joint motion to grant petition for review without reference to merits granted

Pursuant to Texas Rule of Appellate Procedure 56.3, and without considering the merits, the Court grants the petition for review, vacates the court of appeals' judgment, and remands the case to the trial court for further proceedings in accord with the parties' settlement agreements.

(Justice Guzman not sitting)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 11-0278 FRANCES ANN GIRON v. BAYLOR UNIVERSITY MEDICAL CENTER AND BAYLOR HEALTH CARE SYSTEMS; from Dallas County; 5th district (05-09-00825-CV, ___ SW3d ___, 01-19-11)
- 11-0295 EDWARD MCDONALD v. HOME STATE COUNTY MUTUAL INSURANCE CO., PARAGON INSURANCE CO. AND PARAGON INSURANCE GROUP; from Harris County; 1st district (01-09-00838-CV, ___ SW3d ___, 03-24-11)
- 11-0343 LOUATRICE HENDERSON v. THE UNIVERSITY OF TEXAS M.D. ANDERSON CANCER CENTER; from Harris County; 1st district (01-08-00376-CV, ___ SW3d ___, 11-04-10)
as redrafted

- 11-0410 KEN W. GOOD v. SMITH COUNTY JUDGE JOEL P. BAKER AND FORMER SMITH COUNTY COMMISSIONER, PRECINCT NO. 1, JO ANN FLEMING; from Smith County; 6th district (06-10-00024-CV, 339 SW3d 260, 03-25-11)
- 11-0431 ELNESS SWENSON GRAHAM ARCHITECTS, INC. AND MARK SWENSON v. RLJ II-C AUSTIN AIR, LP; RLJ II-C AUSTIN AIR LESSEE, LP; AND RLJ LODGING FUND II ACQUISITIONS, LLC; from Travis County; 3rd district (03-10-00805-CV, ___ SW3d ___, 04-20-11)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 11-0601 EX PARTE ROBERT EDWARD MACLAREN; from Montgomery County

The Court strikes the petition for review with the following notation: "The petition violates Texas Rule of Appellate Procedure 53.2 and is struck. Petitioner is ordered to redraw; the petition is due to be filed by August 15, 2011."

ORDERS ON MOTIONS FOR REHEARING

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

- 11-0076 SCOTT D. MARTIN v. RUBEN S. MARTIN, III; from Gregg County; 6th district (06-09-00069-CV, ___ SW3d ___, 11-03-10)
- 11-0287 PATRICK GARCIA v. DICKENS COUNTY, CITY OF SPUR AND SPUR INDEPENDENT SCHOOL DISTRICT; from Dickens County; 7th district (07-10-00496-CV, ___ SW3d ___, 01-21-11)

MISCELLANEOUS

THE FOLLOWING MOTIONS TO CONSOLIDATE ARE GRANTED:

- 11-0521 CLEAR LAKE CITY WATER AUTHORITY v. KIRBY LAKE DEVELOPMENT, LTD., MITER DEVELOPMENT COMPANY AND TAYLOR LAKE, LTD.; 14th district
motion to consolidate granted

consolidated with

11-0522 CLEAR LAKE CITY WATER AUTHORITY v. FRIENDSWOOD
DEVELOPMENT COMPANY; 14th district
motion to consolidate granted

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

11-0276 IN RE FIRST TEXAS BHC, INC. AND SOUTHWEST BANK; from Tarrant County;
2nd district (02-11-00120-CV, ___ SW3d ___, 03-31-11)
stay order issued April 22, 2011, lifted
abatement order issued June 17, 2011, lifted
unopposed motion to dismiss original proceeding granted

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO
TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

11-0591 IN RE AUSTIN TRAVIS HOMES, INC.; from Travis County; 3rd district
(03-11-00395-CV, ___ SW3d ___, 06-29-11)

The Court strikes the petition for writ of mandamus with the following notations: "The petition violates Texas Rule of Appellate Procedure 52.6 and is struck."

THE SUPREME COURT OF TEXAS

Orders Pronounced August 12, 2011

ORDERS ON CAUSES

THE FOLLOWING CAUSE IS RESET FOR ORAL ARGUMENT:

09-0079 VENKATESWARLU THOTA, M.D. AND NORTH TEXAS CARDIOLOGY CENTER v. MARGARET YOUNG, INDIVIDUALLY, AND AS REPRESENTATIVE OF THE ESTATE OF WILLIAM R. YOUNG; from Wichita County; 2nd district (02-05-00350-CV, 271 SW3d 822, 11-20-08) unopposed motion to reschedule oral argument granted

[**Note:** This cause has been reset for oral argument at 9:00 a.m., November 10, 2011.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 11-0234 JOHN GANNON, INC. v. MATTHEW D. WIGGINS; from Galveston County; 1st district (01-08-00994-CV, ___ SW3d ___, 07-08-10) as redrafted
- 11-0349 RICHARD VAUGHAN v. HARTMAN MANAGEMENT; from Harris County; 14th district (14-09-00590-CV, ___ SW3d ___, 12-28-10)
- 11-0393 IN THE INTEREST OF B.J.H.-T, A CHILD; from Smith County; 12th district (12-09-00157-CV, ___ SW3d ___, 03-02-11)
- 11-0404 CHESTER WILLIAM INGRAM v. TEXAS BOARD OF PARDONS AND PAROLE; from Harris County; 1st district (01-08-00973-CV, ___ SW3d ___, 01-27-11) motion for leave to withdraw as attorney dismissed as moot
- 11-0430 BALDEV PATEL D/B/A WHARTON INN AND JAYESH PATEL v. NAUTILUS INSURANCE COMPANY, GAB ROBINS NORTH AMERICA, INC., APRIL

