

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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San Antonio, Texas 78205-3037



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FOR IMMEDIATE RELEASE
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Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, January 26, 2011, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Karen Angelini, and Justice Marialyn Barnard:

The following case will be presented:

Dolgencorp of Texas d/b/a Dollar General v. Esiquio and Ida V. Espinoza Jr., Individually and as Representative of the Estate of Misty Dawn Espinoza, Deceased; Liliana Valdez, as Next Friend for D'Anthony Michael Blades; Victor R. Blades, as Administrator of the Estate of Clarence A. Blades Jr., and on Behalf of Clarence A. Blades Sr.; and Choroland I. McQueen, Individually - This is an interlocutory appeal arising out of the trial court's denial of appellant Dolgencorp of Texas's motion to compel arbitration and stay litigation in a wrongful death and survival action. Dolgencorp of Texas raises three issues on appeal, contending the trial court erred in refusing to compel arbitration and stay the litigation because: (1) there was a valid arbitration agreement that encompasses the claims in the lawsuit, (2) the delegation provisions in the arbitration agreement require the arbitrator to determine all disputes regarding enforceability or interpretation of the agreement and whether any claims are subject to arbitration, and (3) appellees' reliance on the express negligence doctrine and conspicuousness of the arbitration agreement are misplaced.

The oral arguments will be held in the Fourth Court's Courtroom, Caden-Reeves Justice Center, Third Floor, 300 Dolorosa, San Antonio, Texas.