



THE SUPREME COURT OF TEXAS

Orders Pronounced May 1, 2015

ORDERS ON CAUSES

13-0439 LEZLEA ROSS v. ST. LUKE'S EPISCOPAL HOSPITAL; from Harris County; 14th Court of Appeals District (14-12-00885-CV, ___ SW3d ___, 03-19-13)

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

Justice Johnson delivered the opinion of the Court.

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

(Justice Brown not sitting)

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

12-0905 ENVIRONMENTAL PROCESSING SYSTEMS, L.C. v. FPL FARMING LTD.; from Liberty County; 9th Court of Appeals District (09-08-00083-CV, 383 SW3d 274, 09-13-12)

12-0920 CHARLES G. HOOKS, III, ET AL. v. SAMSON LONE STAR, LIMITED PARTNERSHIP, N/K/A SAMSON LONE STAR LLC; from Jefferson County; 1st Court of Appeals District (01-09-00328-CV, 389 SW3d 409, 05-31-12)

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)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

14-0006 KINGS AIRE, INC. D/B/A KINGS AIRE, INC. v. JORGE MELENDEZ; from El Paso County; 8th Court of Appeals District (08-11-00372-CV, 416 SW3d 898, 11-22-13)

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

14-0574 J&D TOWING, LLC v. AMERICAN ALTERNATIVE INSURANCE CORPORATION; from Walker County; 10th Court of Appeals District (10-13-00275-CV, 446 SW3d 41, 06-26-14)

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

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-1023 EDWARDS AQUIFER AUTHORITY AND ROLAND RUIZ, IN HIS OFFICIAL CAPACITY AS GENERAL MANAGER OF THE EDWARDS AQUIFER AUTHORITY v. GLENN AND JOLYNN BRAGG; from Medina County; 4th Court of Appeals District (04-11-00018-CV, 421 SW3d 118, 11-13-13)
2 petitions
- 14-0153 ANCOR HOLDINGS, LP, TIMOTHY MCKIBBEN, JOSEPH RANDALL KEENE AND ANCOR CAPITAL PARTNERS, INC. v. PETERSON, GOLDMAN & VILLANI, INC.; from Tarrant County; 8th Court of Appeals District (08-12-00135-CV, 420 SW3d 281, 12-19-13)
- 14-0174 WEATHERFORD TEXAS HOSPITAL COMPANY, L.L.C. D/B/A WEATHERFORD REGIONAL MEDICAL CENTER v. KATHERINE SMART; from Parker County; 2nd Court of Appeals District (02-13-00063-CV, 423 SW3d 462, 01-23-14)
- 14-0237 THE ROGERS SHAVANO RANCH, LTD, ROGERS 1604 COMMERCIAL, LTD., BITTERBLUE, INC., AND DENTON DEVELOPMENT CORPORATION v. THE CITY OF SAN ANTONIO; from Bexar County; 4th Court of Appeals District (04-13-00623-CV, ___ SW3d ___, 02-19-14)
- 14-0307 GLENN HEGAR, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS v. TITAN TRANSPORTATION, LP; from Travis County; 3rd Court of Appeals District (03-13-00034-CV, ___ SW3d ___, 03-14-14)
- 14-0336 ERIC WARD v. BROOKE WARD; from Williamson County; 4th Court of Appeals District (04-12-00703-CV, ___ SW3d ___, 02-05-14)
- 14-0414 THE GUARANTEE COMPANY OF NORTH AMERICA USA v. WEAVER & TIDWELL, L.L.P.; from Dallas County; 5th Court of Appeals District (05-12-00750-CV, 427 SW3d 559, 04-08-14)
2 petitions
- 14-0435 DANIEL P. BARTON, THE BARTON LAW FIRM, AND THE JOHNSON-BARTON JOINT VENTURE v. FLEMING & ASSOCIATES, L.L.P. N/K/A FLEMING, NOLEN & JEZ, L.L.P.; from Harris County; 14th Court of Appeals District (14-12-00582-CV, 425 SW3d 560, 02-27-14)
2 petitions

(Justice Brown not sitting)

