



# THE SUPREME COURT OF TEXAS

Orders Pronounced February 27, 2015

## ORDERS ON CAUSES

- 13-0484 AMERICAN STAR ENERGY AND MINERALS CORPORATION v. RICHARD “DICK” STOWERS, RICHARD W. STOWERS, FRANK K. STOWERS AND LINDA SUE JASURDA; from Hutchinson County; 7th Court of Appeals District (07-11-00199-CV, 405 SW3d 905, 05-14-13)

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

Justice Brown delivered the opinion of the Court.

- 14-0256 IN RE CRAWFORD & COMPANY, CRAWFORD & COMPANY HEALTHCARE MANAGEMENT, INC., PATSY HOGAN AND OLD REPUBLIC INSURANCE COMPANY; from Potter County; 7th Court of Appeals District (07-14-00013-CV, \_\_\_ SW3d \_\_\_, 03-17-14)

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 MOTION TO PARTICIPATE IN ORAL ARGUMENT IS GRANTED:

- 14-0067 MIRTA ZORRILLA v. AYP CO CONSTRUCTION II, LLC AND JORGE LUIS MUNOZ; from Hidalgo County; 13th Court of Appeals District (13-12-00359-CV, 421 SW3d 54, 10-03-13)

unopposed motion for leave for amicus curiae to share argument granted

Time allotted to argue: 15/20/5 minutes

### THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

- 12-0621 EXXON MOBIL CORPORATION v. WILLIAM T. DRENNEN, III; from Harris County; 14th Court of Appeals District (14-10-01099-CV, 367 SW3d 288, 02-14-12)

(Justice Guzman and Justice Lehrmann not sitting)

## ORDERS ON PETITIONS FOR REVIEW

### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0209 NACOGDOCHES HEART CLINIC, P.A., PRABHAKAR R. GUNIGANTI, M.D., AND EAST TEXAS CARDIOVASCULAR LABS, LLC v. VIJAY R. POKALA, M.D., D/B/A NACOGDOCHES CARDIAC CENTER; from Nacogdoches County; 12th Court of Appeals District (12-11-00133-CV, \_\_\_ SW3d \_\_\_, 02-06-13)

as reinstated

- 13-0504 LAURA CASTILLO AND ARMANDO CASTILLO, SR. INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF ARMANDO CASTILLO, JR. v. FORD MOTOR COMPANY; from Zavala County; 4th Court of Appeals District (04-11-00810-CV, \_\_\_ SW3d \_\_\_, 04-03-13)
- 13-0940 CITY OF DALLAS v. KENNETH E. ALBERT, ET AL.; from Collin County; 5th Court of Appeals District (05-12-00966-CV, \_\_\_ SW3d \_\_\_, 08-13-13)  
(Justice Brown not sitting)
- 13-1008 U.S. SPECIALTY INSURANCE COMPANY AND AXIS INSURANCE COMPANY v. GASTAR EXPLORATION LTD.; from Harris County; 14th Court of Appeals District (14-12-00118-CV, 412 SW3d 577, 07-16-13)
- 14-0030 MARIO SABINO'S, INC., ET AL. v. JOSE FUENTES CO., INC., D/B/A GLORIA'S, ET AL.; from Dallas County; 5th Court of Appeals District (05-11-00228-CV, 418 SW3d 280, 11-26-13)
- 14-0131 AUSTIN JOCKEY CLUB, LTD. AND KTAGS DOWNS HOLDING COMPANY, L.L.C. v. DALLAS CITY LIMITS PROPERTY CO., L.P.; from Harris County; 14th Court of Appeals District (14-12-00530-CV, 418 SW3d 727, 12-10-13)  
2 petitions
- 14-0268 KEVIN FICKE v. TOMMY RATLIFF, HAYS COUNTY SHERIFF'S DEPARTMENT; HAYS COUNTY DISTRICT ATTORNEY'S OFFICE; AND SHERRI TIBBE; from Hays County; 3rd Court of Appeals District (03-13-00136-CV, \_\_\_ SW3d \_\_\_, 02-27-14)
- 14-0292 GLENN HEGAR, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS v. CIRBUS EXPLORATION COMPANY.; from Travis County; 3rd Court of Appeals District (03-13-00036-CV, 427 SW3d 464, 02-12-14)
- 14-0326 WELLS FARGO BANK, N.A., AS TRUSTEE FOR OPTION ONE MORTGAGE LOAN TRUST 2006-1 ASSET-BACKED CERTIFICATES, SERIES 2006-1 v. LONZIE LEATH; from Dallas County; 5th Court of Appeals District (05-11-01425-CV, 425 SW3d 525, 01-06-14)  
(Justice Johnson not sitting)
- 14-0368 NATIONS CONSTRUCTION MANAGEMENT, INC. AND LIBERTY MUTUAL INSURANCE COMPANY v. HEITKAMP SWIFT ARCHITECTS, INC.; from Harris County; 14th Court of Appeals District (14-12-00873-CV, \_\_\_SW3d\_\_\_, 01-23-14)

