



THE SUPREME COURT OF TEXAS

Orders Pronounced June 17, 2016

ORDERS ON CAUSES

- 13-0303 HARRIS COUNTY FLOOD CONTROL DISTRICT AND HARRIS COUNTY, TEXAS v. EDWARD A. AND NORMA KERR, ET AL.; from Harris County; 1st Court of Appeals District (01-11-00014-CV, 445 SW3d 242, 03-07-13)

The Court's opinion issued June 12, 2015 is withdrawn and the opinion issued this date is substituted. The dissenting opinions issued June 12, 2015 are withdrawn and the opinions issued this date are substituted.

The Court reverses the court of appeals' judgment and renders judgment.

Justice Willett delivered the opinion of the Court, in which Justice Johnson, Justice Guzman, Justice Lehrmann, and Justice Brown joined.

Justice Lehrmann delivered a concurring opinion.

Justice Devine delivered a dissenting opinion, in which Chief Justice Hecht, Justice Green, and Justice Boyd joined.

- 13-0673 ROY SEGER, ET AL. v. YORKSHIRE INSURANCE CO., LTD., AND OCEAN MARINE INSURANCE CO., LTD.; from Hutchinson County; 7th Court of Appeals District (07-12-00090-CV, 407 SW3d 435, 07-19-13)

The Court affirms the court of appeals' judgment.

Justice Green delivered the opinion of the Court.

- 14-0293 JASON R. SEARCY, AS TRUSTEE OF THE EXEMPT ASSETS TRUST v. PAREX RESOURCES, INC.; from Harris County; 14th Court of Appeals District (14-13-00043-CV, 427 SW3d 407, 01-28-14)

2 petitions

- consolidated with -

- 14-0295 JASON R. SEARCY, AS TRUSTEE OF THE EXEMPT ASSETS TRUST v. PAREX RESOURCES (BERMUDA), LTD.; from Harris County; 14th Court of Appeals District (14-13-00073-CV, ___ SW3d ___, 01-28-14)

The Court affirms the court of appeals' judgments.

Justice Willett delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Johnson, Justice Lehrmann, and Justice Devine joined.

Justice Guzman delivered an opinion concurring in part and dissenting in part, in which Justice Boyd joined.

(Justice Brown not sitting)

- 14-0456 KBMT OPERATING COMPANY, LLC, KBMT LICENSE COMPANY, LLC, BRIAN BURNS, JACKIE SIMIEN AND TRACY KENNICK v. MINDA LAO TOLEDO; from Orange County; 9th Court of Appeals District (09-13-00234-CV, ___ SW3d ___, 05-08-14)

The Court reverses the court of appeals' judgment and remands the case to the trial court.

Chief Justice Hecht delivered the opinion of the Court, in which Justice Green, Justice Guzman, Justice Lehrmann, Justice Devine, and Justice Brown joined.

Justice Boyd delivered a dissenting opinion, in which Justice Johnson and Justice Willett joined.

- 14-0507 INEOS USA, LLC F/K/A INNOVENE USA, LLC, INEOS POLYMERS, INC., A/K/A INEOS OLEFINS, INEOS OLEFINS & POLYMERS USA, A DIVISION OF INEOS USA, LLC, AND JONATHAN "BUBBA" PAVLOVSKY v. JOHANNES "JOE" ELMGREN AND VALARIE ELMGREN, INDIVIDUALLY AND AS NEXT FRIENDS OF THEIR MINOR CHILDREN; from Brazoria County; 14th Court of Appeals District (14-13-00044-CV, 431 SW3d 656, 03-20-14)

respondent's motion for leave to late file conditional cross-petition for review, denied
respondent's petition for review dismissed

The Court affirms in part and reverses in part the court of appeals' judgment and renders judgment.

Justice Boyd delivered the opinion of the Court.

- 14-0538 CORNERSTONE HEALTHCARE GROUP HOLDING, INC. v. NAUTIC MANAGEMENT VI, L.P.; from Dallas County; 5th Court of Appeals District (05-13-00859-CV, ___ SW3d ___, 06-18-14)

emergency motion to seal dismissed as moot

- consolidated with -

- 14-0539 CORNERSTONE HEALTHCARE GROUP HOLDING, INC. v. NAUTIC PARTNERS VI, L.P., RELIANT SPLITTER, L.P., AND KENNEDY PLAZA PARTNERS VI, L.P.; from Dallas County; 5th Court of Appeals District (05-11-01730-CV, ___ SW3d ___, 06-05-14)

emergency motion to seal dismissed as moot

The Court reverses the court of appeals' judgments and remands the cases to the trial court.

