



# THE SUPREME COURT OF TEXAS

Orders Pronounced September 11, 2015

## ORDERS ON CAUSES

### THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 11-0024 IN THE MATTER OF THE MARRIAGE OF J.B. AND H.B.; from Dallas County; 5th Court of Appeals District (05-09-01170-CV, 326 SW3d 654, 08-31-10)  
(Justice Lehrmann not sitting)
- 13-0047 ALLEN MARK DACUS, ELIZABETH C. PEREZ, AND REV. ROBERT JEFFERSON v. ANNISE D. PARKER AND CITY OF HOUSTON; from Harris County; 14th Court of Appeals District (14-11-00688-CV, \_\_\_ SW3d \_\_\_, 07-10-12)  
motion for expedited issuance of mandate denied  
(Justice Brown not sitting)
- 13-0080 RSUI INDEMNITY COMPANY v. THE LYND COMPANY; from Bexar County; 4th Court of Appeals District (04-11-00193-CV, 399 SW3d 197, 03-28-12)
- 13-0861 CANTEY HANGER, LLP v. PHILIP GREGORY BYRD, LUCY LEASING CO., L.L.C., AND PGB AIR, INC.; from Tarrant County; 2nd Court of Appeals District (02-11-00468-CV, 409 SW3d 772, 08-01-13)  
as supplemented
- 13-0978 JLG TRUCKING, LLC v. LAUREN R. GARZA; from Zapata County; 4th Court of Appeals District (04-13-00043-CV, 461 SW3d 554, 10-09-13)
- 13-1014 RANDOL MILL PHARMACY, KVG ENTERPRISES, INC., GARY G. DALEY, JOHN WAYNE BAILEY, JAMES ROBERT FORSYTHE, KEVIN LYNN HEIDE, JULIE KNOWLTON LUBBERT, AND CARA MORRELL v. STACEY MILLER AND RANDY MILLER; from Tarrant County; 2nd Court of Appeals District (02-12-00519-CV, \_\_\_ SW3d \_\_\_, 09-19-13)

- 13-1026 ROYSTON, RAYZOR, VICKERY, & WILLIAMS, LLP v. FRANCISCO "FRANK" LOPEZ; from Nueces County; 13th Court of Appeals District (13-11-00757-CV, 443 SW3d 196, 06-27-13)
- 14-0095 WAYNE VENTLING v. PATRICIA M. JOHNSON; from Nueces County; 13th Court of Appeals District (13-12-00398-CV, 462 SW3d 92, 12-19-13)
- 14-0226 LIFE PARTNERS HOLDINGS, INC., LIFE PARTNERS, INC., BRIAN D. PARDO, R. SCOTT PEDEN, ADVANCE TRUST & LIFE ESCROW SERVICES, L.T.A., AND PURCHASE ESCROW SERVICES, LLC v. STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-13-00195-CV, 459 SW3d 619, 02-06-14)  
motion to withdraw counsel dismissed as moot
- 14-0346 BARBARA D. COSGROVE, INDIVIDUALLY AND AS THE TRUSTEE OF THE CHARLES AND BARBARA COSGROVE FAMILY REVOCABLE LIVING TRUST v. MICHAEL CADE AND BILLIE CADE; from Tarrant County; 2nd Court of Appeals District (02-11-00424-CV, 430 SW3d 488, 04-03-14)

#### **ORDERS ON PETITIONS FOR REVIEW**

##### THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 13-0989 LEISEL MOSELEY, BRIAN DUNN AND JANEL DUNN v. HAPPY HILL FARM ACADEMY/HOME AND HAPPY HILL FARM CHILDREN'S HOME ENDOWMENT FUND, HAPPY HILL FARM CHILDREN HOME, INC. A/K/A DALLAS COWBOYS COURAGE HOUSE; from Somervell County; 10th Court of Appeals District (10-12-00197-CV, \_\_\_ SW3d \_\_\_, 09-05-13)
- 14-0481 BUILDING TOMORROW'S TALENT, LLC AND MATTHEW GAY v. DORIS MARIE SIMS AND SUCCESSION BUILDERS, LLC; from Denton County; 7th Court of Appeals District (07-12-00170-CV, \_\_\_ SW3d \_\_\_, 04-30-14)
- 14-0625 SHARMA TADEPALLI v. THE SRI MEENAKSHI TEMPLE SOCIETY; from Brazoria County; 14th Court of Appeals District (14-13-00133-CV, \_\_\_ SW3d \_\_\_, 04-30-14)
- 14-0890 MARCUS B. PATTERSON, INDIVIDUALLY, AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF DIANE PATTERSON, AND AS NEXT FRIEND OF DANAE PATTERSON AND DANIEL PATTERSON, AND AS ASSIGNEES OF BREWER LEASING v. HOME STATE COUNTY MUTUAL INSURANCE COMPANY; from Harris County; 1st Court of Appeals District (01-12-00365-CV, \_\_\_ SW3d \_\_\_, 04-24-14)
- 14-0941 ERWIN CRUZ v. CHERRY PETERSEN LANDRY ALBERT; from Dallas County; 5th Court

of Appeals District (05-12-01559-CV, 443 SW3d 441, 08-26-14)