- 14-0385 E.F. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Harris County; 14th Court of Appeals District (14-13-00869-CV, \_\_\_ SW3d \_\_\_, 02-25-14)
- 14-0497 TOKA GENERAL CONTRACTORS, LTD. AND MOORE SORRENTO, LLC v. WM. RIGG CO.; from Tarrant County; 4th Court of Appeals District (04-12-00474-CV, \_\_\_ SW3d \_\_\_, 04-09-14)
- 14-0514 TRACI TUCKER v. STEVEN C. PHILLIPS; from Dallas County; 5th Court of Appeals District (05-13-00210-CV, \_\_\_ SW3d \_\_\_, 05-12-14)
- 14-0524 KEY ENERGY SERVICES, LLC v. SHELBY COUNTY APPRAISAL DISTRICT; from Shelby County; 12th Court of Appeals District (12-13-00075-CV, \_\_\_ SW3d \_\_\_, 01-15-14)  
(Justice Guzman not sitting)
- 14-0526 EOG RESOURCES, INC. v. FLEET OIL & GAS, LTD.; from Johnson County; 10th Court of Appeals District (10-11-00289-CV, \_\_\_ SW3d \_\_\_, 05-22-14)  
petitioner's motion to strike dismissed as moot
- 14-0542 KEN PAXTON, TEXAS ATTORNEY GENERAL v. THE CITY OF SAN ANTONIO; from Travis County; 3rd Court of Appeals District (03-11-00668-CV, 432 SW3d 429, 04-10-14)
- 14-0578 TONY GARCIA v. HERALDO ESCOBAR; from Hidalgo County; 13th Court of Appeals District (13-12-00596-CV, \_\_\_ SW3d \_\_\_, 05-15-14)
- 14-0601 BROOKSHIRE GROCERY COMPANY D/B/A BROOKSHIRE'S AND SUPERIOR SANITATION, INC. v. MICHELLE DIMMITT; from Comanche County; 11th Court of Appeals District (11-12-00129-CV, \_\_\_ SW3d \_\_\_, 06-26-14)
- 14-0656 MBI GLOBAL, L.L.C. v. HUNTER BUILDINGS & MANUFACTURING, L.P., ET AL.; from Harris County; 14th Court of Appeals District (14-12-00246-CV, \_\_\_ SW3d \_\_\_, 03-27-14)
- 14-0681 LANCE BRANDON LOUDDER, 2L FARMS, A TEXAS PARTNERSHIP AND TERRI LOUDDER v. CROP QUEST, INC.; from Castro County; 7th Court of Appeals District (07-13-00185-CV, \_\_\_ SW3d \_\_\_, 07-08-14)
- 14-0736 XITRONIX CORPORATION, A DELAWARE CORPORATION v. KLA-TENCOR CORPORATION, INDIVIDUALLY, AND D/B/A KLA- TENCOR, INC., A DELAWARE CORPORATION; from Travis County; 3rd Court of Appeals District (03-12-00206-CV, \_\_\_ SW3d \_\_\_, 08-07-14)