HANSON, KEN KAUFFMAN, JEFF M. PROCTOR AND JEFF M. PROCTOR
INSURANCE AGENCY, INC.; from Wharton County; 13th district
(13-08-00735-CV, ___ SW3d ___, 01-28-11)

- 11-0444 THE TERRACES AT CEDAR HILL, L.L.C. AND THE TERRACES ADDITION
HOMEOWNERS ASSOCIATION, INC. v. GARTEX MASONRY AND SUPPLY,
INC.; from Dallas County; 5th district (05-10-00226-CV, ___ SW3d ___, 03-24-11)
- 11-0447 LEE C. RITCHIE, ET AL. v. ANN CALDWELL RUPE, AS TRUSTEE FOR THE
DALLAS GORDON RUPE, III 1995 FAMILY TRUST; from Dallas County; 5th
district (05-08-00615-CV, 339 SW3d 275, 03-28-11)
as amended
- 11-0498 IN RE COMMITMENT OF DARRYL WAYNE DAY; from Montgomery County;
9th district (09-10-00218-CV, 342 SW3d 193, 05-12-11)
- 11-0500 TURNER WAYNE BOGART AND TMW & ASSOCIATES, INC. v. STAR
BUILDING SYSTEMS, A DIVISION OF ROBERTSON CECO II CORPORATION;
from Harris County; 1st district (01-10-00446-CV, ___ SW3d ___, 03-10-11)
- 11-0510 SHAUNE E. GROSS v. NIKKI DEMBY, SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT BOARD OF TRUSTEES AND TONI THOMPSON; from
Bexar County; 4th district (04-10-00789-CV, ___ SW3d ___, 04-13-11)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 11-0448 DEBORAH LEE SEXTON v. ANDERSON COUNTY BAIL BOND BOARD; from
Anderson County; 6th district (06-10-00079-CV, ___ SW3d ___, 04-19-11)
motion to dismiss petition for discretionary review granted

ORDERS ON MOTIONS FOR REHEARING

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

- 08-0187 TEXAS-NEW MEXICO POWER COMPANY, FIRST CHOICE POWER, INC.,
AND TEXAS GENERATING CO., L.P. v. PUBLIC UTILITY COMMISSION OF
TEXAS, ET AL.; from Travis County; 3rd district
(03-06-00503-CV, 246 SW3d 324, 01-25-08)
- 10-0611 BRAZOS ELECTRIC POWER COOPERATIVE, INC. v. BRAZOS RIVER

AUTHORITY; from McLennan County; 10th district
(10-09-00403-CV, ___ SW3d ___, 06-23-10)

- 10-0947 DELWIN DEMONT CONWRIGHT v. THE STATE OF TEXAS; from Dallas County; 5th district (05-09-01409-CR, ___ SW3d ___, 11-03-10)
- 11-0258 LEOPOLD MALACHOWITSCH v. EXPO MOTORCARS, L. P., EXPO HOLDINGS, L. P. AND EXPO MOTORCARS, L. L. C.; from Harris County; 14th district (14-10-00906-CV, ___ SW3d ___, 12-30-10)
- 11-0333 W.O. BURGER I, L.L.C. v. WATSONBURGER OF OKLAHOMA, INC. AND CHARLES E. WATSON; from Grayson County; 5th district (05-09-00397-CV, ___ SW3d ___, 03-22-11)
- 11-0337 DONN L. WILLIAMS v. KEITH FLETCHER AND SIMMONS AND FLETCHER; from Harris County; 14th district (14-09-00520-CV&14-09-00674-CV, ___ SW3d ___, 02-03-11)

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 11-0357 IN RE ALAN URESTI; from Bexar County; 4th district (04-11-00153-CV, ___ SW3d ___, 03-16-11)
- 11-0368 IN RE JACK LYNN TUCKER; from Wilson County; 4th district (04-11-00105-CV, ___ SW3d ___, 03-16-11)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 11-0455 IN RE COLONIAL LLOYDS INSURANCE COMPANY, ATLAS GENERAL AGENCY, L.L.C., JIM KIGHT AND WESLEY BROADUS; from Harris County; 14th district (14-11-00358-CV, ___ SW3d ___, 06-09-11)
emergency motion to stay denied
- 11-0528 IN RE DALLAS AREA RAPID TRANSIT; from Dallas County; 5th district (05-11-00760-CV, ___ SW3d ___, 06-27-11)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED AS MOOT:

11-0262 IN RE MARTIN B. TITTLE, AS ADMINISTRATOR OF THE ESTATE OF
NETTIE BABER TITTLE, DECEASED; from Wichita County; 2nd district
(02-11-00104-CV, ___ SW3d ___, 04-08-11)
motion to dismiss petition for writ of mandamus as moot granted

THE SUPREME COURT OF TEXAS

Orders Pronounced August 19, 2011

ORDERS ON CAUSES

THE FOLLOWING CAUSE IS RESET FOR ORAL ARGUMENT:

10-0316 CITY OF AUSTIN v. HARRY M. WHITTINGTON, ET AL.; from Travis County; 3rd district (03-07-00729-CV, ___ SW3d ___, 02-18-10)
unopposed motion to re-schedule oral argument granted

[**Note:** This case has been reset for oral argument at 9:00 a.m., December 6, 2011.]