Justice Lehrmann delivered the opinion of the Court.

- 14-0650 CENTERPOINT BUILDERS GP, LLC AND CENTERPOINT BUILDERS, LTD. v. TRUSSWAY, LTD.; from Jefferson County; 9th Court of Appeals District (09-13-00332-CV, 436 SW3d 882, 07-10-14)

The Court affirms the court of appeals' judgment.

Justice Lehrmann delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Willett, Justice Guzman, Justice Devine, and Justice Brown joined.

Justice Boyd delivered a dissenting opinion, in which Justice Johnson joined.

- 14-0743 SOUTHWEST ROYALTIES, INC. v. GLENN HEGAR, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-12-00511-

CV, ___ SW3d ___, 08-13-14)

The Court affirms the court of appeals' judgment.

Justice Johnson delivered the opinion of the Court.

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 14-0753 U.S. METALS, INCORPORATED v. LIBERTY MUTUAL GROUP, INCORPORATED, DOING BUSINESS AS LIBERTY INSURANCE CORPORATION (U.S. 5th Circuit 13-20433)
2 motions for rehearing

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 15-0217 DEBRA LAVERIE, PH.D. v. JAMES WETHERBE, PH.D.; from Lubbock County; 7th Court of Appeals District (07-13-00348-CV, ___ SW3d ___, 02-20-15)
[Note: The date and time for oral argument are yet to be determined.]
- 15-0232 LEVINSON ALCOSER ASSOCIATES, L.P. AND LEVINSON ASSOCIATES, INC. v. EL PISTOLÓN II, LTD.; from Hidalgo County; 13th Court of Appeals District (13-13-00723-CV, ___ SW3d ___, 02-12-15)
[Note: The date and time for oral argument are yet to be determined.]
- 15-0298 4FRONT ENGINEERED SOLUTIONS, INC. v. CARLOS ROSALES, INDIVIDUALLY, AND ROSA MEJIA, AS NEXT FRIEND OF CARLOS ROSALES, JR.; from Hidalgo County; 13th Court of Appeals District (13-13-00655-CV, ___ SW3d ___, 03-12-15)
[Note: The date and time for oral argument are yet to be determined.]
- 15-0912 COLORADO COUNTY, TEXAS, R. H. "CURLY" WIED, IN HIS OFFICIAL & INDIVIDUAL CAPACITY v. MARC STAFF; from Colorado County; 1st Court of Appeals District (01-14-00323-CV, 470 SW3d 251, 08-18-15)
[Note: The date and time for oral argument are yet to be determined.]

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 14-0820 PS INVESTMENTS, L.P., F/K/A PARADIGM SERVICES, L.P. v. SOUTHERN INSTRUMENT AND VALVE COMPANY, INC.; from Galveston County; 1st Court of Appeals District (01-12-01016-CV, 438 SW3d 638, 03-25-14)
- 15-0282 PRIZE ENERGY RESOURCES, L.P., ET AL. v. BANK OF AMERICA, N.A., AS TRUSTEE OF THE BETTYE BAKER BROWN TRUST, ET AL.; from McMullen County; 4th Court of Appeals District (04-13-00201-CV, ___ SW3d ___, 08-29-14)

