



# THE SUPREME COURT OF TEXAS

Orders Pronounced March 10, 2017

## ORDERS ON CASES GRANTED

### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

14-1057 JIM P. BENGE, MD AND KELSEY-SEYBOLD MEDICAL GROUP PLLC v. LAUREN WILLIAMS; from Harris County; 1st Court of Appeals District (01-12-00578-CV, 472 SW3d 684, 11-18-14)  
2 petitions

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

15-0683 EXLP LEASING LLC AND EES LEASING LLC v. GALVESTON CENTRAL APPRAISAL DISTRICT; from Galveston County; 14th Court of Appeals District (14-14-00268-CV, 475 SW3d 421, 08-25-15)

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

15-0712 JPMORGAN CHASE BANK, N.A. v. ORCA ASSETS G.P., L.L.C.; from Dallas County; 5th Court of Appeals District (05-13-01700-CV, \_\_\_ SW3d \_\_\_, 08-11-15)

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

15-0944 THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS v. C.W.H.; from Nacogdoches County; 12th Court of Appeals District (12-15-00062-CV, \_\_\_ SW3d \_\_\_, 09-16-15)

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

16-0120 STEVEN PAINTER, ET AL. v. AMERIMEX DRILLING I, LTD.; from Pecos County; 8th Court of Appeals District (08-14-00134-CV, \_\_\_ SW3d \_\_\_, 11-03-15)

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

16-0244 ALAMO HEIGHTS INDEPENDENT SCHOOL DISTRICT v. CATHERINE CLARK; from Bexar County; 4th Court of Appeals District (04-14-00746-CV, \_\_\_ SW3d \_\_\_, 10-21-15)

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

16-0750 SMITH ENERGY COMPANY, ON ITS OWN BEHALF AND ON BEHALF OF SMITH ENERGY RESOURCE OIL, LTD., A TEXAS PARTNERSHIP, AND ON BEHALF OF SMITH ENERGY PARTNERS I, LTD., A TEXAS LIMITED PARTNERSHIP v. MARK P. HARDWICK, INDIVIDUALLY AND D/B/A MARK P. HARDWICK OIL AND GAS PROPERTIES AND MARK P. HARDWICK, LLC; from Terry County; 7th Court of Appeals District (07-15-00083-CV, 500 SW3d 474, 06-27-16)

2 petitions

joint motion to grant petitions without reference to merits granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court grants the petition for reviews, vacates the judgments of the court of appeals and trial court, and remands the case to the trial court for rendition of judgment in accordance with the parties' settlement agreement.

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

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

15-0246 THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, WESLEY WEST MINERALS, LTD. AND LONGFELLOW RANCH PARTNERS, LP v. SANDRIDGE ENERGY, INC. AND SANDRIDGE EXPLORATION AND PRODUCTION, LLC; from Pecos County; 8th Court of Appeals District (08-13-00145-CV, 454 SW3d 603, 11-19-14)

3 petitions

as reinstated

15-0664 TERESA CORRAL-LERMA v. BORDER DEMOLITION & ENVIRONMENTAL, INC., AS A CORPORATION, RAUL SOLIS, INDIVIDUALLY AND BONNIE SOLIS, INDIVIDUALLY; from El Paso County; 8th Court of Appeals District (08-11-00134-CV, 467 SW3d 109, 05-13-15)

2 petitions

15-0874 CITY OF JERSEY VILLAGE v. TEXAS TRANSPORT COMMISSION AND TED HOUGHTON, IN HIS OFFICIAL CAPACITY AS CHAIR OF THE TEXAS TRANSPORTATION COMMISSION; from Harris County; 14th Court of Appeals District (14-14-00823-CV, 478 SW3d 869, 10-15-15)

16-0047 SOFIA BORQUEZ, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF CRESENCIO BORQUEZ, MERCEDES BORQUEZ, INDIVIDUALLY, AND JOEL BORQUEZ, INDIVIDUALLY v. JPMORGAN CHASE BANK, N.A.; from Dallas County; 5th Court of Appeals District (05-14-00131-CV, 481 SW3d 255, 11-03-15)

16-0100 MAVERICK COUNTY AND CITY OF EAGLE PASS v. RAILROAD COMMISSION OF TEXAS; DOS REPUBLICAS COAL PARTNERSHIP; CAMINO REAL FUELS, LLC; AND NORTH AMERICAN COAL COMPANY; from Travis County; 3rd Court of Appeals District

(03-14-00257-CV, \_\_\_ SW3d \_\_\_, 12-29-15)

