



# THE SUPREME COURT OF TEXAS

Orders Pronounced June 12, 2015

## ORDERS ON CAUSES

13-0047 ALLEN MARK DACUS, ELIZABETH C. PEREZ, AND REV. ROBERT JEFFERSON v. ANNISE D. PARKER AND CITY OF HOUSTON; from Harris County; 14th Court of Appeals District (14-11-00688-CV, \_\_\_ SW3d \_\_\_, 07-10-12)

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

Justice Devine delivered the opinion of the Court.

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

(Justice Brown not sitting)

13-0303 HARRIS COUNTY FLOOD CONTROL DISTRICT AND HARRIS COUNTY, TEXAS v. EDWARD A. AND NORMA KERR, ET AL.; from Harris County; 1st Court of Appeals District (01-11-00014-CV, 445 SW3d 242, 03-07-13)

The Court affirms the court of appeals' judgment.

Justice Devine delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Guzman, and Justice Boyd joined.

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

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

13-0596 KACHINA PIPELINE COMPANY, INC. v. MICHAEL D. LILLIS; from Concho County; 3rd Court of Appeals District (03-10-00784-CV, \_\_\_ SW3d \_\_\_, 06-18-13)

The Court affirms the court of appeals' judgment.

Justice Brown delivered the opinion of the Court, in which Justice Johnson, Justice Willett, Justice Guzman, Justice Lehrmann, and Justice Boyd joined.

Chief Justice Hecht delivered an opinion concurring in part and dissenting in part, in which Justice Green and Justice Devine joined.

13-0597 PLAINS EXPLORATION & PRODUCTION COMPANY v. TORCH ENERGY ADVISORS INCORPORATED; from Harris County; 1st Court of Appeals District (01-12-00698-CV, 409 SW3d 46, 06-20-13)

2 petitions

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

Justice Guzman delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Willett, Justice Lehrmann, Justice Boyd, Justice Devine, and Justice Brown joined.

Justice Johnson delivered a dissenting opinion.

13-0709 ROBERT VALDEZ, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF PIERRE V. BERNARD, DECEASED, AND FIDELITY AND CASUALTY COMPANY OF NEW YORK v. DAVID HOLLENBECK, INDIVIDUALLY AND AS SUCCESSOR ADMINISTRATOR OF THE ESTATE OF PIERRE V. BERNARD, DECEASED, WILL FRANCES BARON, JOHN BERNARD BARON, BERNARD RAE BERNARD BOX, DARYL

BERNARD, MARCUS BERNARD, BARBARA STREFF GRACHEK, PAM STREFF MYERS, STEVE STREFF, SCOTT STREFF, YVONNE BARON FISCHER, ELIZABETH LAMAR, KELLY LAMAR LOEFFELHOLZ, JEANNE MARY LAMAR, JOHN LAMAR, DAVID LAMAR, GREG LAMAR, CHRIS LAMAR, ERIC LAMAR, ROBERT ROGERS, DANA ROGERS, JOHN ROGERS, INDIVIDUALLY, AND DANA ROGERS AND SHERRIE GROGAN, IN THEIR CAPACITY AS JOINT INDEPENDENT EXECUTRIX OF THE ESTATE OF CHARLES ROGERS, DECEASED; from Bexar County; 4th Court of Appeals District (04-11-00739-CV, 410 SW3d 1, 04-24-13)

2 petitions

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

Justice Guzman delivered the opinion of the Court.

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

The Court affirms the court of appeals' judgment.

Justice Guzman delivered the opinion of the Court.

14-0216 RANDY AUSTIN v. KROGER TEXAS, L.P.

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

Justice Boyd delivered the opinion of the Court, in which Justice Johnson, Justice Guzman, Justice Lehrmann, and Justice Devine joined, and in which Chief Justice Hecht, Justice Green, Justice Willett, and Justice Brown joined except as to Part IV.

14-0272 SEABRIGHT INSURANCE COMPANY v. MAXIMINA LOPEZ, BENEFICIARY OF CANDELARIO LOPEZ, DECEASED; from Starr County; 4th Court of Appeals District (04-12-00863-CV, 427 SW3d 442, 01-29-14)

The Court affirms the court of appeals' judgment.

Justice Green delivered the opinion of the Court, in which Chief Justice Hecht, Justice Willett, Justice Guzman, Justice Lehrmann, Justice Boyd, Justice Devine, and Justice Brown joined.