- 14-0751 WILLIAM ALEXANDER ROPER, JR. v. CITIMORTGAGE, INC.; from Comal County; 3rd Court of Appeals District (03-11-00887-CV, \_\_\_ SW3d \_\_\_, 11-27-13)  
(Justice Willett not sitting)
- 14-0775 CHRISTOPHER JOEL DAVEY v. MARGARETT JORDAN ROYALTIES, INC., ET AL.; from Anderson County; 12th Court of Appeals District (12-13-00002-CV, \_\_\_ SW3d \_\_\_, 08-13-14)
- 14-0777 KIPP, INC. v. KIMBERLY WHITEHEAD; from Harris County; 1st Court of Appeals District (01-13-00695-CV, 446 SW3d 99, 08-12-14)
- 14-0788 MARILYN STEWART v. CITY OF SAN ANTONIO; from Bexar County; 4th Court of Appeals District (04-13-00720-CV, \_\_\_ SW3d \_\_\_, 07-23-14)
- 14-0822 LUIS A. SANTIAGO AND LINDA A. SANTIAGO v. NOVASTAR MORTGAGE, INC., THE BANK OF NEW YORK MELLON, AS TRUSTEE, OCWEN LOAN SERVICING, LLC, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., OCWEN FINANCIAL CORPORATION, AND THE BANK OF NEW YORK MELLON; from Collin County; 5th Court of Appeals District (05-13-00619-CV, 443 SW3d 462, 08-28-14)
- 14-0857 WILLIAM HAYES WYTENBACH v. RANITA MARIE PARISH; from Hidalgo County; 13th Court of Appeals District (13-12-00382-CV, \_\_\_ SW3d \_\_\_, 09-04-14)
- 14-0888 DR. RICHARD MALOUF AND LEANNE MALOUF v. BRETT SHIPP; from Dallas County; 5th Court of Appeals District (05-13-01080-CV, 439 SW3d 432, 06-24-14)
- 14-0927 JOSEPH MAYZONE v. MISSIONARY OBLATES OF MARY IMMACULATE OF TEXAS, ET AL.; from Bexar County; 4th Court of Appeals District (04-13-00275-CV, \_\_\_ SW3d \_\_\_, 07-30-14)
- 14-0935 DAVID ERON BOUKNIGHT v. CYNTHIA DIANNE BOUKNIGHT; from Harrison County; 6th Court of Appeals District (06-14-00034-CV, \_\_\_ SW3d \_\_\_, 10-02-14)  
motion to stay denied  
motion to appoint counsel dismissed as moot
- 14-0959 IN RE COMMITMENT OF RICHARD GARCIA; from Montgomery County; 9th Court of Appeals District (09-13-00235-CV, \_\_\_ SW3d \_\_\_, 10-30-14)

- 14-1039 JOAQUIN INDEPENDENT SCHOOL DISTRICT v. SHELBY COUNTY APPRAISAL DISTRICT, ET AL.; from Shelby County; 12th Court of Appeals District (12-13-00038-CV, \_\_\_ SW3d \_\_\_, 08-29-14)
- 14-1065 GWEN STRIBLING HENDERSON, RAVEN A. PITRE AND CHRISTINE S. WILLIE v. JOHN RICHARD SHANKS AND CARBETT J. DUHON, III; from Harris County; 14th Court of Appeals District (14-12-01026-CV, \_\_\_ SW3d \_\_\_, 10-30-14)  
(Justice Guzman and Justice Devine not sitting)
- 14-1072 IN THE INTEREST OF J.Z.P. AND J.Z.P., MINOR CHILDREN; from Randall County; 7th Court of Appeals District (07-13-00445-CV, \_\_\_ SW3d \_\_\_, 10-03-14)
- 14-1078 JOEL STAINBROOK v. TEXAS CHRISTIAN UNIVERSITY; from Tarrant County; 2nd Court of Appeals District (02-13-00433-CV, \_\_\_ SW3d \_\_\_, 11-06-14)
- 14-1083 GARY DOMEL AND KIM DOMEL v. GAYLON BIRDWELL; from Burnet County; 11th Court of Appeals District (11-12-00200-CV, \_\_\_ SW3d \_\_\_, 08-29-14)

**ORDERS ON MOTIONS FOR REHEARING**

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

- 13-0309 CELESTE GRYNBERG AND JACK J. GRYNBERG D/B/A GRYNBERG PETROLEUM v. M-I L.L.C.; from Harris County; 13th Court of Appeals District (13-11-00195-CV, 398 SW3d 864, 12-28-12)  
2 motions for rehearing
- 13-0756 TRACY B. BROWN v. JANET KLEEREKOPER; from Harris County; 1st Court of Appeals District (01-11-00972-CV, \_\_\_ SW3d \_\_\_, 03-05-13)
- 14-0168 CMA-CGM (AMERICA) INC. v. EMPIRE TRUCK LINES, INC.; from Harris County; 1st Court of Appeals District (01-12-00354-CV, \_\_\_ SW3d \_\_\_, 07-09-13)
- 14-0350 ALFRED F. BERNAT v. TOMAS & BENANCIA SOTELO; from Harris County; 1st Court of Appeals District (01-13-00354-CV, \_\_\_ SW3d \_\_\_, 01-16-14)
- 14-0562 OLGA DE LA CERDA CABRERA, INDEPENDENT EXECUTRIX OF THE ESTATE OF ROSA A. VALDEZ A/K/A ROSIE A. ZUNIGA, DECEASED v. PALISADES COLLECTION, LLC, CHASE MANHATTAN BANK USA, N.A., HULL & ASSOCIATES, P.C., AND JAMES N. HULL; from Harris County; 1st Court of Appeals District (01-11-00320-CV, \_\_\_ SW3d \_\_\_, 08-27-13)