Time allotted to argue: 20/20 minutes

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

09-0399 BP AMERICA PRODUCTION COMPANY, ATLANTIC RICHFIELD COMPANY AND VASTAR RESOURCES, INC. v. STANLEY G. MARSHALL, JR., ROBERT RAY MARSHALL, CATHERINE IRENE MARSHALL F/K/A CATHERINE I.M. HASHMI, AND MARGARET ANN MARSHALL F/K/A MARGARET A.M. JEFFUS, BY AND THROUGH DAVID JEFFUS, AS INDEPENDENT EXECUTOR OF THE ESTATE OF MARGARET MARSHALL; from Zapata County; 4th district (04-06-00478-CV, 288 SW3d 430, 12-10-08)

(Justice Green not sitting)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

09-0905 LARRY YORK D/B/A YORK TANK TRUCKS v. STATE OF TEXAS AND WISE COUNTY, TEXAS; from Wise County; 2nd district (02-08-00118-CV, 298 SW3d 735, 09-24-09)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., December 6, 2011.]

Time allotted to argue: 20/20 minutes

10-0683 AHF-ARBORS AT HUNTSVILLE I, LLC AND AHF-ARBORS AT HUNTSVILLE II, LLC v. WALKER COUNTY APPRAISAL DISTRICT; from Walker County; 10th district (10-08-00011-CV, ___ SW3d ___, 07-21-10)

- consolidated for oral argument only with -

10-0714 AHF-ARBORS AT HUNTSVILLE I, LLC AND AHF-ARBORS AT HUNTSVILLE II, LLC v. WALKER COUNTY APPRAISAL DISTRICT; from Walker County; 10th district (10-08-00012-CV, ___ SW3d ___, 07-21-10)

[**Note:** These cases have been set for oral argument at 9:00 a.m., December 6, 2011.]

Time allotted to argue: 20/20 minutes

10-0995 DR. ERWIN CRUZ v. ANDREWS RESTORATION, INC. D/B/A PROTECH SERVICES AND RUDY MARTINEZ; from Dallas County; 5th district (05-08-01099-CV, 323 SW3d 564, 08-20-10)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., December 7, 2011.]

Time allotted to argue: 20/20 minutes

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE SET FOR ORAL ARGUMENT:

11-0007 IN RE ASCENSION MARTINEZ, JR., INDIVIDUALLY AND D/B/A RBR REAL ESTATE; from Hidalgo County; 13th district (13-10-00589-CV, ___ SW3d ___, 12-22-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 7, 2011.]

Time allotted to argue: 20/20 minutes

11-0018 IN RE LARRY CHARLES FULLER

[**Note:** This case has been set for oral argument at 9:00 a.m., December 7, 2011.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0452 MEL DUGOSH, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF CHRISTOPHER DUGOSH; AND RICHARD DUGOSH, INDIVIDUALLY v. TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED; from Travis County; 3rd district
(03-07-00681-CV, ___ SW3d ___, 03-26-10)

10-0562 KENNETH R. LYLE v. JANE GUINN REVOCABLE TRUST, PERRY B. MENKING, JR. INVESTMENT MANAGEMENT TRUST, LYNN SAHIN, KATE LUTKEN BRUNO GRANTOR TRUST, WESLEY LUTKEN GRANTOR TRUST, DANIEL R. JAPHET, JR., GRETCHEN JAPHET, SUSAN JAPHET SCOTTY, AND LARKEN JAPHET SUTHERLAND; from Brazoria County; 1st district
(01-09-00081-CV, ___ SW3d ___, 03-11-10)

10-0680 INNOVATIVE THERAPIES, INC. v. KINETIC CONCEPTS, INC., KCI LICENSING, INC. AND KCI USA, INC.; from Bexar County; 4th district
(04-09-00285-CV, 04-09-00286-CV, 328 SW3d 545, 04-14-10)

10-0803 THOMAS SUEHS, EXECUTIVE COMMISSIONER OF HEALTH AND HUMAN SERVICES v. COMMUNITY HEALTH CHOICE, INC.; from Travis County; 3rd district (03-09-00203-CV, 328 SW3d 10, 06-17-10)

10-0833 EPIGMENIO GONZALEZ, JR. v. DARIO BUSTAMANTE AND JUANITA BUSTAMANTE; from Duval County; 4th district
(04-09-00481-CV, ___ SW3d ___, 06-09-10)
3 petitions

(Justice Green not sitting)

10-0990 LARRY C. NAIL v. RICK GODWIN AND EAGLE'S NEST CHRISTIAN FELLOWSHIP CHURCH, INC., NOW KNOWN AS SUMMIT CHRISTIAN CENTER; from Bexar County; 4th district
(04-10-00193-CV, ___ SW3d ___, 10-20-10)

(Justice Green not sitting)

10-1016 CHESTER HUMPHREY v. AIG LIFE INSURANCE COMPANY; from Harris County; 14th district (14-08-00973-CV, ___ SW3d ___, 07-01-10)

10-1032 JOSE FERNANDEZ GALAN PALAU v. FLOR DE MARIA NAVARRO SANCHEZ; from Travis County; 3rd district