- 15-0354 EMERITUS CORPORATION v. THE STATE OF TEXAS; from Cameron County; 13th Court of Appeals District (13-13-00529-CV, 466 SW3d 233, 03-26-15)
- 15-0363 FJELL TECHNOLOGY GROUP F/K/A FJELL INDUSTRIES AS AND SONJA VAN UDEN v. UNITECH INTERNATIONAL, INC.; from Harris County; 14th Court of Appeals District (14-14-00255-CV, ___ SW3d ___, 02-03-15)
- 15-0368 RICHARD F. WALSH, MEDICA-RENTS CO., LTD, AND MED-RCO, INC. v. WOUNDKAIR CONCEPTS, INC., DAN ANDERSON, AND KIM ANDERSON; from Tarrant County; 2nd Court of Appeals District (02-14-00395-CV, ___ SW3d ___, 04-02-15)
- 15-0373 RICHARD J. MALOUF DDS, RICHARD J. MALOUF DDS, PC, AND RICHARD J. MALOUF DDS, PA v. THE STATE OF TEXAS EX REL, DR. CHRISTINE ELLIS, D.D.S. AND MADELAYNE CASTILLO; from Travis County; 3rd Court of Appeals District (03-14-00036-CV, 461 SW3d 641, 04-02-15)
- 15-0375 ANSELL HEALTHCARE PRODUCTS INC. v. UNITED MEDICAL SUPPLY COMPANY, INC.; from Dallas County; 5th Court of Appeals District (05-12-01365-CV, 476 SW3d 84, 04-03-15)
- 15-0449 RAGHURAMI B. REDDY, AS GUARDIAN OF THE PERSON AND ESTATE OF DEVAVARAM CHRISTOPHER AND OF THE ESTATE OF RUTH CHRISTOPHER, DECEASED v. DOMINO'S PIZZA, LLC; from Jefferson County; 9th Court of Appeals District (09-14-00058-CV, ___ SW3d ___, 03-19-15)
- 15-0469 BOARD OF ADJUSTMENT FOR THE CITY OF SAN ANTONIO & SAROSH MANAGEMENT, LLC D/B/A A-Z FOOD MART v. EAST CENTRAL INDEPENDENT SCHOOL DISTRICT; from Bexar County; 4th Court of Appeals District (04-14-00341-CV, ___ SW3d ___, 03-18-15)
2 petitions
- 15-0512 TERRACON CONSULTANTS, INC. F/K/A HBC ENGINEERING, INC. v. USA WALNUT CREEK, DST; from Travis County; 13th Court of Appeals District (13-13-00194-CV, ___ SW3d ___, 02-26-15)
- 15-0523 ACE CASH EXPRESS, INC. v. THE CITY OF DENTON, TEXAS; from Denton County; 2nd Court of Appeals District (02-14-00146-CV, ___ SW3d ___, 06-04-15)
- 15-0596 MARY KAY INC. v. EBAY INC.; from Dallas County; 5th Court of Appeals District (05-14-00782-CV, ___ SW3d ___, 06-25-15)

- 15-0624 SAMANTHA HUY v. ROBERT TREJO; from Dallas County; 5th Court of Appeals District (05-14-00310-CV, ___ SW3d ___, 07-08-15)
- 15-0735 SATTERFIELD & PONTIKES CONSTRUCTION, INC. v. TEXAS SOUTHERN UNIVERSITY, JIM MCSHAN AND GREG WILLIAMS; from Harris County; 1st Court of Appeals District (01-14-00596-CV, 472 SW3d 426, 08-13-15)
- 15-0774 WOLF HOLLOW I, L.P. v. EL PASO MARKETING, L.P.; from Harris County; 14th Court of Appeals District (14-09-00118-CV, 472 SW3d 325, 07-02-15)
- 15-0815 CITY OF DALLAS v. D.R. HORTON - TEXAS, LTD.; from Dallas County; 5th Court of Appeals District (05-14-01414-CV, ___ SW3d ___, 07-10-15)
- 15-0837 KATHRYN CHRISTINE ZARNESKY v. EDWARD FRANCIS ZARNESKY, JR.; from Bell County; 3rd Court of Appeals District (03-13-00692-CV, ___ SW3d ___, 06-24-15)
- 15-0839 PT INTERMEDIATE HOLDING, INC. AND PERSONAL TOUCH HOLDING CORP. v. LMS CONSULTING LLC; from Bexar County; 4th Court of Appeals District (04-14-00827-CV, ___ SW3d ___, 09-16-15)
- 15-0877 BARRY NUSSBAUM v. BUILDERS BANK, AN ILLINOIS BANKING CORPORATION; from Tarrant County; 2nd Court of Appeals District (02-14-00304-CV, 478 SW3d 104, 10-01-15)
- 15-0908 ROBBYN ELIZABETH COY ARRIOLA AND JOEY ARRIOLA v. TOMMY KUTSCHEROUSKY, SR., TOMMY KUTSCHEROUSKY, JR. AND ERIC KUTSCHEROUSKY, D/B/A KUTSCHEROUSKY FARMS; from Limestone County; 7th Court of Appeals District (07-15-00004-CV, ___ SW3d ___, 09-04-15)
2 petitions
- 15-0974 IT'S ALIVE, INC. AND SHAMIL QURESHI v. POINTE WEST CENTER, LLC; from Harris County; 1st Court of Appeals District (01-14-00779-CV, 476 SW3d 141, 09-10-15)
- 15-0976 BLAINE STANDIFORD v. CITIMORTGAGE, INC., MERSCORP HOLDINGS, INC. AND VENDOR RESOURCE MANAGEMENT; from Travis County; 3rd Court of Appeals District (03-14-00344-CV, ___ SW3d ___, 11-03-15)
- 15-0985 IN THE MATTER OF THE MARRIAGE OF CLINTON BOWERS AND BARBARA BOWERS; from Brazoria County; 14th Court of Appeals District (14-15-00021-CV, 479 SW3d