- 14-0441 NATIVIDAD A. SOTO v. HENRY GILBERT AYALA AND CHESAPEAKE EXPLORATION, L.L.C.; from La Salle County; 4th Court of Appeals District (04-12-00860-CV, ___ SW3d ___, 04-23-14)
- 14-0443 GATOR APPLE, LLC v. APPLE TEXAS RESTAURANTS, INC.; from Dallas County; 5th Court of Appeals District (05-12-01369-CV, ___ SW3d ___, 03-05-14)
- 14-0509 CARLOTTA HOWARD v. TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES; from Dallas County; 5th Court of Appeals District (05-13-00817-CV, 429 SW3d 782, 04-15-14)
- 14-0525 COLUMBIA MEDICAL CENTER OF DENTON SUBSIDIARY, L.P. D/B/A DENTON REGIONAL MEDICAL CENTER AND COLUMBIA NORTH TEXAS SUBSIDIARY G.P., L.L.C. v. WANDA BRAUDRICK; from Denton County; 2nd Court of Appeals District (02-13-00399-CV, ___ SW3d ___, 05-22-14)
- 14-0649 TEXAS HEALTH RESOURCES AND TEXAS HEALTH PRESBYTERIAN HOSPITAL DALLAS D/B/A PRESBYTERIAN HOSPITAL OF DALLAS v. MICHELLE KRUSE; from Dallas County; 5th Court of Appeals District (05-13-01754-CV, ___ SW3d ___, 07-11-14)
stay order issued March 6, 2015, lifted
- 14-0690 MARK LESHER AND RHONDA LESHER v. SHANNON COYEL, GERALD COYEL, AND VAL VARLEY; from Collin County; 5th Court of Appeals District (05-12-01357-CV, ___ SW3d ___, 06-16-14)
- 14-0709 EDNA EARNEST TAYLOR, ELIZABETH EARNEST HERBST, AND U.S. ENERCORP, LTD. v. PNP PETROLEUM I, L.P.; PNP MANAGEMENT, INC.; PHILIP ZACCARIA; AND CIBOLO ENERGY OPERATING, INC.; from Frio County; 4th Court of Appeals District (04-13-00445-CV, 438 SW3d 723, 05-21-14)
- 14-0727 ALLIED PROPERTY AND CASUALTY INSURANCE COMPANY v. VIEWPOINT BANK; from Collin County; 5th Court of Appeals District (05-12-01370-CV, 439 SW3d 626, 08-07-14)
motion to modify or vacate judgment denied
- 14-0729 RIO GRANDE REGIONAL HOSPITAL v. LIBRADA GALVIZ SALINAS; from Hidalgo County; 13th Court of Appeals District (13-13-00557-CV, ___ SW3d ___, 07-31-14)
- 14-0784 JESUS MENDOZA v. SYLVIA MENDOZA; from Hidalgo County; 13th Court of Appeals District (13-14-00420-CV, ___ SW3d ___, 10-30-14)

- 14-0891 DR. MALLADI REDDY v. DIANNA VEEDELL AND MAURY VEEDELL; from Harris County; 1st Court of Appeals District (01-14-00309-CV, ___ SW3d ___, 09-18-14)
- 14-0899 CHRISTINA GASTON v. HUNT COUNTY COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT; from Travis County; 3rd Court of Appeals District (03-13-00189-CV, 451 SW3d 410, 09-19-14)
- 14-0911 DIVERSICARE LEASING CORP. D/B/A AFTON OAKS NURSING CARE CENTER A/K/A AFTON OAKS NURSING AND REHAB CENTER AND DIVERSICARE AFTON OAKS, LLC v. IRIS GONZALEZ; from Harris County; 1st Court of Appeals District (01-13-00108-CV, ___ SW3d ___, 09-23-14)
- 14-0912 FANNIN COUNTY COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT v. GLENDA SPOON; from Fannin County; 6th Court of Appeals District (06-13-00103-CV, ___ SW3d ___, 07-16-14)
- 14-0916 PERKINS & WILL, INC., TOM REISENBICHLER AND DAVID COLLINS; ENVIROBUSINESS, INC. v. TIC N. CENTRAL DALLAS 3, LLC, ET AL.; from Dallas County; 5th Court of Appeals District (05-13-01021-CV, ___ SW3d ___, 09-24-14)
2 petitions
- 14-0922 NORTHEAST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 v. FRANK THORNTON AND SHELLY THORNTON; from Harris County; 14th Court of Appeals District (14-13-00890-CV, 447 SW3d 23, 07-24-14)
- 14-0943 WOLFGANG HIRCZY v. CITIBANK, N.A.; from Harris County; 1st Court of Appeals District (01-13-00986-CV, ___ SW3d ___, 08-26-14)
(Justice Willett not sitting)
- 14-0948 IN THE MATTER OF GUARDIANSHIP OF JOSIAH ONYEBUCHI, AN INCAPACITATED PERSON; from Tarrant County; 2nd Court of Appeals District (02-13-00401-CV, ___ SW3d ___, 09-11-14)
- 14-0950 JONATHAN AND SAMANTHA LEVINE v. STEVE SCHARN CUSTOM HOMES, INC.; from Fort Bend County; 1st Court of Appeals District (01-12-00229-CV, 448 SW3d 637, 10-02-14)
- 14-0958 HELEN BUTTS TIPPS & SUE ETHEL MCEACHERN v. CHINN EXPLORATION CO. & CHEROKEE ROYALTY SYNDICATE, HOWARD P. COGHLAN, RECEIVER; from Gregg