- (03-08-00136-CV, ___ SW3d ___, 11-10-10)
- 11-0052 GORDON R. SIMMONDS v. NORMA A. HARRISON; from Jones County; 11th district (11-09-00359-CV, ___ SW3d ___, 01-06-11)
as redrafted
- 11-0055 NORTH EAST INDEPENDENT SCHOOL DISTRICT v. JOHN KELLEY, COMMISSIONER OF EDUCATION ROBERT SCOTT AND TEXAS EDUCATION AGENCY; from Travis County; 3rd district (03-09-00641-CV, ___ SW3d ___, 12-09-10)
- 11-0066 EUSTACE H. WINN, JR. AND BETTY LEE JONES WINN AND JOHN C. KISALUS, TRUSTEE OF THE EUSTACE H. WINN, JR. FAMILY TRUST v. EPG PARTNERS, LLC, MR EXPLORATION VENTURES, LLC, CDX TAPICITO, LLC AND CDX RIO, LLC; from Dallas County; 5th district (05-08-00716-CV, ___ SW3d ___, 12-21-10)
- 11-0096 \$27,877 OF UNITED STATES CURRENCY v. STATE OF TEXAS; from Denton County; 2nd district (02-10-00035-CV, 331 SW3d 110, 12-23-10)
- 11-0101 UNIVERSITY OF TEXAS M.D. ANDERSON CANCER CENTER v. VICKI M. KING; from Harris County; 14th district (14-10-00282-CV, 329 SW3d 876, 12-07-10)
- 11-0149 KURTIS WEBB AND INGRID WEBB v. BRAD STOCKFORD, DAVID S. MCCREARY AND MCCREARY AND STOCKFORD, L.P.; from Collin County; 5th district (05-08-01330-CV, 331 SW3d 169, 01-10-11)
- 11-0158 SHAWN HUDSON, BY ASSIGNMENT FROM GILDA FAYE GREEN v. THE CITY OF HOUSTON; from Harris County; 1st district (01-07-00939-CV, 333 SW3d 241, 08-12-10)
- 11-0159 MASS MARKETING, LTD. D/B/A SUPER S FOODS v. HOPE DURBIN; from Bexar County; 4th district (04-09-00697-CV, ___ SW3d ___, 10-20-10)
as redrafted
- 11-0168 JOE PUTNAM AND IRVING TAXPAYERS OPPOSED TO WASTEFUL AND ILLEGAL USE OF TAX MONEY v. THE CITY OF IRVING, TEXAS; from Dallas County; 5th district (05-10-01269-CV, 331 SW3d 869, 01-27-11)
- 11-0212 TEXAS ATTORNEY GENERAL CHILD SUPPORT DIVISION v. GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY; from Travis County; 3rd district (03-10-00225-CV, 331 SW3d 884, 02-03-11)

- 11-0230 THE STATE OF TEXAS AND THE TEXAS A&M UNIVERSITY SYSTEM v. MONTGOMERY COUNTY, TEXAS; from Montgomery County; 9th district (09-09-00518-CV, 338 SW3d 49, 02-24-11)
- 11-0251 MICHAEL R. MORTON v. CITY OF BOERNE, TEXAS AND DAN HECKLER, JACQUES DUBOSE, JEFF HABERSTROH, ROB ZIEGLER, RON WARDEN AND BOB MANNING, IN THEIR OFFICIAL CAPACITIES; from Kendall County; 4th district (04-10-00293-CV, ___ SW3d ___, 02-02-11)
- 11-0309 FLORA XANTHINE ALEXANDER v. WELLS FARGO BANK, N.A.; from Tarrant County; 2nd district (02-10-00005-CV, ___ SW3d ___, 04-07-11)
as redrafted

(Justice Johnson not sitting)

- 11-0324 IN THE INTEREST OF S.L.L.; from Jefferson County; 9th district (09-09-00429-CV, ___ SW3d ___, 03-31-11)
- 11-0334 BFI WASTE SERVICES OF TEXAS, LP v. THE STATE OF TEXAS; from Travis County; 3rd district (03-10-00504-CV, ___ SW3d ___, 03-23-11)

(Justice Hecht not sitting)

- 11-0352 NATIVIDAD DELGADO v. PROGRESSIVE COUNTY MUTUAL INSURANCE COMPANY; from Lubbock County; 7th district (07-09-00362-CV, 335 SW3d 689, 02-04-11)
- 11-0353 JOHN CRAIN v. HARTFORD INSURANCE COMPANY AND TEXAS DEPARTMENT OF INSURANCE - DIVISION OF WORKERS' COMPENSATION; from Blanco County; 3rd district (03-09-00140-CV, ___ SW3d ___, 11-18-10)
- 11-0371 H. WAYNE MEACHUM v. JP MORGAN CHASE BANK, N.A., TRUSTEE, ET AL.; from Dallas County; 5th district (05-08-00318-CV, ___ SW3d ___, 02-11-11)
- 11-0380 AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, DISTRICT 10, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, COUNCIL 215 AND AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL v. CATHY ANDERSON; from Harris County; 1st district (01-09-00994-CV, 338 SW3d 709, 04-07-11)
- 11-0408 DONALD E. SPENCER v. DON MCGILL OF KATY, LTD.; from Harris County; 14th district (14-10-00018-CV, ___ SW3d ___, 03-03-11)

- 11-0446 FRANK P. HERNANDEZ v. SOVEREIGN CHEROKEE NATION TEJAS; from Kaufman County; 5th district (05-09-00535-CV, ___ SW3d ___, 03-31-11)
- 11-0454 BEAUMONT INDEPENDENT SCHOOL DISTRICT, CARROL THOMAS AND WOODROW REECE v. BEAUMONT HERITAGE SOCIETY AND EDDIE ESTILETTE; from Jefferson County; 9th district (09-10-00155-CV, 339 SW3d 893, 05-05-11)
- 11-0492 EDGAR L. HULL, JR. v. SOUTH COAST CATAMARANS, L.P., AKSANO CATAMARANS, LLC, AND JAMES BABCOCK, INDIVIDUALLY; from Galveston County; 1st district (01-10-00724-CV, ___ SW3d ___, 05-12-11)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 11-0426 CYNTHIA GAIL A/K/A CYNTHIA MORRISON v. HAZEL BERRY, BERNADINE WILSON AND REBECCA ANN ROBINSON, INDEPENDENT EXECUTRIX OF THE ESTATE OF EVELYN MEBANE, DECEASED; from Scurry County; 11th district (11-09-00299-CV, ___ SW3d ___, 04-14-11)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(f), (g), and 53.2(k)(1)(C) and is struck. Petitioner is ordered to redraw; the petition is due to be filed by August 29, 2011."

