



# THE SUPREME COURT OF TEXAS

Orders Pronounced December 2, 2016

## ORDERS ON CAUSES

14-0940 IN RE THE GUARDIANSHIP OF THE PERSON AND ESTATE OF RYAN KEITH TONNER, AN INCAPACITATED PERSON; from Lubbock County; 7th Court of Appeals District (07-13-00308-CV, \_\_\_ SW3d \_\_\_, 09-15-14)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court affirms the court of appeals' judgment.

Per Curiam Opinion

15-1007 IN RE RED DOT BUILDING SYSTEM, INC.; from Hidalgo County; 13th Court of Appeals District (13-15-00608-CV, \_\_\_ SW3d \_\_\_, 12-29-15)

stay order issued December 31, 2015, lifted  
stay order issued January 8, 2016, lifted

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

16-0079 JEANNE RANSOM v. JEANINE EATON, D.D.S.; from Harris County; 14th Court of Appeals District (14-14-00987-CV, \_\_\_ SW3d \_\_\_, 11-05-15)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

### THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

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)

## ORDERS ON CASES GRANTED

### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

14-0979 FOREST OIL CORPORATION, NOW KNOWN AS SABINE OIL & GAS CORPORATION v. EL RUCIO LAND AND CATTLE COMPANY, INC., SAN JUANITO LAND PARTNERSHIP, LTD., MCALLEN TRUST PARTNERSHIP AND JAMES ARGYLE MCALLEN; from Harris County; 1st Court of Appeals District (01-13-00040-CV, 446 SW3d

58, 07-24-14)

motion for rehearing granted  
denial of petition for review on May 27, 2016, withdrawn  
petition reinstated and granted

[**Note:** The date and time for oral argument are yet to be determined.]

(Justice Brown not sitting)

14-1033 COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION, ET AL.  
v. HENRY ANDREW HANSEN, II, M.D.; from Brazos County; 13th Court of Appeals District  
(13-14-00039-CV, \_\_\_ SW3d \_\_\_, 11-06-14)

2 petitions

motion for rehearing granted  
denial of petitions for review on May 27, 2016, withdrawn  
petitions reinstated and granted

[**Note:** The date and time for oral argument are yet to be determined.]

15-0610 LEAH ANNE GONSKI MARINO, M.D. F/K/A LEAH ANNE GONSKI, M.D. v. SHIRLEY  
LENOIR, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE  
OF SHANA LENOIR AND CHRISTOPHER MCKNIGHT, INDIVIDUALLY AND AS NEXT  
FRIEND OF NAYLA MCKNIGHT; from Haskell County; 1st Court of Appeals District (01-13-  
01034-CV, 469 SW3d 669, 07-02-15)

[**Note:** The date and time for oral argument are yet to be determined.]

15-0847 RON SOMMERS AS CHAPTER 7 TRUSTEE FOR ALABAMA AND DUNLAVY, LTD.,  
FLAT STONE II, LTD. AND FLAT STONE, LTD. AND AS SUCCESSOR IN INTEREST TO  
JAY COHEN, INDIVIDUALLY AND AS TRUSTEE OF THE JHC TRUSTS I AND II v.  
SANDCASTLE HOMES, INC.; from Harris County; 1st Court of Appeals District (01-13-  
00267-CV, 469 SW3d 173, 02-26-15)

- consolidated for oral argument with -

15-0848 RON SOMMERS AS CHAPTER 7 TRUSTEE FOR ALABAMA AND DUNLAVY, LTD.,  
FLAT STONE II, LTD. AND FLAT STONE, LTD. AND AS SUCCESSOR IN INTEREST TO  
JAY COHEN, INDIVIDUALLY AND AS TRUSTEE OF THE JHC TRUSTS I AND II v.  
NEWBISS PROPERTY, LP; from Harris County; 1st Court of Appeals District (01-13-00233-  
CV, 469 SW3d 173, 02-26-15)

[**Note:** The date and time for oral argument are yet to be determined.]