County; 6th Court of Appeals District (06-13-00033-CV, ___ SW3d ___, 09-05-14)
2 petitions

- 14-0961 MONTE HASIE AND HASIE FINANCIAL GROUP v. COMPASS BANK D/B/A BBVA COMPASS, F/K/A STATE NATIONAL BANK OF WEST TEXAS F/K/A FIRST STATE BANK AND BBVA USA BANCSHARES, INC., F/K/A STATE NATIONAL BANCSHARES, INC.; from Lubbock County; 7th Court of Appeals District (07-12-00521-CV, ___ SW3d ___, 10-21-14)

(Justice Johnson not sitting)
- 14-1023 ALLEN GLENN THOMAS v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE OFFICER MARCUS A. ADAMS, ET AL.; from Jones County; 11th Court of Appeals District (11-12-00312-CV, ___ SW3d ___, 10-09-14)
- 14-1035 PALISADES COLLECTION, LLC v. SANTANDER CONSUMER USA, INC.; from Dallas County; 5th Court of Appeals District (05-13-01459-CV, 447 SW3d 902, 10-30-14)
respondent's unopposed motion to exceed word limit, dismissed as moot
- 14-1043 GAIA ENVIRONMENTAL, INC. AND AXL INDUSTRIES, L.L.C. v. JAMES B. GALBRAITH AND MCLEOD, ALEXANDER, POWEL & APFFEL, P.C.; from Harris County; 14th Court of Appeals District (14-13-00571-CV, 451 SW3d 398, 09-09-14)
- 14-1067 DENNIS OLIVARES v. STATE FARM BANK & RAUSCH, STURM, ET AL.; from Bexar County; 4th Court of Appeals District (04-14-00143-CV, ___ SW3d ___, 11-05-14)
- 15-0001 WEATHERFORD ARTIFICIAL LIFT SYSTEMS, INC. v. MATADOR PRODUCTION CO.; from Harrison County; 6th Court of Appeals District (06-14-00015-CV, 450 SW3d 580, 11-18-14)
- 15-0007 RICKEY WAYNE TOLBERT v. GEORGE A. OTSTOTT; from Kaufman County; 5th Court of Appeals District (05-14-01317-CV, ___ SW3d ___, 12-01-14)
- 15-0013 C.B. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Pecos County; 8th Court of Appeals District (08-14-00224-CV, ___ SW3d ___, 12-09-14)
- 15-0027 CRESSON SWD SERVICES, L.P. AND DJ PULLING, P.C. v. BASIC ENERGY SERVICES, L.P.; from Parker County; 2nd Court of Appeals District (02-13-00141-CV, ___ SW3d ___, 11-26-14)