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0381 TRANSCONTINENTAL INSURANCE COMPANY v. OMNI METALS INC.; from Harris County; 1st district (01-05-01190-CV, 317 SW3d 361, 03-25-10)
2 motions for rehearing
- 10-0590 RICHARD BRAUN AND MARY BRAUN v. JASON BRAUN AND MARY SCOPAS BRAUN; from Guadalupe County; 4th district (04-09-00486-CV, ___ SW3d ___, 06-23-10)
- 10-0871 CINDY SCHLAPPER v. RAND FOREST, BUCK CHILDERS, ROBERT LEONARD STEWART D/B/A ROBERT LEONARD, MIKE KEUHL, SHORELINE DEVELOPMENT, FLAGSHIP MARINE, DOROTHY STEWART UZZELL AND

BETTY STEWART HANSON; from Travis County; 3rd district
(03-06-00315-CV, ___ SW3d ___, 08-24-10)

10-0963 HELP DESK NOW, INC. v. KAYE/BASSMAN INTERNATIONAL CORP.; from
Collin County; 5th district (05-08-01708-CV, 321 SW3d 806, 08-24-10)

11-0126 GANIU BELLO v. CITY OF FORT WORTH, FWISD, TARRANT COUNTY,
TARRANT REGIONAL WATER DISTRICT, TARRANT C. HOSPITAL
DISTRICT AND TARRANT C. COLLEGE DISTRICT; from Tarrant County; 2nd
district (02-09-00462-CV, ___ SW3d ___, 12-09-10)

11-0141 HEALTHSOUTH OF HOUSTON, INC. D/B/A HEALTHSOUTH
REHABILITATION HOSPITAL OF NORTH HOUSTON v. WILMA V. PARKS,
INDIVIDUALLY AND AS THE INDEPENDENT EXECUTRIX OF THE ESTATE
OF FRANK S. PARKS, DECEASED; from Montgomery County; 9th district
(09-10-00317-CV, 329 SW3d 885, 12-09-10)

11-0248 JOHN KLEKOTKA AND PRISCILLA KLEKOTKA v. PAMELA DENEVE AND
ROBERT DENEVE; from Montgomery County; 9th district
(09-10-00255-CV, ___ SW3d ___, 02-17-11)

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF
MANDAMUS ARE DENIED:**

11-0411 IN RE BRIAN J. GLENN; from Bexar County; 4th district
(04-11-00325-CV, ___ SW3d ___, 05-18-11)

11-0488 IN RE MICHAEL PARMA

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-0980 IN RE MARY LYNN MABRAY; from Harris County; 1st district
(01-09-01099-CV, ___ SW3d ___, 08-31-10)

11-0165 IN RE TANGIE WALTERS; from Harris County; 1st district
(01-10-00953-CV, 333 SW3d 759, 11-30-10)

11-0166 IN RE TANGIE WALTERS; from Harris County; 1st district
(01-10-00956-CV, 333 SW3d 759, 11-30-10)

11-0257 IN RE MARCUS D. LAMB AND WORD OF GOD FELLOWSHIP, INC., D/B/A DAYSTAR TELEVISION NETWORK; from Dallas County; 5th district (05-11-00347-CV, ___ SW3d ___, 04-01-11)
motion to strike supplemental record dismissed as moot

11-0443 IN RE TODD-WARREN ALTSCHUL; from Walker County; 10th district

11-0551 IN RE THE OFFICE OF THE ATTORNEY GENERAL; from Tarrant County; 2nd district (02-11-00128-CV, ___ SW3d ___, 05-04-11)

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

10-0609 COMMISSION FOR LAWYER DISCIPLINE v. HEATHER SCHAEFER

THE SUPREME COURT OF TEXAS

Orders Pronounced August 22, 2011

MISCELLANEOUS

PARTIES ORDERED TO FILE BRIEFS:

11-0589 ALLCAT CLAIMS SERVICE, L.P. AND JOHN WEAKLY v. SUSAN COMBS, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND GREG ABBOTT, ATTORNEY GENERAL FOR THE STATE OF TEXAS

The parties are instructed to address the following issues in their briefs:

1. Whether the grant of original jurisdiction in section 24 of House Bill 3 (2006) is valid under Article V, Section 3 of the Texas Constitution.
2. The merits of Claim 1 (Bullock Amendment).
3. Whether Claim 2 (Equal and Uniform Taxation Clause) and Claim 3 (Attorney's Fees) are beyond the scope of the jurisdictional grant in section 24 of House Bill 3.

Plaintiffs' brief due September 12, 2011.

Defendants' brief due October 3, 2011.

Plaintiffs' reply brief due October 10, 2011.

[**Note:** The case is tentatively set for oral argument the week of October 24, the date and time to be determined.]

THE SUPREME COURT OF TEXAS

Orders Pronounced August 26, 2011

ORDERS ON CAUSES

07-0284 CITY OF DALLAS v. KENNETH E. ALBERT, ET AL.; from Collin County; 5th district (05-03-01297-CV, 05-03-01298-CV, 214 SW3d 631, 12-21-06)
2 petitions
motion to strike response to notice regarding counsel denied
motion to strike notice of appearance denied
motion to consider cause denied

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

Justice Johnson delivered the opinion of the Court, in which Justice Wainwright, Justice Medina, Justice Green, Justice Guzman, and Justice Lehrmann joined, and in which Chief Justice Jefferson and Justice Hecht joined except to Part II-B.