16-0007 PINTO TECHNOLOGY VENTURES L.P., ET AL. v. JEFFERY SHELDON AND ANDRAS  
KONYA M.D., PHD.; from Harris County; 14th Court of Appeals District (14-13-01066-CV,  
477 SW3d 411, 09-10-15)

[**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:

- 15-0428 IN THE ESTATE OF ROSA ELVIA GUERRERO, DECEASED; from Harris County; 14th Court of Appeals District (14-13-00580-CV, 465 SW3d 693, 04-23-15)
- 15-0779 NORTH TEXAS MUNICIPAL WATER DISTRICT v. JENNINGS, HACKLER & PARTNERS, INC.; from Collin County; 5th Court of Appeals District (05-14-01043-CV, 471 SW3d 577, 07-30-15)  
2 petitions
- 15-0833 DERNICK RESOURCES, INC. v. DAVID WILSTEIN AND LEONARD WILSTEIN INDIVIDUALLY AND AS TRUSTEE OF THE LEONARD AND JOYCE WILSTEIN REVOCABLE TRUST; from Harris County; 1st Court of Appeals District (01-13-00853-CV, 471 SW3d 468, 06-30-15)
- 15-0955 RICARDO MARTINEZ, M.D. AND ALBERTO PENA, M.D. v. MARIA GONZALES, ET AL.; from Hidalgo County; 13th Court of Appeals District (13-14-00241-CV, \_\_\_ SW3d \_\_\_, 09-17-15)
- 16-0011 MICHAEL A. CERNY AND MYRA L. CERNY, INDIVIDUALLY AND AS NEXT FRIEND OF C.C., A MINOR v. MARATHON OIL CORPORATION, MARATHON OIL EF, LLC AND PLAINS EXPLORATION & PRODUCTION COMPANY; from Karnes County; 4th Court of Appeals District (04-14-00650-CV, 480 SW3d 612, 10-07-15)
- 16-0340 SISAAT SISAVATH AND OYTHIB PHOUANGSAVATH v. CENCIR, INC., DONALD OATHES AND SUTTON PLACE HOA; from Dallas County; 5th Court of Appeals District (05-15-00131-CV, \_\_\_ SW3d \_\_\_, 03-31-16)
- 16-0390 KATHRYN MANION HAIDER, ET AL. v. JEFFERSON COUNTY APPRAISAL DISTRICT; from Jefferson County; 9th Court of Appeals District (09-14-00311-CV, \_\_\_ SW3d \_\_\_, 04-14-16)  
2 petitions
- 16-0391 IN THE INTEREST K.A.D.K. AND J.B.L.E., CHILDREN; from Wilson County; 4th Court of Appeals District (04-15-00758-CV, \_\_\_ SW3d \_\_\_, 04-20-16)
- 16-0402 CRAIG CHAMPION v. FRANK RAMSEY, RAMSAY RAMSEY, RANDAL RAMSEY, INDIVIDUALLY AND D/B/A SUMMIT PROPERTIES AND MANAGEMENT COMPANY; from Brazos County; 10th Court of Appeals District (10-15-00361-CV, \_\_\_ SW3d \_\_\_, 04-14-16)

- 16-0409 E.A. AND R.A. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Lampasas County; 3rd Court of Appeals District (03-15-00811-CV, \_\_\_ SW3d \_\_\_, 04-21-16)
- 16-0476 IN THE MATTER OF THE MARRIAGE OF RANDAL REYNOLDS RAMSEY AND SHERYL LEIGH WILLIAMS ECHOLS; from Brazos County; 10th Court of Appeals District (10-14-00252-CV, 487 SW3d 762, 03-24-16)
- 16-0509 CITY OF FRISCO, TEXAS v. FLCT, LTD. AND FIELD STREET DEVELOPMENT I, LTD.; from Denton County; 2nd Court of Appeals District (02-14-00335-CV, 493 SW3d 238, 05-26-16)
- 16-0516 MARK F. HANKS v. THE HUNTINGTON NATIONAL BANK; from Harris County; 1st Court of Appeals District (01-15-00188-CV, \_\_\_ SW3d \_\_\_, 03-29-16)  
respondent's motion for dismissal for want of jurisdiction, dismissed as moot
- 16-0528 IN THE INTEREST OF M.A.T., L.B.T., I.A.T., R.L.T., CHILDREN; from Midland County; 11th Court of Appeals District (11-16-00002-CV, \_\_\_ SW3d \_\_\_, 06-09-16)  
motion to withdraw as counsel granted
- 16-0577 ALLEN F. CALTON v. STEVE SCHILLER, ET AL.; from Tarrant County; 6th Court of Appeals District (06-15-00062-CV, \_\_\_ SW3d \_\_\_, 06-16-16)
- 16-0595 PHILLIPS DEVELOPMENT & REALTY, LLC v. LJA ENGINEERING, INC.; from Harris County; 14th Court of Appeals District (14-14-00858-CV, \_\_\_ SW3d \_\_\_, 06-30-16)
- 16-0630 MARY FLENTGE MCAULEY, WILLIE O. FLENTGE, JR. AND CHARLES RAY FLENTGE v. CARL DEAN FLENTGE, ET AL.; from Burleson County; 6th Court of Appeals District (06-15-00051-CV, \_\_\_ SW3d \_\_\_, 06-08-16)  
as redrafted
- 16-0631 IN THE INTEREST OF L.G.R., A CHILD; from Harris County; 14th Court of Appeals District (14-16-00047-CV, \_\_\_ SW3d \_\_\_, 06-07-16)
- 16-0645 GENE NELSON v. JOSEPH MARTINEZ, M.D. AND NEUROSURGICAL ASSOCIATES LLC; from Lubbock County; 7th Court of Appeals District (07-15-00430-CV, \_\_\_ SW3d \_\_\_, 07-12-16)