- 14-1054 MARTIN W. COHEN, MARTIN W. COHEN & CO., AND NEHOC ADVISORS, INC. v. FRED LOYA INSURANCE AGENCY, INC., AND LOYA INSURANCE COMPANY; from El Paso County; 8th Court of Appeals District (08-12-00281-CV, 446 SW3d 913, 10-31-14)  
2 petitions
- 15-0030 MONTY BENNETT v. TARRANT REGIONAL WATER DISTRICT; from Tarrant County; 2nd Court of Appeals District (02-13-00354-CV, 453 SW3d 51, 11-26-14)
- 15-0129 BALTASAR D. CRUZ v. JAMES VAN SICKLE, KARL-THOMAS MUSSELMAN D/B/A BURNT ORANGE REPORT AND KATHERINE HAENSCHEN; from Dallas County; 5th Court of Appeals District (05-13-00191-CV, 452 SW3d 503, 12-03-14)  
2 petitions
- 15-0182 KELLY SPURLOCK (AS LEGAL REPRESENTATIVE FOR THE ESTATE OF J.O. SPURLOCK) v. BEACON LLOYDS INSURANCE COMPANY; from Palo Pinto County; 11th Court of Appeals District (11-12-00357-CV, \_\_\_ SW3d \_\_\_, 01-29-15)
- 15-0291 KAMAL KADI v. WILLIS GROUP; from Harris County; 1st Court of Appeals District (01-14-00695-CV, \_\_\_ SW3d \_\_\_, 02-10-15)
- 15-0311 RAUL GALVEZ v. TORNADO BUS COMPANY, TORNADO BUS COMPANY D/B/A TORNADO MONEY TRANSFERS, AND JUAN VAZQUEZ; from Dallas County; 5th Court of Appeals District (05-13-00993-CV, \_\_\_ SW3d \_\_\_, 04-15-15)
- 15-0379 NADER DARYAPAYMA AND FARIBA DARYAPAYMA v. THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF THE CWABS, INC., ASSET-BACK CERTIFICATES, SERIES 2006-15; from Dallas County; 5th Court of Appeals District (05-14-00268-CV, 457 SW3d 618, 02-19-15)
- 15-0382 DEAN'S CAMPIN CO. v. PETER HARDSTEEN AND PAULINA MAYBERG HARDSTEEN AND TEXAS FARM BUREAU; from Grimes County; 1st Court of Appeals District (01-14-00135-CV, \_\_\_ SW3d \_\_\_, 04-30-15)
- 15-0409 READY CABLE, INC. v. BOND RESTORATION, INC.; from Tarrant County; 7th Court of Appeals District (07-14-00056-CV, \_\_\_ SW3d \_\_\_, 04-16-15)
- 15-0418 JEANNE K. GOODHEW v. CHRISTUS SPOHN HEALTH SYSTEM CORP. D/B/A

CHRISTUS SPOHN HOSPITAL CORPUS CHRISTI - SHORELINE; from Nueces County; 13th Court of Appeals District (13-14-00322-CV, \_\_\_ SW3d \_\_\_, 03-19-15)

motion to remand dismissed as moot

15-0440 R.D. TIPS, INC. v. VIRGINIA JETT; from Travis County; 3rd Court of Appeals District (03-13-00336-CV, \_\_\_ SW3d \_\_\_, 04-09-15)

15-0463 CHARLES WHITE v. ENZO INVESTMENTS, L.P.; from Harris County; 14th Court of Appeals District (14-13-00509-CV, \_\_\_ SW3d \_\_\_, 06-04-15)

15-0499 W.E.J. v. STATE OF TEXAS; from Navarro County; 10th Court of Appeals District (10-14-00243-CV, \_\_\_ SW3d \_\_\_, 04-23-15)

15-0500 ALICE M. JONES v. ANTONIO MURILLO, INDIVIDUALLY, AND D/B/A TIGER CONSTRUCTION; THE NATIONAL ASSOCIATION OF MINORITY CONTRACTORS OF TEXAS; AND THE CITY OF HOUSTON; from Harris County; 14th Court of Appeals District (14-13-00928-CV, \_\_\_ SW3d \_\_\_, 05-21-15)