Justice Hecht delivered an opinion concurring in part and dissenting in part, in which Chief Justice Jefferson joined.

Justice Willett delivered a dissenting opinion.

07-0945 TEXAS PARKS AND WILDLIFE DEPARTMENT v. THE SAWYER TRUST; from Donley County; 7th district (07-06-00487-CV, ___ SW3d ___, 08-22-07)

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

Justice Johnson delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Wainwright, Justice Medina, Justice Green, Justice Willett, Justice Guzman, and Justice Lehrmann joined.

Chief Justice Jefferson delivered a concurring opinion, in which Justice Medina, Justice Willett, and Justice Guzman joined.

Justice Hecht delivered an opinion concurring in part and dissenting in part.

08-0658 CARROLL G. ROBINSON, BRUCE R. HOTZE, AND JEFFREY N. DAILY v. ANNISE D. PARKER, MAYOR; CITY OF HOUSTON; HOUSTON CITY

COUNCIL, ET AL.; from Harris County; 14th district
(14-06-00167-CV, 260 SW3d 463, 04-03-08)

The Court vacates the judgments of the court of appeals and the trial court and dismisses the case for want of jurisdiction.

Justice Green delivered the opinion of the Court.

(Justice Guzman not sitting)

08-0751 TEXAS MUTUAL INSURANCE COMPANY v. TIMOTHY J. RUTTIGER; from Galveston County; 1st district (01-06-00897-CV, 265 SW3d 651, 07-31-08)

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

Justice Johnson delivered the opinion of the Court with respect to Parts I, II, III, IV, and VI, in which Justice Hecht, Justice Wainwright, Justice Medina, Justice Willett and Justice Guzman joined, and an opinion with respect to Part V, in which Justice Hecht, Justice Wainwright, and Justice Medina joined.

Justice Willett delivered a concurring opinion, in which Justice Guzman joined.

Chief Justice Jefferson delivered a dissenting opinion, in which Justice Green and Justice Lehrmann joined.

08-0833 ANGLO-DUTCH PETROLEUM INTERNATIONAL, INC. AND ANGLO-DUTCH (TENGE) L.L.C. v. GREENBERG PEDEN, P.C. AND GERARD J. SWONKE; from Harris County; 14th district
(14-07-00343-CV, 267 SW3d 454, 08-26-08)

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

Justice Hecht delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Johnson, Justice Willett, and Justice Guzman joined.

Justice Wainwright delivered an opinion concurring in part and dissenting in part.

Justice Lehrmann delivered a dissenting opinion, in which Justice Medina and Justice Green joined.

08-0890 THE HOUSTON EXPLORATION CO. AND OFFSHORE SPECIALTY FABRICATORS, INC. v. WELLINGTON UNDERWRITING AGENCIES, LTD., ET AL.; from Harris County; 14th district

(14-07-00970-CV, 267 SW3d 277, 07-17-08)
2 petitions

The Court affirms the court of appeals' judgment.

Justice Hecht delivered the opinion of the Court, in which Justice Wainwright, Justice Medina, Justice Green, and Justice Guzman joined, and in Parts I and III of which Justice Johnson joined.

Justice Johnson delivered a concurring opinion.

Chief Justice Jefferson delivered a dissenting opinion, in which Justice Willett and Justice Lehrmann joined.

09-0073 MERCK & CO., INC. v. FELICIA GARZA, ET AL.; from Starr County; 4th district
(04-07-00234-CV, 277 SW3d 430, 12-10-08)

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

Justice Hecht delivered the opinion of the Court.

(Justice Willett and Justice Guzman not sitting)

09-0306 BETTY YVON LESLEY, ET AL. v. VETERANS LAND BOARD OF THE STATE
OF TEXAS, ET AL.; from Erath County; 11th district
(11-07-00034-CV, 281 SW3d 602, 01-22-09)

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

Justice Hecht delivered the opinion of the Court, in which Justice Wainwright, Justice Medina, Justice Green, Justice Johnson, Justice Willett, Justice Guzman, and Justice Lehrmann joined.

(Chief Justice Jefferson not sitting)

09-0340 INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA v. CARMEN
MURO; from Dallas County; 5th district
(05-07-00279-CV, 285 SW3d 524, 03-12-09)

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

Justice Medina delivered the opinion of the Court.

09-0481 SUSAN COMBS, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE

OF TEXAS, AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS v. TEXAS ENTERTAINMENT ASSOCIATION, INC. AND KARPOD, INC.; from Travis County; 3rd district (03-08-00213-CV, 287 SW3d 852, 06-05-09)

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

Justice Hecht delivered the opinion of the Court.

09-0901 TEXAS RICE LAND PARTNERS, LTD. AND MIKE LATTA v. DENBURY GREEN PIPELINE-TEXAS, LLC; from Jefferson County; 9th district (09-09-00002-CV, 296 SW3d 877, 09-24-09)

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

Justice Willett delivered the opinion of the Court.

09-0999 TEXAS A&M UNIVERSITY - KINGSVILLE v. MELODY YARBROUGH; from Kleberg County; 13th district (13-07-00744-CV, 298 SW3d 366, 09-24-09)

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

Chief Justice Jefferson delivered the opinion of the Court, in which Justice Medina, Justice Green, Justice Guzman, and Justice Lehrmann joined.

Justice Willett delivered a dissenting opinion, in which Justice Hecht, Justice Wainwright, and Justice Johnson joined.

09-1010 FPL FARMING LTD. v. ENVIRONMENTAL PROCESSING SYSTEMS, L.C.; from Liberty County; 9th district (09-08-00083-CV, 305 SW3d 739, 10-29-09)

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

Justice Wainwright delivered the opinion of the Court.