3 petitions

- 16-0243 OXY USA, INC. v. JENNIFER JOHNSON; from Harris County; 14th Court of Appeals District (14-14-00831-CV, \_\_\_ SW3d \_\_\_, 01-07-16)
- 16-0330 THE CITY OF HOUSTON v. CAPTAIN EDWIN SCOTT HILBURN; AND KEN PAXTON, ATTORNEY GENERAL OF TEXAS; from Travis County; 7th Court of Appeals District (07-15-00158-CV, \_\_\_ SW3d \_\_\_, 01-21-16)
- 16-0350 IN RE ESTATE OF CHARLES JOSEPH KAM, DECEASED; from Dallas County; 8th Court of Appeals District (08-14-00016-CV, 484 SW3d 642, 02-29-16)
- 16-0581 BURNET CENTRAL APPRAISAL DISTRICT v. LOWER COLORADO RIVER AUTHORITY; from Burnet County; 3rd Court of Appeals District (03-15-00724-CV, 497 SW3d 117, 06-07-16)
- 16-0713 UNIQUE STAFF LEASING, LTD., SELF-INSURED v. KENLEY CATES AS BENEFICIARY OF KODY RYAN CATES, DECEASED; from Palo Pinto County; 11th Court of Appeals District (11-14-00309-CV, 500 SW3d 587, 07-29-16)  
2 petitions
- 16-0720 ALLSTAR REFINISHING & COLLISION CENTER, INC. v. AURELIA VILLALOBOS AND NATIONWIDE INSURANCE COMPANY; from Midland County; 11th Court of Appeals District (11-14-00193-CV, \_\_\_ SW3d \_\_\_, 07-29-16)
- 16-0722 IN THE GUARDIANSHIP OF JOHN D. BURLEY, AN INCAPACITATED PERSON; from Harris County; 14th Court of Appeals District (14-14-00664-CV, 499 SW3d 196, 07-19-16)
- 16-0732 LINDA GREEN v. TEXAS DEPARTMENT OF INSURANCE-DIVISION OF WORKERS' COMPENSATION; from Harris County; 1st Court of Appeals District (01-15-00321-CV, \_\_\_ SW3d \_\_\_, 05-10-16)
- 16-0753 PREMIER POOLS MANAGEMENT CORP. AND SHAN POOLS, INC. D/B/A PREMIER POOLS & SPAS v. PREMIER POOLS, INC.; from Dallas County; 5th Court of Appeals District (05-14-01388-CV, \_\_\_ SW3d \_\_\_, 08-12-16)
- 16-0790 PATRICK O'CONNOR & ASSOCIATES, L.P. v. CHESTER R. HALL; from Harris County; 1st Court of Appeals District (01-15-00661-CV, \_\_\_ SW3d \_\_\_, 08-23-16)

- 16-0797 HARRIS COUNTY FLOOD CONTROL DISTRICT v. H. BEN TAUB, KITCHCO REALTY, LTD., METCO REALTY, LTD. AND TEXAS LAND AND CATTLE II, LTD.; from Harris County; 14th Court of Appeals District (14-15-00077-CV, 502 SW3d 320, 08-25-16)
- 16-0831 410 CENTRE LLC, A FOREIGN LIMITED LIABILITY COMPANY AND JOHN B. URBAHNS, AN INDIVIDUAL v. LSREF2 COBALT (TX), LLC, A FOREIGN LIMITED LIABILITY COMPANY; from Bexar County; 4th Court of Appeals District (04-15-00633-CV, 501 SW3d 626, 07-06-16)
- 16-0899 HQZ PARTNERS, L.P., LANG AND COMPANY, LLC, JIM LANG, BRUCE COOK AND RAY WALTER v. ALAN D. GERTNER IRA, THROUGH ALAN GERTNER AS LEGAL REPRESENTATIVE; from Dallas County; 5th Court of Appeals District (05-15-00422-CV, \_\_\_ SW3d \_\_\_, 08-22-16)  
2 petitions
- 16-0928 KENNETH W. ISAAC v. CONSTANCE BURNSIDE; from Harris County; 14th Court of Appeals District (14-16-00689-CV; 14-16-00728-CV, \_\_\_ SW3d \_\_\_, 10-04-16)
- 16-0944 INDEPENDENT BANK, F/K/A UNITED COMMUNITIY BANK, N.A. v. JOHN C. GANTER; from Dallas County; 5th Court of Appeals District (05-15-00413-CV, \_\_\_ SW3d \_\_\_, 08-16-16)
- 16-0972 IN THE INTEREST OF A.J.I.L. AND A.S.L., CHILDREN; from Harris County; 14th Court of Appeals District (14-16-00350-CV, \_\_\_ SW3d \_\_\_, 10-18-16)
- 16-0984 CHARLIE O. BURNETT III v. DRO IP, LTD.; from Nueces County; 13th Court of Appeals District (13-15-00488-CV, \_\_\_ SW3d \_\_\_, 09-01-16)
- 16-1004 JAN ROGERS FREEMAN, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF MICHAEL NEAL FREEMAN; JENNIFER PAIDE SCOGGINS, LAURIE LYNN CAVES AND ASHLEY MICHELLE KIRKLAND v. JI SPECIALTY SERVICES, INC., YORK RISK SERVICES GROUP, INC. AND DIANA MALDANADO; from Harrison County; 6th Court of Appeals District (06-15-00106-CV, 505 SW3d 14, 11-03-16)
- 16-1016 WILDFLOWER PRODUCTION COMPANY, INC. v. JANE FULLER JACKSON, A/K/A JANE FULLER MORRIS; from Wheeler County; 7th Court of Appeals District (07-15-00070-CV, 505 SW3d 80, 10-13-16)
- 16-1030 HAO T. DAO v. MARYLAND CASUALTY INSURANCE COMPANY AND CRAIG RAUSS; from Montgomery County; 9th Court of Appeals District (09-16-00349-CV, \_\_\_ SW3d \_\_\_, 10-20-16)

