

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 10- **9001**

**TRANSFER OF CASE FROM THE
FIRST COURT OF APPEALS
TO THE FOURTH COURT OF APPEALS**

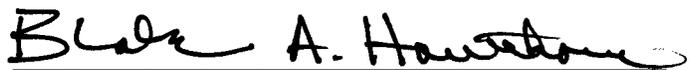
ORDERED that:

Pursuant to Tex. Gov't Code § 73.001, Cause No. 01-07-00691-CV, *Dynegy v. Yates*, is hereby transferred from the Court of Appeals for the First District, Houston, Texas, to the Court of Appeals for the Fourth District, San Antonio, Texas.

The First Court of Appeals will make the necessary orders for the transfer of this case directed hereby, and will cause the Clerk of that Court to transfer the original transcript and all filed papers in the case, and verify all Orders made, to the Fourth Court of Appeals. Upon completion of the transfer, the First Court of Appeals shall provide notice of the transfer to the Supreme Court and the State Office of Court Administration.

As ordered by the Supreme Court of Texas, in Chambers,

With the Seal thereof affixed at the City of Austin,
this 7th day of January, 2010.



BLAKE HAWTHORNE, CLERK
THE SUPREME COURT OF TEXAS

SHERRY RADACK
CHIEF JUSTICE

TERRY JENNINGS
EVELYN KEYES
ELSA ALCALA
GEORGE C. HANKS, JR.
LAURA CARTER HIGLEY
JANE BLAND
JIM SHARP
MICHAEL MASSENGALE
JUSTICES



Court of Appeals
First District of Texas

1307 San Jacinto, 10th Floor
Houston, Texas 77002-7006

M. KARINNE MCCULLOUGH
CLERK OF THE COURT

JANET MCVEA WILLIAMS
CHIEF STAFF ATTORNEY

Phone: 713-655-2700
Fax: 713-752-2304

www.1stcoa.courts.state.tx.us

December 7, 2009

Honorable Wallace Jefferson
Chief Justice, Texas Supreme Court
201 West 14th Street
Post Office Box 12248
Austin, Texas 78711

By Fax: 512-475-2774

Dear Chief Justice Jefferson:

This letter is to request the Supreme Court transfer 01-07-00691-CV *Dynegy v. Yates* to another court of appeals.

The justice originally assigned to the case retired. Upon reassignment, eight other justices are disqualified or have recused pursuant to Tex. R. Civ. Proc. 18(b).

Justice Jim Sharp is not recused, and is available to sit at a court other than the First Court of Appeals with a panel constituted by the Supreme Court.

Should you wish to discuss this request, I am available at 713-655-2700.

Sincerely,

A handwritten signature in cursive script that reads "Sherry Radack".

Sherry Radack
Chief Justice

cc: Justices of the Court



The Supreme Court of Texas

CHIEF JUSTICE
WALLACE B. JEFFERSON

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK
BLAKE A. HAWTHORNE

JUSTICES
NATHAN L. HECHT
HARRIET O'NEILL
DALE WAINWRIGHT
DAVID M. MEDINA
PAUL W. GREEN
PHIL JOHNSON
DON R. WILLETT
EVA M. GUZMAN

GENERAL COUNSEL
ALICE McAFEE

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

PUBLIC INFORMATION OFFICER
OSLER McCARTHY

December 15, 2009

The Honorable Catherine Stone
Fourth Court of Appeals
Cadena-Reeves Justice Center
300 Dolorosa, Suite 3200
San Antonio, Texas 78205-3037

RE: Cause No. 01-07-00691-CV; *Dynegy v. Yates*; First Court of Appeals; Houston, Texas

Dear Chief Justice Stone:

Chief Justice Radack of the First Court of Appeals has requested that the above-referenced cause be transferred to another court of appeals.

Please let me know if the Fourth Court of Appeals would object to accepting the transfer of this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Alice McAfee", with a long horizontal flourish extending to the right.

Alice McAfee
General Counsel



COURT OF APPEALS

CATHERINE STONE
CHIEF JUSTICE

KAREN ANGELINI
SANDEE BRYAN MARION
PHYLIS J. SPEEDLIN
REBECCA SIMMONS
STEVEN C. HILBIG
MARIALYN BARNARD
JUSTICES

FOURTH COURT OF APPEALS DISTRICT
CADENA-REEVES JUSTICE CENTER
300 DOLOROSA, SUITE 3200
SAN ANTONIO, TEXAS 78205-3037
WWW.4THCOA.COURTS.STATE.TX.US

KEITH E. HOTTLE
CLERK

TELEPHONE
(210) 335-2635

FACSIMILE NO.
(210) 335-2762

January 4, 2010

Ms. Alice McAfee
General Counsel
The Supreme Court of Texas
P.O. Box 12248
Austin, TX 78711

Dear Ms. McAfee:

The Fourth Court of Appeals has no objection to receiving a transfer case from the First Court of Appeals in Houston, Texas.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Stone".

Catherine Stone
Chief Justice

CMS/vab