10-0145 G & H TOWING COMPANY, ET AL. v. CORY WAYNE MAGEE, ET AL.; from Harris County; 1st district (01-07-00572-CV, 312 SW3d 807, 11-30-09)

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 remands the case to that court.

Per Curiam Opinion

10-0235 IN RE STATE OF TEXAS; from Travis County; 3rd district
(03-10-00121-CV, ___ SW3d ___, 03-31-10)

The Court conditionally grants the writ of mandamus.

Chief Justice Jefferson delivered the opinion of the Court.

10-0283 CHRISTOPHER N. EPPS AND LAURA L. EPPS v. BRUCE FOWLER, JR. AND
STEPHANIE L. FOWLER; from Williamson County; 3rd district
(03-08-00055-CV, ___ SW3d ___, 02-10-10)

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
Jefferson, Justice Wainwright, Justice Green, Justice Willett, and Justice Guzman
joined.

Justice Hecht delivered a dissenting opinion, in which Justice Medina and Justice
Johnson joined.

10-0524 ST. DAVID'S HEALTHCARE PARTNERSHIP, L.P., LLP D/B/A ST. DAVID'S
HOSPITAL AND ST. DAVID'S COMMUNITY HEALTH FOUNDATION v.
GENARO ESPARZA, JR.; from Travis County; 3rd district
(03-09-00734-CV, 315 SW3d 601, 05-13-10)

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 remands the case to the trial court.

Per Curiam Opinion

10-0659 JERRY L. BARTH v. BANK OF AMERICA, N.A.; from Hidalgo County; 13th
district (13-08-00612-CV, ___ SW3d ___, 05-06-10)

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 remands the case to that court.

Per Curiam Opinion

10-0674 AUSTIN STATE HOSPITAL, DR. VIKAR NUZHATH AND DR. ERIK

LINDFORS v. JOEL GRAHAM; from Dallas County; 5th district
(05-09-01312-CV, 319 SW3d 905, 08-04-10)

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 remands the case to that court.

Per Curiam Opinion

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

10-0223 CENTOCOR, INC. v. PATRICIA HAMILTON AND THOMAS HAMILTON; from Nueces County; 13th district (13-07-00301-CV, 310 SW3d 476, 03-04-10)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., December 8, 2011.]

Time allotted to argue: 20/20 minutes

10-0554 AMERICAN ZURICH INSURANCE COMPANY v. DANIEL SAMUDIO; from Harris County; 1st district (01-08-00233-CV, 317 SW3d 336, 02-11-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 10, 2012.]

Time allotted to argue: 20/20 minutes

10-0666 THE CITY OF ROUND ROCK, TEXAS AND ROUND ROCK FIRE CHIEF LARRY HODGE v. JAIME RODRIGUEZ AND ROUND ROCK FIRE FIGHTERS ASSOCIATION; from Travis County; 3rd district
(03-09-00546-CV, 317 SW3d 871, 07-21-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 8, 2011.]

Time allotted to argue: 20/20 minutes

10-0953 FORD MOTOR COMPANY v. RICHARD H. GARCIA; from Hidalgo County; 13th district (13-09-00153-CV, ___ SW3d ___, 10-07-10)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 8, 2011.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

09-0084 TEXAS GENERAL LAND OFFICE v. JUDITH ELAINE CARROLL KOCH, INDEPENDENT EXECUTRIX OF THE ESTATE OF MARY MARGARET ROBINSON BOOTH A/K/A MOLLY BOOTH; from Travis County; 3rd district (03-07-00108-CV, 273 SW3d 451, 12-19-08)
2 petitions

(Chief Justice Jefferson not sitting)

09-0639 THE STATE OF TEXAS; JERRY PATTERSON, IN HIS OFFICIAL CAPACITIES AS LAND COMMISSIONER AND CHAIRMAN OF THE SCHOOL LAND BOARD; AND THE GENERAL LAND OFFICE v. BP AMERICA PRODUCTION COMPANY, AS SUCCESSOR TO VASTAR RESOURCES, INC.; from Travis County; 3rd district (03-07-00685-CV, 290 SW3d 345, 05-08-09)
2 petitions

(Chief Justice Jefferson not sitting)

10-0373 THE CITY OF HOUSTON, TEXAS v. SARGE'S FIREWORKS, ET AL.; from Harris County; 1st district (01-08-00712-CV, 332 SW3d 578, 12-31-09)
2 petitions

10-0810 WINDLE TURLEY, SHIRLEY TURLEY, STEVE AARON, CAROL AARON, B.M. RANKIN, JR. AND ASHLEY RANKIN v. CITY OF DALLAS; from Dallas County; 5th district (05-09-00791-CV, ___ SW3d ___, 07-13-10)

10-0837 GEORGE LESIEUR v. TIMOTHY FRYAR, SANDRA FRYAR, CYNTHIA MORALES, D/B/A MORALES REALTY AND CYNTHIA GONZALES; from Medina County; 4th district (04-09-00397-CV, 325 SW3d 242, 07-14-10)

11-0035 VINSON MINERALS, LTD., JOHNNY H. VINSON AND CHISHOLM 2000, L.P. v. XTO ENERGY INC.; from Wise County; 2nd district (02-08-00453-CV, 335 SW3d 344, 12-16-10)

11-0163 REZA VAFAIYAN v. THE STATE OF TEXAS; from Wichita County; 2nd district (02-09-00098-CV, ___ SW3d ___, 08-31-10)
as amended

