

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
September 16, 2011

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in three appeals on Wednesday, September 21, 2011, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Sandee Bryan Marion, and Justice Steven C. Hilbig:

The following cases will be presented:

- (1) *Sunni S. Dietz v. Hill County Restaurants, Inc. d/b/a Clear Spring Restaurant* – This appeal arises from a premises liability suit, in which the plaintiff sued to recover damages for personal injuries suffered when she fell at a restaurant. The trial court excluded expert testimony from the plaintiff’s safety engineer and granted the defendant restaurant’s motions for no-evidence and traditional summary judgments against the plaintiff. On appeal, the plaintiff challenges the trial court’s exclusion of expert testimony, and asks the Court to reverse the summary judgments and remand the case to the trial court for trial.
- (2) *City of Laredo v. Gilbert Buenrostro* – The appellee, Gilbert Buenrostro, was employed by the appellant, The City of Laredo, for fifteen years as a police officer in the Laredo Police Department. The City indefinitely suspended appellee, and following an administrative hearing before the Firefighters’ and Police Officers’ Civil Service Commission (the “Commission”), the Commission upheld the City’s decision. Appellee appealed to the district court and later moved for a traditional summary judgment on two grounds: (1) evidence admitted against him at the hearing before the Commission should have been excluded as violative of his Fourth Amendment right; and (2) no substantial evidence supports the Commission’s findings. The trial court rendered summary judgment in favor of appellee, ordered that appellee be reinstated to the position or class of service from which he was suspended, and ordered the City to pay appellee all wages and benefits lost as a result of his suspension. The City now appeals.
- (3) *Juan Gerardo Oliva v. Pioquinto Ramon Davila* – This is an appeal from a jury verdict in favor of appellee following a suit for slander.

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