14-0848 BRUCE B. MCLEOD, III v. ALFRED GYR; from Dallas County; 5th Court of Appeals District (05-12-01607-CV, 439 SW3d 639, 08-07-14)

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

14-0993 IN RE COMMITMENT OF ETHAN TODD STEWART; from Montgomery County

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

14-0170 IN RE TRIDENT STEEL CORPORATION; from Lipscomb County; 7th Court of Appeals District (07-13-00415-CV, 424 SW3d 126, 01-21-14)

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

14-0783 IN RE RONALD J. HOLLEMAN; from Leon County; 10th Court of Appeals District (10-14-00138-CV, \_\_\_ SW3d \_\_\_, 07-17-14)

### MISCELLANEOUS

THE ABATEMENT ORDER IN THE FOLLOWING CASE IS LIFTED:

13-0814 DALLAS NATIONAL INSURANCE COMPANY v. GLORIA DE LA CRUZ; from El Paso County; 8th Court of Appeals District (08-12-00189-CV, 412 SW3d 36, 08-28-13)

abatement order issued August 29, 2014, lifted  
petition reinstated

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

13-0362 IN RE EMEX HOLDINGS L.L.C.; from Hidalgo County; 13th Court of Appeals District (13-11-00145-CV, \_\_\_ SW3d \_\_\_, 04-18-13)

as reinstated  
stay order issued July 12, 2013, lifted

14-0117 IN RE HALLMARK COUNTY MUTUAL INSURANCE COMPANY; from Maverick County; 4th Court of Appeals District (04-14-00038-CV, \_\_\_ SW3d \_\_\_, 01-22-14)

14-0717 IN RE STATE FARM LLOYDS, KENNETH EDWARD ANDERSON, AND GLENN HART; from Travis County; 3rd Court of Appeals District (03-14-00284-CV, \_\_\_ SW3d \_\_\_, 06-19-14)

14-0755 IN RE HOCHHEIM PRAIRIE FARM MUTUAL INSURANCE ASSOCIATION, LLOYD EDWIN RAINEY, RAINEY & ASSOCIATES, JACOB MCKNIGHT TINDELL, AND DALE MARTIN; from Travis County; 3rd Court of Appeals District (03-14-00459-CV, \_\_\_ SW3d \_\_\_, 08-21-14)

15-0126 IN RE CITY OF BEAUMONT, TEXAS; from Jefferson County; 9th Court of Appeals District (09-14-00498-CV, \_\_\_ SW3d \_\_\_, 12-18-14)

relator's motion for emergency stay denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

14-1031 IN RE FARMERS INSURANCE EXCHANGE AND TEXAS FARMERS INSURANCE COMPANY; from Nueces County; 13th Court of Appeals District (13-14-00690-CV, \_\_\_ SW3d \_\_\_, 12-03-14)  
unopposed 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.]

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

14-0963 IN RE OCEANOGRAFIA, S.A. DE C.V., OTTO CANDIES LLC, CANDIES MEXICAN INVESTMENTS, AND OSA INTERNATIONAL; from Cameron County; 13th Court of Appeals District (13-14-00323-CV, \_\_\_ SW3d \_\_\_, 08-29-14)  
relators' emergency motion for temporary relief granted  
stay order issued

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

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

15-0121 COMMISSION FOR LAWYER DISCIPLINE v. PAM L. WILLIAMSON  
  
appellant's unopposed motion to dismiss granted

THE ABATEMENT ORDER IS EXTENDED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

14-0957 IN RE AMERICAN POWER CONVERSION CORPORATION; from Zapata County; 4th Court of Appeals District (04-14-00770-CV)  
abatement order issued

[**Note:** The Court's abatement order of December 19, 2014 expired by its own terms on February 17, 2015. The abatement is extended until April 1, 2015, by which time the parties must file either a status report or a motion to dismiss.]