457, 10-27-15)

- 15-0986 CITY OF LUBBOCK v. LAZARO WALCK; from Lubbock County; 7th Court of Appeals District (07-15-00078-CV, ___ SW3d ___, 11-16-15)
(Justice Johnson not sitting)
- 15-1006 RICHARD KAMMEN, INDIVIDUALLY AND D/B/A RICHARD KAMMEN & ASSOCIATES v. THE DISCOVERY GROUP, INCORPORATED D/B/A PREFERRED CORPORATE HOUSING; from Harris County; 1st Court of Appeals District (01-15-00243-CV, ___ SW3d ___, 11-19-15)
- 16-0010 CITY OF DALLAS AND LARRY HOLMES, IN HIS OFFICIAL CAPACITY AS CHIEF BUILDING OFFICIAL FOR THE CITY OF DALLAS v. EAST VILLAGE ASSOCIATION; from Dallas County; 5th Court of Appeals District (05-14-01406-CV, 480 SW3d 37, 10-07-15)
- 16-0020 KINGMAN HOLDINGS LLC, AS TRUSTEE FOR THE MAHOGANY 1587 LAND TRUST v. DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, IN TRUST FOR THE REGISTERED HOLDERS OF MORGAN STANLEY ABS CAPITAL 1 TRUST 2006-NC5, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006 NC5; from Collin County; 5th Court of Appeals District (05-14-00855-CV, ___ SW3d ___, 10-05-15)
- 16-0031 CHARISE CAUDLE v. OAK FOREST APARTMENTS; from Tarrant County; 2nd Court of Appeals District (02-14-00308-CV, ___ SW3d ___, 12-17-15)
- 16-0042 MARYANN CASTRO v. MANUEL CASTRO; from Bexar County; 4th Court of Appeals District (04-14-00785-CV, ___ SW3d ___, 12-16-15)
- 16-0060 ROBERT E. TESCH v. EQUITY SECURED CAPITAL, L.P.; from Travis County; 3rd Court of Appeals District (03-13-00539-CV, ___ SW3d ___, 12-11-15)
- 16-0080 PARALLEL NETWORKS, LLC v. JENNER & BLOCK, LLP; from Dallas County; 5th Court of Appeals District (05-13-00748-CV, ___ SW3d ___, 08-26-15)
- 16-0087 PECAN GROVE MUNICIPAL UTILITY DISTRICT v. CITY OF RICHMOND, TEXAS; from Fort Bend County; 1st Court of Appeals District (01-14-00932-CV, ___ SW3d ___, 08-20-15)
- 16-0130 ANN CALDWELL RUPE, AS TRUSTEE FOR THE DALLAS GORDON RUPE, III 1995 FAMILY TRUST v. LEE C. RITCHIE, ET AL.; from Dallas County; 5th Court of Appeals District (05-08-00615-CV, ___ SW3d ___, 01-12-16)

- 16-0140 HIGHLAND CAPITAL MANAGEMENT, L.P. v. LOOPER REED & MCGRAW, P.C., N/K/A GRAY REED & MCGRAW, P.C.; from Dallas County; 5th Court of Appeals District (05-15-00055-CV, ___ SW3d ___, 01-14-16)
- 16-0143 GREGORY R. MATTOX AND BARBARA WILKERSON v. GRIMES COUNTY COMMISSIONERS' COURT; from Grimes County; 1st Court of Appeals District (01-14-00535-CV, ___ SW3d ___, 08-27-15)
- 16-0211 CHARLES N. DRAPER v. GREG GUERNSEY, IN HIS CAPACITY AS DIRECTOR OF PLANNING AND DEVELOPMENT WATERSHED PROTECTION REVIEW DEPARTMENT AND CITY OF AUSTIN; from Travis County; 3rd Court of Appeals District (03-15-00741-CV, ___ SW3d ___, 02-03-16)
- 16-0213 HIGHLAND CAPITAL MANAGEMENT, L.P. v. RBC CAPITAL MARKETS, LLC; from Dallas County; 5th Court of Appeals District (05-13-00948-CV, ___ SW3d ___, 12-04-15)
- 16-0266 IT'S THE BERRY'S, LLC v. EDOM CORNER, LLC AND EARL BERRY, JR.; from Van Zandt County; 12th Court of Appeals District (12-14-00365-CV, ___ SW3d ___, 03-31-16)
- 16-0317 DEBORAH BEDELL v. ROBYN ZAELWA; from Bexar County; 4th Court of Appeals District (04-14-00564-CV, ___ SW3d ___, 02-03-16)

