

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
December 7, 2012

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, December 12, 2012, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Rebecca Simmons.

The following cases will be presented:

Sylvia Weech v. Baptist Health System a/k/a Baptist Health System, Inc. – Sylvia Weech appeals a take-nothing summary judgment rendered against her and in favor of Baptist Health System. Baptist filed its no-evidence summary judgment motion and a hearing was set for April 10, 2012. Weech failed to file a response to Baptist’s motion and did not appear at the hearing. The trial court granted Baptist’s motion and rendered judgment against Weech. After receiving a copy of the judgment, Weech timely filed a motion for new trial along with a response to Baptist’s motion. A hearing on the motion for new trial was held on May 9, 2012, following which the trial court denied the motion. In two issues on appeal, Weech argues (1) the trial court erred in granting Baptist’s no-evidence summary judgment motion, and (2) the trial court erred in denying Weech’s motion for new trial.

CellTex Site Services, Ltd. v. Kreager Law Firm and James S. Cheslock - CellTex Site Services, Ltd. appeals a summary judgment ordering that it take nothing on its legal malpractice claim against Kreager Law Firm and James S. Cheslock. The summary judgment was based on limitations. Cell Tex urges this court to reconsider our holding in *Burnap v. Linnartz*, 914 S.W.2d 142 (Tex. App.—San Antonio 1995, writ denied), in which we held that the *Hughes* tolling doctrine is inapplicable to legal malpractice claims arising from transactional work. CellTex also contends that Kreager and Cheslock failed to conclusively establish when CellTex discovered its legal malpractice claim for purposes of determining when limitations began to run.

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The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, December 12, 2012, beginning at 2:00 p.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Rebecca Simmons.

The following case will be presented:

Carlos Zuniga v. The State of Texas – A jury convicted appellant, Carlos Zuniga, of murder, and assessed punishment at thirty years’ confinement. On appeal, appellant asserts the indictment provided inadequate notice, he was entitled to an accomplice witness instruction, the trial court applied the wrong standard to his motion for new trial, the evidence in support of the verdict is legally insufficient, and the trial court erred in refusing to allow the contents of a letter to the Mexican Consulate into evidence.

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, December 13, 2012, beginning at 10:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Steven C. Hilbig.

The following case will be presented:

Carmella Guerrero v. Bexar County Civil Service Commission - This is an accelerated appeal of the trial court’s order granting the Bexar County Civil Service Commission’s plea to the jurisdiction. Carmella Guerrero contends the trial court erred in granting the plea because she was appealing her demotion pursuant to section 158.012 of the Texas Local Government Code.

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