15-0566 3109 PROPS, L.L.C., DETOUR, INC., AND RICHARD LINKLATER v. TRUCK INSURANCE EXCHANGE; from Travis County; 3rd Court of Appeals District (03-13-00350-CV, \_\_\_ SW3d \_\_\_, 06-18-15)

15-0577 THE CITY OF EL PASO, TEXAS v. JNC LAND CO. INC.; from El Paso County; 8th Court of Appeals District (08-13-00165-CV, \_\_\_ SW3d \_\_\_, 06-26-15)

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED FOR WANT OF JURISDICTION:

15-0304 SHEIK TEHUTI v. TRANS-ATLAS FINANCIAL, INC.; from Dallas County; 5th Court of Appeals District (05-14-00126-CV, \_\_\_ SW3d \_\_\_, 03-12-15)

motion to stay dismissed as moot

*See* TEX. GOV'T CODE § 22.225(b)(1)

15-0313 JUAN A. MARTIN-DE-NICOLAS v. REX JONES; from Travis County; 3rd Court of Appeals District (03-13-00318-CV, \_\_\_ SW3d \_\_\_, 08-28-14)

*See* TEX. GOV'T CODE § 22.225(b)(1)

15-0384 IRA W. BREWER AND EUGENIA BREWER AND ALL OTHER OCCUPANTS v. U.S. BANK, N.A., AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE BEAR STERNS ARM TRUST, MORTGAGE-PASS THROUGH CERTIFICATES, SERIES 2004-2, ITS SUCCESSORS AND/OR ASSIGNS; from Collin County; 5th Court of Appeals District (05-14-

00045-CV, \_\_\_ SW3d \_\_\_, 04-06-15)

*See* TEX. GOV'T CODE § 22.225(b)(1)

15-0602 IN RE COMMITMENT OF CARL ALTHOFF ROBINSON; from Montgomery County; 9th Court of Appeals District (09-14-00162-CV, \_\_\_ SW3d \_\_\_, 04-16-15)

*See* TEX. R. APP. P. 53.7(a)

### **ORDERS ON MOTIONS FOR REHEARING**

#### THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

13-0940 CITY OF DALLAS v. KENNETH E. ALBERT, ET AL.; from Collin County; 5th Court of Appeals District (05-12-00966-CV, \_\_\_ SW3d \_\_\_, 08-13-13)

(Justice Brown not sitting)

14-0708 DAVID POND WELL SERVICE, INC. D/B/A D.W.P. PRODUCTION v. UNIT PETROLEUM COMPANY; from Lipscomb County; 7th Court of Appeals District (07-12-00359-CV, 439 SW3d 389, 05-19-14)

15-0063 STEVEN HEBERT, M.D. v. AMERIPATH, INC. AND DFW 5.01(A) CORPORATION; from Collin County; 5th Court of Appeals District (05-12-00321-CV, 447 SW3d 319, 08-05-14)

15-0169 KATY INTERNATIONAL, INC. F/K/A EMER INTERNATIONAL, INC., MENGGHUI ZHANG, AND BINGHUA JIANG v. JINCHUN JIANG; from Harris County; 14th Court of Appeals District (14-13-00615-CV, 451 SW3d 74, 10-21-14)

15-0391 RODERICK LEE MITCHELL, M.D. v. TEXAS MEDICAL BOARD; from Travis County; 3rd Court of Appeals District (03-13-00502-CV, \_\_\_ SW3d \_\_\_, 04-15-15)

### **MISCELLANEOUS**

#### THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

14-1062 IN RE KENDRICK EUGENE PENRICE; from Harris County

15-0592 IN RE GURDARSHAN BRAR; from Collin County; 5th Court of Appeals District (05-15-00502-CV, \_\_\_ SW3d \_\_\_, 05-18-15)

15-0611 IN RE SUNSET NURSING HOME, INC.; from Brazoria County; 1st Court of Appeals District (01-15-00530-CV, \_\_\_ SW3d \_\_\_, 07-23-15)  
motion to stay trial court proceedings denied

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DISMISSED FOR WANT OF JURISDICTION:

15-0385 IN RE CHRIS JOSHUA MEADOUX; from Bexar County

*See* TEX. CODE CRIM. PROC. art. 11.05

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

15-0631 IN RE J.B. HUNT TRANSPORT, INC.; from Dallas County; 5th Court of Appeals District (05-15-00808-CV, \_\_\_ SW3d \_\_\_, 07-29-15)

emergency motion for temporary relief granted  
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court.]

THE FOLLOWING PETITION FOR WRIT OF INJUNCTION IS DISMISSED:

15-0656 IN RE GARY DAVID BRAY; from Travis County; 3rd Court of Appeals District (03-15-00548-CV, \_\_\_ SW3d \_\_\_, 08-28-15)

*See* TEX. R. APP. P. 5.