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

- 15-0576 AKBAR HOSSAIN AND ALL OCCUPANTS v. FEDERAL MORTGAGE ASSOCIATION A/K/A FANNIE MAE; from Harris County; 14th Court of Appeals District (14-14-00273-CV, ___ SW3d ___, 06-16-15)

See TEX. GOV'T CODE § 22.225(b)(1)

- 15-0994 CAROL POOL v. JAMES POOL; from Parker County; 7th Court of Appeals District (07-15-00124-CV, ___ SW3d ___, 10-21-15)

motion for reconsideration to refile petition for review denied

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:

- 15-0190 MARHABA PARTNERS LIMITED PARTNERSHIP v. KINDRON HOLDINGS, LLC; from Harris County; 14th Court of Appeals District (14-13-01133-CV, 457 SW3d 208, 01-29-15)
- 15-0504 ARBOR WINDSOR COURT, LTD. v. WEEKLEY HOMES, L.P.; from Harris County; 14th Court of Appeals District (14-13-00480-CV, 463 SW3d 131, 03-17-15)

- 15-0545 WESTFREIGHT SYSTEMS, INC. v. JOHN MICHAEL HEUSTON, INDIVIDUALLY AND AS DEPENDENT ADMINISTRATOR OF THE ESTATE OF JUANA GARZA, DECEASED, AND GERONIMO RODRIGUEZ, INDIVIDUALLY; from Jim Wells County; 4th Court of Appeals District (04-14-00124-CV, ___ SW3d ___, 06-17-15)
- 15-0633 DAVID LUCYK v. KINDRON HOLDINGS, LLC; from Harris County; 1st Court of Appeals District (01-14-00521-CV, ___ SW3d ___, 07-28-15)
- 15-0647 RODNEY UNDERWOOD v. OCWEN LOAN SERVICING, LLC, AND U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-EFC7; from Harris County; 14th Court of Appeals District (14-15-00455-CV, ___ SW3d ___, 07-02-15)
- 15-0764 DYNAMIC OFFSHORE RESOURCES NS, L.L.C. AND W&T OFFSHORE, INC. v. REPUBLIC PETROLEUM LLC; from Harris County; 1st Court of Appeals District (01-14-00370-CV, 474 SW3d 424, 08-27-15)
- 15-0913 ANTHONY R. FREEMAN v. LOUIS GARCIA, ET AL.; from Bee County; 13th Court of Appeals District (13-15-00393-CV, ___ SW3d ___, 09-24-15)
- 16-0063 ALAN L. HAMILTON v. DANIEL DAVILA, III; from Travis County; 13th Court of Appeals District (13-15-00307-CV, ___ SW3d ___, 10-15-15)
- 16-0138 TERI FORD v. HOUSTON METHODIST SAN JACINTO HOSPITAL; from Harris County; 14th Court of Appeals District (14-14-00201-CV, 483 SW3d 588, 10-15-15)
- THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:
- 15-0977 IN RE CHRISTOPHER L. GRAHAM; from Comal County; 3rd Court of Appeals District (03-14-00270-CV, ___ SW3d ___, 10-02-15)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 16-0154 IN RE BTB REFINING LLC; from Nueces County; 13th Court of Appeals District (13-15-00327-CV, ___ SW3d ___, 01-28-15)
- 16-0280 IN RE RAUL ADAM TREVIÑO; from Coryell County; 10th Court of Appeals District (10-11-00245-CV, ___ SW3d ___, 04-25-12)
- 16-0360 IN RE ROBERT [BOBBY] WIGHTMAN CERVANTES AND CLINTON WIGHTMAN; from

Nacogdoches County

(Chief Justice Hecht not sitting)

THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE FOLLOWING APPEAL IS
AFFIRMED:

16-0118 CHARLES SEPTOWSKI v. COMMISSION FOR LAWYER DISCIPLINE (55901)