

# IN THE SUPREME COURT OF TEXAS

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Misc. Docket No. 12 - 9137

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**TRANSFER OF CASES  
BETWEEN THE ELEVENTH COURT OF APPEALS  
AND THE THIRD COURT OF APPEALS**

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**ORDERED** that:

I.

Pursuant to Tex. Gov't Code § 73.001, the following case is hereby retransferred from the Court of Appeals for the Eleventh District, Eastland, Texas, to the Court of Appeals for the Third District, Austin, Texas.

Case No. 11-12-00191-CV  
*Metro Ford Truck Sales, Inc.*

v.

*Freightliner LLC, n/k/a Daimler Trucks North America LLC;  
Sterling Truck Corporation; and Texas Department of Motor Vehicles,  
Motor Vehicle Division*

The Eleventh Court of Appeals will make the necessary order for the retransfer of the case and will cause the Clerk of that Court to transfer the original transcripts and all filed papers in the case, and verify all Orders made, to the Third Court of Appeals. Upon completion of the transfer, the Third Court of Appeals shall provide notice of the transfer to the Supreme Court and the State Office of Court Administration.

II.

The first case filed in the Third Court of Appeals on or after August 1, 2012 that is not a companion case to another case pending in the Third Court of Appeals as of the date of this order is transferred to the Eleventh Court of Appeals.

For purposes of determining the effective date of transfer of this case, "filed" means the receipt of notice of appeal by the court of appeals.

It is specifically provided that the case ordered transferred shall not be an original proceeding; appeal from interlocutory orders; appeal from denial of writ of habeas corpus; appeal in an extradition case; appeal regarding the amount of bail set in a criminal case; appeal from trial courts and pretrial courts in multidistrict litigation pursuant to Rule 13.9(b) of the Rules of Judicial Administration; appeal in a case involving termination of parental rights; nor a case that, in the

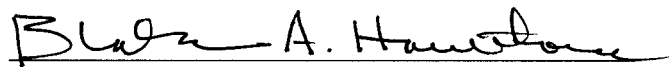
opinion of the Chief Justice of the transferring court, contains extraordinary circumstances or circumstances indicating that emergency action may be required.

The Third Court of Appeals will make the necessary order for the transfer of the case as directed hereby, and will cause the Clerk of that Court to transfer the original transcripts and all filed papers in the case, and verify all Orders made, to the Eleventh Court of Appeals. Upon completion of the transfer, the Eleventh Court of Appeals shall submit the style and number of the case transferred to the State Office of Court Administration, and shall immediately notify the parties or their attorneys of the transfer and the court to which transferred.

The provisions of Misc. Docket Order No. 06-9136 shall apply.

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

With the Seal thereof affixed at the City of Austin,  
this 23rd day of August, 2012.

  
BLAKE HAWTHORNE, CLERK  
THE SUPREME COURT OF TEXAS

Misc. Docket No. 12-\_\_\_\_\_