- 16-0725 IN THE INTEREST OF S.D., L.D., A.D., AND J.E., CHILDREN; from Lubbock County; 7th Court of Appeals District (07-16-00085-CV, \_\_\_ SW3d \_\_\_, 07-29-16)  
2 petitions
- 16-0737 GARDEN OAKS MAINTENANCE ORGANIZATION v. ELBAR INVESTMENTS, INC.; from Harris County; 1st Court of Appeals District (01-14-00447-CV, \_\_\_ SW3d \_\_\_, 06-02-16)
- 16-0740 THEAOLA ROBINSON v. WALT DISNEY COMPANY, ABC TELEVISION NETWORK, INC., CC TEXAS HOLDING COMPANY, INC. AND KTRK TELEVISION, INC.; from Harris County; 1st Court of Appeals District (01-14-00880-CV, \_\_\_ SW3d \_\_\_, 03-31-16)
- 16-0761 IN THE INTEREST OF M.J.W., A CHILD; from Harris County; 14th Court of Appeals District (14-16-00276-CV, \_\_\_ SW3d \_\_\_, 08-09-16)
- 16-0768 RONALD F. AVERY v. DYLAN BADDOUR AND HEARST COMMUNICATIONS, INC.; from Guadalupe County; 4th Court of Appeals District (04-16-00184-CV, \_\_\_ SW3d \_\_\_, 08-10-16)
- 16-0815 THERESA FAYE JERRY v. DEUTSCHE BANK NATIONAL TRUST COMPANY AND ROBERT VALDESPINO AS TRUSTEE; from Bexar County; 4th Court of Appeals District (04-15-00663-CV, \_\_\_ SW3d \_\_\_, 09-21-16)
- 16-0821 JUAN BAZALDUA, JR. v. CITY OF LYFORD, TEXAS; from Willacy County; 13th Court of Appeals District (13-16-00004-CV, \_\_\_ SW3d \_\_\_, 09-01-16)
- 16-0824 PATRICIA SWITZER, INDIVIDUALLY, AND AS THE INDEPENDENT EXECUTRIX OF THE ESTATE OF DAVID ERIC SWITZER v. KAY VAUGHAN; from Collin County; 5th Court of Appeals District (05-15-00811-CV, \_\_\_ SW3d \_\_\_, 07-27-16)
- 16-0826 IN THE INTEREST OF D.M.P., ET AL., CHILDREN; from Bexar County; 4th Court of Appeals District (04-16-00256-CV, \_\_\_ SW3d \_\_\_, 08-31-16)
- 16-0834 G.H. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Hays County; 3rd Court of Appeals District (03-16-00157-CV, \_\_\_ SW3d \_\_\_, 08-17-16)
- 16-0835 HSM WYNNGATE 04, LTD. v. TEXAS SOTHERBY HOMES, INC. F/K/A SHADDOCK BUILDERS AND DEVELOPERS, INC. D/B/A SOTHERBY HOMES; from Denton County; 2nd Court of Appeals District (02-15-00281-CV, \_\_\_ SW3d \_\_\_, 08-31-16)