- 15-0033 JEFFERSON COUNTY, TEXAS v. APRIL SWAIN; from Jefferson County; 9th Court of Appeals District (09-14-00443-CV, 452 SW3d 881, 12-11-14)
petitioner's motion to supplement record, dismissed as moot
petitioner's motion to strike, dismissed as moot
petitioner's motion to review third order as part of petition, dismissed as moot
petitioner's motion to consider petition for review as petition for writ of mandamus, dismissed as moot
- 15-0038 REDBUD 116 LAND TRUST v. THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A. AS TRUSTEE FOR THE HOLDERS OF THE MLMI SURF TRUST, MORTGAGE LOAN-ASSET BACKED CERTIFICATES, SERIES 2005-BC; from Kaufman County; 5th Court of Appeals District (05-13-01149-CV, 452 SW3d 868, 12-05-14)
- 15-0053 ALEJANDRO HERNANDEZ AND EDITH ROMAN v. ENRIQUE GALLARDO; from El Paso County; 8th Court of Appeals District (08-12-00178-CV, ___ SW3d ___, 10-29-14)
- 15-0054 IN RE COMMITMENT OF THOMAS LEE ROBERTS; from Montgomery County; 1st Court of Appeals District (01-13-00918-CV, ___ SW3d ___, 09-25-14)
- 15-0063 STEVEN HERBERT, M.D. v. AMERIPATH, INC. AND DFW 5.01(A) CORPORATION; from Collin County; 5th Court of Appeals District (05-12-00321-CV, 447 SW3d 319, 08-05-14)
- 15-0067 THE STATE OF TEXAS v. JAE KIM, FANNIN FOOD MART, INC., AND THE REAL PROPERTY KNOWN AS 2111 FANNIN STREET; from Harris County; 1st Court of Appeals District (01-13-01083-CV, 451 SW3d 557, 12-09-14)
- 15-0077 DENNIS C. DAVIS v. FAYETTE COUNTY APPRAISAL DISTRICT; from Fayette County; 3rd Court of Appeals District (03-12-00786-CV, ___ SW3d ___, 07-18-14)
- 15-0088 LAKECROFT, LTD., ET AL. v. RANDAL H. ADAMS, ET AL.; from Comal County; 3rd Court of Appeals District (03-14-00428-CV, ___ SW3d ___, 12-18-14)
- 15-0096 JAMES AND PATRICIA BARRENTINE v. SAFECO LLOYDS INSURANCE COMPANY; from Dallas County; 5th Court of Appeals District (05-13-01011-CV, ___ SW3d ___, 12-17-14)
- 15-0115 ISAIKA JACKSON v. SAIA MOTOR FREIGHT LINE, LLC.; from Harris County; 14th Court of Appeals District (14-13-00968-CV, ___ SW3d ___, 12-30-14)
- 15-0127 MIKE LEACH v. CRAIG JAMES, ESPN, INC. AND SPAETH COMMUNICATIONS, INC.; from Lubbock County; 7th Court of Appeals District (07-13-00334-CV, ___ SW3d ___, 11-21-14)

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- 15-0154 IN RE COMMITMENT OF TERRY WAYNE COYLE; from Montgomery County; 9th Court of Appeals District (09-13-00492-CV, ___ SW3d ___, 01-22-15)
- 15-0165 IN THE ESTATE OF MARIA F. HERNANDEZ, DECEASED; from Bexar County; 4th Court of Appeals District (04-14-00046-CV, ___ SW3d ___, 12-31-14)
- 15-0206 BOSHENG WEN v. STEWART LIN; from Harris County; 1st Court of Appeals District (01-13-00962-CV, ___ SW3d ___, 12-23-14)

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

- 15-0164 ASTIN REDEVELOPMENT GROUP, LLC v. CITGO PETROLEUM CORPORATION; from Brazos County; 10th Court of Appeals District (10-14-00023-CV, ___ SW3d ___, 12-18-14)
See TEX. GOV'T CODE § 22.225(b)(1)

ORDERS ON MOTIONS FOR REHEARING

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

- 13-0882 SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 5, DAN SCHLADEMAN, AND SUSAN STRUBBE v. PROFESSIONAL JANITORIAL SERVICE OF HOUSTON, INC.; from Harris County; 1st Court of Appeals District (01-12-00660-CV, 415 SW3d 387, 09-17-13)
- 14-0377 CITY OF BROWNSVILLE, TEXAS v. MARCO LONGORIA AND THE BROWNSVILLE FIRE FIGHTERS' ASSOCIATION; from Cameron County; 13th Court of Appeals District (13-12-00224-CV, ___ SW3d ___, 04-03-14)
- 14-0511 MICHAEL M. EULER v. MILES MARKS AND TEXAS DOW EMPLOYEES FEDERAL CREDIT UNION; from Montgomery County; 1st Court of Appeals District (01-13-00085-CV, ___ SW3d ___, 02-25-14)
- 14-0543 MAMOON N. ALAHMAD v. ISMAIL "SAM" ABUKHDAIR; from Tarrant County; 2nd Court of Appeals District (02-12-00084-CV, ___ SW3d ___, 06-05-14)
- 14-0855 IN THE INTEREST OF A.J.P., A CHILD; from Bexar County; 4th Court of Appeals District (04-14-00175-CV, ___ SW3d ___, 07-23-14)
- 14-0865 IN THE ESTATE OF AMINTA PEREZ-MUZZA; from Webb County; 4th Court of Appeals District (04-13-00791-CV, 446 SW3d 415, 07-16-14)

