

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
300 Dolorosa, Suite 3200
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 two appeals on Wednesday, April 30, 2014, at the Webb County Courthouse beginning at 1:30 p.m. The first case, 04-13-00184-CV *Carlos Bazan and Denise Bazan individually and d/b/a Vamp Ultra Lounge & Café, LLC v Luis A. Munoz*, will be heard before the following panel of justices: Justice Karen Angelini, Justice Patricia Alvarez and Justice Luz Elena D. Chapa. The second case, 04-13-00497-CV *CNMK Texas Properties LLC d/b/a Cinemark Movies 12 v Sandra Rodriguez and Ruperto R. Rodriguez*, will begin at 2:30 p.m. and be heard by the panel of Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Rebeca C. Martinez.

The following cases will be presented:

Carlos Bazan and Denise Bazan individually and d/b/a Vamp Ultra Lounge & Café, LLC v Luis A. Munoz – In 2009, long-time friends Carlo and Denise Bazan and Luis Munoz decided to go into business together operating a restaurant and bar. In 2011, Munoz sued the Bazans for breach of contract, fraud, breach of fiduciary duty, and constructive trust. The case went to trial before a jury, which found in favor of Munoz on all of his claims and awarded him \$120,000.00 in damages. The trial court rendered judgment on the jury's verdict. In this appeal, the Bazans challenge the trial court's judgment, arguing the evidence was insufficient to support the jury's findings on Munoz's claims and on damages. The Bazans also argue the trial court committed several errors during the trial, including admitting the testimony of Munoz's expert witness on accounting.

CNMK Texas Properties LLC d/b/a Cinemark Movies 12 v Sandra Rodriguez and Ruperto R. Rodriguez - Appellant CNMK Texas Properties, L.L.C. d/b/a Cinemark Movies 12, who was the defendant below, operates a twelve-screen movie theater in Laredo, Texas. Appellees, Sandra and Ruperto R. Rodriguez, the plaintiffs below, sued Cinemark under a premises liability theory for injuries Sandra allegedly sustained when she fell on Cinemark's premises. A jury found in favor of the plaintiffs, and this appeal by Cinemark ensued.

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The oral arguments will be held in the Webb County Commissioner's Court, located at 1000 Houston Street, 2nd Floor, Laredo, Texas 78040.