- 16-0839 IN THE INTEREST OF A.W., A MINOR CHILD; from Carson County; 7th Court of Appeals District (07-16-00268-CV, \_\_\_ SW3d \_\_\_, 09-01-16)  
motion for withdrawal of counsel granted
- 16-0840 IN THE INTEREST OF S.W., A MINOR CHILD; from Carson County; 7th Court of Appeals District (07-16-00267-CV, \_\_\_ SW3d \_\_\_, 09-01-16)  
motion for withdrawal of counsel granted
- 16-0853 GEORGE DAVIS, M.D., ANTENEH ROBA, M.D., LEVON VARTANIAN, M.D., WOODROW DOLINO, M.D., NORTHWEST HOUSTON EMERGENCY SPECIALIST GROUP, PLLC, ESG MD, PLLC AND ESG MLP, LLC v. ALAN BENTZ, M.D.; from Harris County; 1st Court of Appeals District (01-15-00230-CV, \_\_\_ SW3d \_\_\_, 07-19-16)
- 16-0857 MAXIM CRANE WORKS, L.P. v. BERKEL & COMPANY CONTRACTORS, INC.; from Brazoria County; 14th Court of Appeals District (14-15-00614-CV, \_\_\_ SW3d \_\_\_, 08-09-16)
- 16-0858 IN THE INTEREST OF A.B.C., A CHILD; from Bexar County; 4th Court of Appeals District (04-16-00367-CV, \_\_\_ SW3d \_\_\_, 09-14-16)
- 16-0862 IN THE INTEREST OF A.J.C., A CHILD; from Harris County; 14th Court of Appeals District (14-16-00253-CV, \_\_\_ SW3d \_\_\_, 08-09-16)
- 16-0863 ERIN LYNN STOW, KATHERINE BRADLEY AND INTERVENOR, BRANDI TURNER, INDIVIDUALLY AND A/N/F OF C.S.1 AND C.S.2, MINORS v. SLAMMIN 4, LLC; from Harris County; 14th Court of Appeals District (14-15-00044-CV, \_\_\_ SW3d \_\_\_, 06-02-16)
- 16-0864 IN THE INTEREST OF S.A.Y.W., A.N.W., J.E.W., X.E.B., H.E.B., JR., H.Z.S., AND B.A.B., CHILDREN; from Harris County; 14th Court of Appeals District (14-16-00280-CV, \_\_\_ SW3d \_\_\_, 09-08-16)  
2 petitions
- 16-0870 TRACIE JACKSON v. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE D/B/A NAACP; from Harris County; 14th Court of Appeals District (14-15-00507-CV, \_\_\_ SW3d \_\_\_, 09-15-16)

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

- 16-0553 GERALD R. HADDOX AND SHARON HADDOX v. FEDERAL NATIONAL MORTGAGE ASSOCIATION; from Travis County; 3rd Court of Appeals District (03-15-00350-CV, \_\_\_ SW3d \_\_\_, 05-06-16)

*See* TEX. GOV'T CODE § 22.225(b)(1)

16-0627 TERRY BARNHART AND ALL OCCUPANTS v. PENSIVE PROPERTIES, LP; from Travis County; 3rd Court of Appeals District (03-15-00463-CV, \_\_\_ SW3d \_\_\_, 06-28-16)  
*See* TEX. GOV'T CODE § 22.225(b)(1)

16-0691 MARY RUST v. BANK OF AMERICA, N.A.; from Travis County; 1st Court of Appeals District (01-15-00373-CV, \_\_\_ SW3d \_\_\_, 06-09-16)  
*See* TEX. GOV'T CODE § 22.225(b)(1)

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

16-0746 L.A.R. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Hays County; 3rd Court of Appeals District (03-16-00175-CV, \_\_\_ SW3d \_\_\_, 08-18-16)  
abatement order issued

[**Note:** The case is abated pursuant to case no. 15-0171, *In re P.M.* until further order of this Court.]

THE ABATEMENT ORDER IS EXTENDED IN THE FOLLOWING PETITION FOR REVIEW:

15-0975 LINDA BATISTE v. JOHNSON & JOHNSON AND ETHICON, INC.; from Dallas County; 5th Court of Appeals District (05-14-00864-CV, \_\_\_ SW3d \_\_\_, 11-05-15)  
abatement order issued

[**Note:** The Court's abatement order of September 30, 2016 expired by its own terms on November 29, 2016. The abatement is extended until January 31, 2017, by which time the parties must file either a status report or a motion to dismiss.]

**ORDERS ON MOTIONS FOR REHEARING**

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

15-0140 ENERGICO PRODUCTION, INC. v. CACTUS WELL SERVICE, INC.; from Parker County; 2nd Court of Appeals District (02-13-00186-CV, \_\_\_ SW3d \_\_\_, 11-20-14)

15-0369 LUIS ALFREDO ROSA AND MYRNA LIZZET ROSA v. MESTENA OPERATING, LLC; from Brooks County; 4th Court of Appeals District (04-14-00097-CV, 461 SW3d 181, 12-17-14)

15-0623 PATRICIA BISHOP v. CHILDREN'S MEDICAL CENTER OF DALLAS; from Dallas County; 5th Court of Appeals District (05-13-00107-CV, \_\_\_ SW3d \_\_\_, 06-25-15)

15-0698 CATHERINE MORZAK v. DHM DESIGN; from Dallas County; 5th Court of Appeals District (05-15-00103-CV, \_\_\_ SW3d \_\_\_, 06-19-15)