Justice Johnson delivered a dissenting opinion.

14-0302 CHESAPEAKE EXPLORATION, L.L.C. AND CHESAPEAKE OPERATING, INC. v. MARTHA ROWAN HYDER, INDIVIDUALLY, AND AS INDEPENDENT EXECUTRIX AND TRUSTEE UNDER THE WILL OF ELTON M. HYDER, JR., DECEASED, AND AS TRUSTEE UNDER THE ELTON M. HYDER JR. RESIDUARY TRUST, AND AS TRUSTEE OF THE ELTON M. HYDER JR. MARITAL TRUST; BRENT ROWAN HYDER, INDIVIDUALLY AND AS TRUSTEE OF THE CHARLES HYDER TRUST AND AS TRUSTEE OF THE GEOFFREY HYDER TRUST; WHITNEY HYDER MORE, INDIVIDUALLY AND AS TRUSTEE OF THE ELTON MATTHEW HYDER IV TRUST, AS TRUSTEE OF THE PETER ROWAN MORE TRUST, AS TRUSTEE OF THE LILI LOWDON HYDER TRUST, AND AS TRUSTEE OF THE SAMUEL DOUGLAS MORE TRUST; AND HYDER MINERALS, LTD.; from Tarrant County; 4th Court of Appeals District (04-12-00769-CV, 427 SW3d 472, 03-05-14)

The Court affirms the court of appeals' judgment.

Chief Justice Hecht delivered the opinion of the Court, in which Justice Green, Justice Johnson, Justice Boyd, and Justice Devine joined.

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

#### **ORDERS ON CASES GRANTED**

##### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

14-0193 CAFFE RIBS, INC. v. THE STATE OF TEXAS; from Harris County; 14th Court of Appeals District (14-12-00401-CV, \_\_\_SW3d\_\_\_, 01-16-14)

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

14-0362 CHRISTUS HEALTH GULF COAST (AS AN ENTITY, D/B/A CHRISTUS ST. CATHERINE HOSPITAL, AND FORMERLY D/B/A CHRISTUS ST. JOSEPH HOSPITAL) v. LINDA CARSWELL; from Harris County; 1st Court of Appeals District (01-11-00292-CV, \_\_\_ SW3d \_\_\_, 08-29-13)  
2 petitions

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

14-0534 RAILROAD COMMISSION OF TEXAS v. GULF ENERGY EXPLORATION CORPORATION; from Calhoun County; 13th Court of Appeals District (13-12-00252-CV, \_\_\_ SW3d \_\_\_, 05-29-14)  
as reinstated

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

14-0593 HALEY HEBNER AND DARRIN CHARLES SCOTT, INDIVIDUALLY AND AS NEXT FRIENDS OF R.M.S., A MINOR v. NAGAKRISHNA REDDY, M.D., AND NEW BRAUNFELS OB/GYN, P.A.; from Comal County; 3rd Court of Appeals District (03-12-00675-CV, \_\_\_ SW3d \_\_\_, 05-02-14)

[**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:

12-0835 UNITED BUSINESS SERVICES, L.P. v. BANKCARD PROCESSING INTERNATIONAL, L.L.C., MERCHANT PROCESSING, INC., OLLIE S. ACKLEY, JEFF MAINE, KENNETH MAINE, DIVERSIFIED CHECK SOLUTIONS, L.L.C., DIVERSIFIED PAYMENT SOLUTIONS, L.L.C., ACHECK21, L.L.C. AND JEANINNE MCCONNELL; from Harris County; 1st Court of Appeals District (01-10-01079-CV, \_\_\_ SW3d \_\_\_, 08-30-12)

14-0265 BRANDON DARBY v. THE NEW YORK TIMES COMPANY AND JAMES C. MCKINLEY, JR.; from Hays County; 7th Court of Appeals District (07-12-00193-CV, \_\_\_ SW3d \_\_\_, 02-26-14)

14-0555 CITY OF EL PASO v. GUADALUPE RAMIREZ, NORMA RAMIREZ, ET AL.; from El Paso County; 8th Court of Appeals District (08-12-00309-CV, \_\_\_ SW3d \_\_\_, 03-14-14)

14-0710 STEWART A. FELDMAN, MARLA B. FELDMAN, AND MICHAEL T. KELLY, TRUSTEE v. TANGLEWOOD HOME ASSOCIATION, INC.; from Harris County; 14th Court of Appeals District (14-11-01088-CV; 14-11-01089-CV, 436 SW3d 48, 04-30-14)