- 11-0186 RODNEY SMITH v. JILL NANETTE HAWKINS AND DOROTHY RUTH HAWKINS; from Harris County; 1st district (01-09-00060-CV, ___ SW3d ___, 09-23-10)
as amended
- 11-0216 SINCERELY YOURS, L.P. v. NCI BUILDING SYSTEMS, L.P., D/B/A METALLIC BUILDING CO. AND BUILDING SYSTEMS DE MEXICO, S.A., D.E. CV; from Denton County; 7th district (07-10-00280-CV, ___ SW3d ___, 12-22-10)
- 11-0218 TONI AND GEORGE HOLLINGER v. WALID SALEH AND THE SHER INSTITUTE FOR REPRODUCTIVE MEDICINE DALLAS, P.A.; from Dallas County; 5th district (05-10-00339-CV, 335 SW3d 368, 01-04-11)
- 11-0286 CORRAL CLUB, INC. v. CALVIN HARRIS AND MADELYN HARRIS; KALVIN GUYTON; from Harris County; 1st district (01-09-00590-CV, ___ SW3d ___, 03-10-11)
- 11-0326 ROOSEVELT BARNES, JR. v. POLK COUNTY SHERIFF DEPARTMENT, SHERIFF BILLY RAY NELSON, SR., SHERIFF MIKE NETTLES, AND THE POLK COUNTY DRUG TASK FORCE; from Polk County; 9th district (09-10-00221-CV, ___ SW3d ___, 03-17-11)
- 11-0335 ALLEN GLENN THOMAS v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL.; from Jones County; 11th district (11-10-00288-CV, ___ SW3d ___, 03-31-11)
- 11-0345 ELENE B. GLASSMAN v. MERYL B. GOODFRIEND; from Harris County; 14th district (14-09-00522-CV, ___ SW3d ___, 06-02-11)
- 11-0396 ECF NORTHRIDGE ASSOCIATES, L.P. AND TCI 9033 WILSHIRE BOULEVARD, INC. v. ORIX CAPITAL MARKETS, L.L.C., ET AL.; from Dallas County; 5th district (05-09-00066-CV, 336 SW3d 400, 03-14-11)
2 petitions
- (Justice Johnson not sitting)
- 11-0472 LESLIE ANNE HURT v. JOHN EDWARD HURT; from Denton County; 2nd district (02-11-00043-CV, ___ SW3d ___, 06-09-11)
- 11-0526 ZURICH AMERICAN INSURANCE COMPANY v. CHANTAL MCVEY AS BENEFICIARY OF TROY MCVEY, DECEASED; from Burnet County; 3rd district (03-09-00666-CV, 339 SW3d 724, 03-30-11)

11-0529 CHRISTUS HEALTH AND CHRISTUS HEALTH GULF COAST D/B/A CHRISTUS ST. CATHERINE HEALTH & WELLNESS CENTER v. RICKEY DORRIETY, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF MELISSA DORRIETY, DECEASED AND AS NEXT FRIEND OF TIMOTHY DORRIETY, AND INCAPACITATED PERSON AND PATRICK DORRIETY, INDIVIDUALLY; from Harris County; 14th district (14-09-00927-CV, ___ SW3d ___, 05-19-11)

ORDERS ON MOTIONS FOR REHEARING

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

10-0415 BP AMERICA PRODUCTION COMPANY v. DISCOVERY OPERATING, INC.; from Midland County; 11th district (11-08-00127-CV, 11-08-00171-CV, 311 SW3d 140, 04-15-10)

10-0774 CLINICA SANTA MARIA v. LARRY MARTINEZ AND SUSIE STEPHANIE CAMPOS, RAY MARCHAN AND THE WATTS LAW FIRM; from Cameron County; 13th district (13-09-00573-CV, ___ SW3d ___, 06-24-10)

11-0273 RAFAEL PEREZ v. SPRING BRANCH INDEPENDENT SCHOOL DISTRICT; from Harris County; 14th district (14-10-00058-CV, ___ SW3d ___, 03-03-11)

11-0328 RICKY THOMAS LOVELL v. TEXAS DEPARTMENT OF INSURANCE WORKERS' COMPENSATION DIVISION NETWORK AND TRAVELERS INDEMNITY COMPANY; from Travis County; 3rd district (03-09-00594-CV, ___ SW3d ___, 03-18-11)

11-0413 ALETHA RAY v. CASTILIAN VILLAGE TOWNHOUSE ASSOCIATION; from Harris County; 1st district (01-10-00937-CV, ___ SW3d ___, 03-24-11)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-0112 IN RE JAMES K. NORWOOD, MAURICE MEYER III AND JOHN R. NORRIS III, AS CO-TRUSTEES OF THE TEXAS PACIFIC LAND TRUST; from Reeves County; 8th district (08-08-00082-CV; 08-08-00083-CV, ___ SW3d ___, 01-27-10)

11-0259 IN RE BUCKNER CHILDREN AND FAMILY SERVICES, INC.; from Dallas

County; 5th district (05-11-00371-CV, ___ SW3d ___, 04-01-11)
as redrafted

11-0453 IN RE PABLO ANGEL RENDON OJEDA; from Montgomery County; 9th district
(09-11-00279-CV, ___ SW3d ___, 06-02-11)
motion to stay trial of custody suit denied

11-0505 IN RE PABLO ANGEL RENDON OJEDA; from Montgomery County; 9th district
(09-10-00446-CV, ___ SW3d ___, 10-28-10)
motion to stay trial of custody suit denied

11-0629 IN RE NICHOLAS J. BONACCI; from El Paso County
emergency motion for temporary relief and emergency stay denied

11-0655 IN RE STEPHANIE DEATHERAGE; from Montgomery County; 9th district
(09-11-00456-CV, ___ SW3d ___, 08-18-11)
motion for emergency relief denied