15-0940 GRAY, RITTER & GRAHAM, PC; WOLF HALDENSTEIN ADLER FREEMAN & HERZ, LLC; NEBLETT BEARD & ARSENAULT, LLP; DON M. DOWNING; AND ADAM J. LEVITT v. GOLDMAN PHIPPS, PLLC F/K/A GOLDMAN PENNEBAKER & PHIPPS, PC;

MIKAL C. WATTS, PC; AND MURRAY LAW FIRM; from Nueces County; 13th Court of Appeals District (13-14-00310-CV, \_\_\_ SW3d \_\_\_, 10-08-15)  
stay order issued October 7, 2016, lifted

- 16-0061 ANISH JHAVERI v. KELLY MCBETH; from Travis County; 3rd Court of Appeals District (03-14-00261-CV, \_\_\_ SW3d \_\_\_, 12-10-15)
- 16-0231 DATRIL BOSTON AND APARTMENT EXPRESS, LLC D/B/A MR. DAY RENTS v. EDWARD J. SHERMAN AND EDWARD J. SHERMAN ENTERPRISES, INC. D/B/A FIND IT APARTMENT LOCATORS AND CITI HOMES; from Harris County; 14th Court of Appeals District (14-14-00764-CV, 486 SW3d 88, 01-28-16)
- 16-0276 ROBERT PHALEN v. MICHAEL MAUCELI, REEF OIL & GAS PARTNERS, L.P. (F/K/A REEF & OIL GAS PARTNERS, LLC) REEF SECURITIES, INC. (F/K/A WESTERN AMERICAN SECURITIES CORP.), REEF EXPLORATION, LP AND PAUL MAUCELI; from Dallas County; 5th Court of Appeals District (05-15-00031-CV, \_\_\_ SW3d \_\_\_, 01-26-16)
- 16-0442 SUSAN ANN FISHER v. MEDICAL CENTER OF PLANO, ALIREZA ZAFARMAN ATEF, M.D., SALMAN WAHEED, M.D., RAY J. DELGADILLO, R.T., ANNE W. HANDLEY, R.N., CYNTHIA CARTER, R.N. AND MICHAEL ALLEN, R.T.; from Collin County; 5th Court of Appeals District (05-15-00956-CV, \_\_\_ SW3d \_\_\_, 01-29-16)
- 16-0493 JEFF KAISER, P.C. AND JEFFREY BENEDICT KAISER v. THE STATE OF TEXAS; from Travis County; 3rd Court of Appeals District (03-15-00019-CV, \_\_\_ SW3d \_\_\_, 04-20-16)
- 16-0594 PATRICK CHARLES v. METHODIST HEALTH CENTERS D/B/A HOUSTON METHODIST SUGAR LAND HOSPITAL; from Fort Bend County; 1st Court of Appeals District (01-16-00106-CV, \_\_\_ SW3d \_\_\_, 06-14-16)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 16-0487 IN RE BRADLEY B. MILLER; from Dallas County; 5th Court of Appeals District (05-15-00444-CV, \_\_\_ SW3d \_\_\_, 03-03-16)

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 16-0200 IN RE CBIF LIMITED PARTNERSHIP, COLUMBIA AIRPORT, LLC AND STEVE FLORY; from Dallas County; 5th Court of Appeals District (05-16-00244-CV, \_\_\_ SW3d \_\_\_, 03-11-16)  
stay order issued March 31, 2016, lifted  
motion for leave to file respondent's sur-reply dismissed as moot
- 16-0557 IN RE NAVISTAR, INC.; from Hidalgo County; 13th Court of Appeals District (13-16-00287-CV, \_\_\_ SW3d \_\_\_, 07-06-16)



- 16-0582 IN RE JAMES HALLBECK; from Harris County; 1st Court of Appeals District (01-15-00956-CV, 496 SW3d 229, 06-09-16)
- 16-0699 IN RE KEITH COHN; from Harris County; 1st Court of Appeals District (01-16-00115-CV, \_\_\_ SW3d \_\_\_, 06-30-16)
- 16-0807 IN RE ERNEST MARTIN; from Jefferson County; 9th Court of Appeals District (09-13-00423-CR; 09-13-00258-CR, \_\_\_ SW3d \_\_\_, 10-16-13)
- 16-0883 IN RE JIMMY DEWAYNE HILL; from Dallas County; 5th Court of Appeals District (05-16-00905-CV; 05-16-00906-CV; 05-16-00907-CV; 05-16-00908-CV; 05-16-00909-CV; 05-16-00910-CV; 05-16-00911-CV, \_\_\_ SW3d \_\_\_, 08-03-16)