(Justice Brown not sitting)

14-0798 STEPHANIE TOWNSEND ALLALA v. CITY OF EL PASO, TEXAS AND ATTORNEY GENERAL OF TEXAS; from Travis County; 3rd Court of Appeals District (03-13-00820-CV, 444 SW3d 315, 08-29-14)

15-0080 TAMMY CROCKER v. THOMAS BABCOCK, IV, M.D., LONGVIEW EMERGENCY MEDICINE ASSOCIATES, INC. AND GOOD SHEPHERD MEDICAL CENTER; from Gregg County; 6th Court of Appeals District (06-13-00134-CV, 448 SW3d 159, 10-21-14)

- 15-0134 DALLAS AREA RAPID TRANSIT AND NANCY K. JOHNSON v. AMALGAMATED TRANSIT UNION LOCAL NO. 1338; from Dallas County; 5th Court of Appeals District (05-14-00208-CV, \_\_\_ SW3d \_\_\_, 11-25-14)
- 15-0189 MICHAEL KENNEDY v. THE TEXAS COURT OF CRIMINAL APPEALS, AUSTIN, TEXAS, ET AL.; from Anderson County; 12th Court of Appeals District (12-14-00299-CV, \_\_\_ SW3d \_\_\_, 10-22-14)
- 15-0201 BENJAMIN WISEMAN, M.D. v. TEXAS MEDICAL BOARD, ET AL.; from Travis County; 3rd Court of Appeals District (03-13-00291-CV, \_\_\_ SW3d \_\_\_, 01-30-15)
- 15-0257 DORA GULLEY v. STATE FARM LLOYDS; from Bexar County; 4th Court of Appeals District (04-13-00892-CV, \_\_\_ SW3d \_\_\_, 12-23-14)
- 15-0273 HELEN BEDGOOD v. TEXAS EDUCATION AGENCY; from Travis County; 3rd Court of Appeals District (03-14-00030-CV, \_\_\_ SW3d \_\_\_, 02-19-15)

### **ORDERS ON MOTIONS FOR REHEARING**

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

- 11-0481 ATKINS NORTH AMERICA, INC. F/K/A POST, BUCKLEY, SCHUH & JERNIGAN, INC., PBS&J CONSTRUCTION SERVICES, INC. AND YU-CHUN SU, P.E. v. CCE, INC.; from Harris County; 1st Court of Appeals District (01-09-00040-CV, \_\_\_ SW3d \_\_\_, 01-28-11)  
Per Curiam Opinion
- 14-0996 VENKY VENKATRAMAN v. JYOTI MASUREKAR; from Dallas County; 5th Court of Appeals District (05-12-00663-CV, \_\_\_ SW3d \_\_\_, 08-21-14)

### **MISCELLANEOUS**

#### THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 14-0829 IN RE STATE FARM LLOYDS, RICHARD FREYMAN, AND NATHAN BURRIS; from Hidalgo County; 13th Court of Appeals District (13-14-00347-CV, \_\_\_ SW3d \_\_\_, 08-27-14)
- 14-0843 IN RE STATE FARM LLOYDS, RICHARD FREYMAN, AND JAMES D. LAWSON; from Hidalgo County; 13th Court of Appeals District (13-14-00348-CV, \_\_\_ SW3d \_\_\_, 09-02-14)
- 14-0846 IN RE STATE FARM LLOYDS, RICHARD FREYMAN, AND ROLANDO RENTERIA; from Hidalgo County; 13th Court of Appeals District (13-14-00359-CV, \_\_\_ SW3d \_\_\_, 09-02-14)
- 15-0218 IN RE A.H.; from Kaufman County; 5th Court of Appeals District (05-15-00345-CV, \_\_\_ SW3d \_\_\_, 03-16-15)
- 15-0336 IN RE SAMSON LOYNACHAN; from Tarrant County; 2nd Court of Appeals District (02-15-00074-CV, \_\_\_ SW3d \_\_\_, 03-19-15)

#### THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

- 15-0028 IN RE ROBERT S. HOFFMAN AND LAW OFFICE OF ROBERT S. HOFFMAN PLLC; from Harris County; 14th Court of Appeals District (14-14-01021-CV, \_\_\_ SW3d \_\_\_, 01-08-15)  
relator's notice of respondent's vacatur of office, being treated as a motion to abate, granted

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