14-0867 OLGA MURRY v. BANK OF AMERICA, N. A.; from Tarrant County; 2nd Court of Appeals District (02-13-00303-CV, ___ SW3d ___, 08-07-14)

14-1003 YUNDLANDER JONES v. CLAUDE JONES; from Tarrant County; 2nd Court of Appeals District (02-13-00133-CV, ___ SW3d ___, 08-21-14)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

13-0513 IN RE TEXAS ALCOHOLIC BEVERAGE COMMISSION AND SHERRY COOK, IN HER OFFICIAL CAPACITY AS TABC ADMINISTRATOR; from Travis County; 3rd Court of Appeals District (03-13-00435-CV, ___ SW3d ___, 07-03-13)

14-0715 IN RE MIGUEL ZARAGOZA FUENTES; from Harris County; 1st Court of Appeals District (01-14-00624-CV, ___ SW3d ___, 08-28-14)

relator's motion to strike sur-reply granted
relator's motion to strike real party in interest's exhibits dismissed as moot
real party in interest's motion for sanctions denied

14-0761 IN RE EAGLE FORD LAND PARTNERS, L.P.; from Johnson County; 10th Court of Appeals District (10-14-00162-CV)

stay order issued January 30, 2015, lifted

14-0765 IN RE MILESTONE LIFE SETTLEMENT FUND, LLC, MILEFUND, LLC, MILESTONE INVESTMENTS USA, LLC, RONALD NEWMAN, AND JEFFREY S. HOLLINGSWORTH; from Johnson County; 10th Court of Appeals District (10-14-00248-CV, ___ SW3d ___, 09-18-14)

14-0953 IN RE KEITH NICKERSON II; from Dallas County; 5th Court of Appeals District (05-13-01692-CV, ___ SW3d ___, 12-16-13)

14-0954 IN RE AMERJIN ENERGY, LLC AND XI ZHU; from Harris County; 1st Court of Appeals District (01-14-00688-CV, ___ SW3d ___, 09-04-14)

14-0990 IN RE RAFAEL ORTEGA; ET AL.; from Harris County; 14th Court of Appeals District (14-14-00732-CV, ___ SW3d ___, 10-09-14)

15-0166 IN RE SAIDA MORENO; from Harris County; 14th Court of Appeals District (14-14-00929-CV, ___ SW3d ___, 01-15-15)

15-0194 IN RE SOUTHWOOD PLACE RECREATION ASSOCIATION INC. AND KEYSHA BOOKER; from Harris County; 1st Court of Appeals District (01-15-00198-CV, ___ SW3d ___, 03-10-15)

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DISMISSED:

14-0957 IN RE AMERICAN POWER CONVERSION CORPORATION; from Zapata County; 4th Court of Appeals District (04-14-00770-CV)
stay order issued November 21, 2014, lifted
extended abatement order issued February 27, 2015, lifted
petition reinstated
agreed motion to dismiss granted

15-0318 IN RE WIMBERLEY SPRINGS PARTNERS, LTD.; from Hays County; 3rd Court of Appeals District (03-15-00190-CV, ___ SW3d ___, 04-15-15)
agreed motion to dismiss granted

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

14-0999 IN RE CHRISTOPHER W. MARTIN; from Harris County; 14th Court of Appeals District (14-14-00486-CV, 448 SW3d 616, 09-30-14)
relator's emergency motion for stay granted
stay order issued

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

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

14-0923 IN THE MATTER OF CLAUDE ROBERT GRAHAM, STATE BAR OF TEXAS CARD NO. 24064208