- 16-1037 IN THE MATTER OF THE MARRIAGE OF KERRY BRYON NOBLE AND GAYLA RENEE NOBLE; from Franklin County; 6th Court of Appeals District (06-16-00032-CV, \_\_\_ SW3d \_\_\_, 11-04-16)
- 17-0009 FLEMING & ASSOCIATES, L.L.P. N/K/A FLEMING, NOLEN & JEZ, L.L.P. AND GEORGE FLEMING v. CHARLES KIRKLIN, STEPHEN KIRKLIN, PAUL KIRKLIN AND THE KIRKLIN LAW FIRM, P.C.; from Harris County; 14th Court of Appeals District (14-16-00752-CV, \_\_\_ SW3d \_\_\_, 11-22-16)
- 17-0038 IN THE INTEREST OF T.R.H., CHILD; from Harris County; 1st Court of Appeals District (01-16-00450-CV, \_\_\_ SW3d \_\_\_, 11-22-16)  
motion to withdraw as counsel granted
- 17-0079 IN THE ESTATE OF ROBERT S. KAM, DECEASED; from Dallas County; 5th Court of Appeals District (05-16-00126-CV, \_\_\_ SW3d \_\_\_, 12-29-16)
- 17-0083 IN THE INTEREST OF K.R.G AND K.W.G., CHILDREN; from Harris County; 1st Court of Appeals District (01-16-00537-CV, \_\_\_ SW3d \_\_\_, 12-15-16)

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

- 16-0869 VOLNEY BRAND v. CHASE BANK USA, N.A. AND JP MORGAN CHASE N.A.; from Dallas County; 5th Court of Appeals District (05-15-00066-CV, \_\_\_ SW3d \_\_\_, 07-01-16)  
as redrafted

*See* TEX. GOV'T CODE § 22.225(b)(1)

- 16-0954 MICHAEL MALDONADO AND MARY MALDONADO v. MARGO PROPERTIES, LLC; from Nueces County; 13th Court of Appeals District (13-15-00500-CV, \_\_\_ SW3d \_\_\_, 09-01-16)

*See* TEX. GOV'T CODE § 22.225(b)(1)

- 16-0985 PAUL E. COPELAND, JR. v. FEDERAL NATIONAL MORTGAGE ASSOCIATION, A/K/A FANNIE MAE; from Bastrop County; 3rd Court of Appeals District (03-16-00030-CV, \_\_\_ SW3d \_\_\_, 10-28-16)

*See* TEX. GOV'T CODE § 22.225(b)(1)

**ORDERS ON MOTIONS FOR REHEARING**

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

- 15-0780 BMT O & G TX, L.P., GOLIAD O & G TX, L.P., WD O & G TX, L.P., KEYSTONE O & G TX, L.P. AND THRU LINE O & G TX, L.P. v. CLAYTON WILLIAMS ENERGY, INC. AND

CHESAPEAKE EXPLORATION, L.L.C.; from Reeves County; 8th Court of Appeals District (08-14-00133-CV, 473 SW3d 341, 07-08-15)

16-0299 BARBARA PINKUS v. HARTFORD CASUALTY INSURANCE COMPANY; from Collin County; 5th Court of Appeals District (05-14-00892-CV, 487 SW3d 616, 11-05-15)

16-0600 LONE STAR ENGINE INSTALLATION CENTER, INC. AND RAFAEL SANCHEZ v. BRENDA GONZALES AND GONZALO GONZALES; from Dallas County; 5th Court of Appeals District (05-14-01616-CV, \_\_\_ SW3d \_\_\_, 05-18-16)

16-0636 LINDA M. SMITH v. MARY DAVIS; from Harris County; 14th Court of Appeals District (14-15-00652-CV, \_\_\_ SW3d \_\_\_, 07-21-16)

16-0708 FRANK SELIGER v. THE ETHIOPIAN CHRISTIAN; from Travis County; 3rd Court of Appeals District (03-14-00621-CV, \_\_\_ SW3d \_\_\_, 07-07-16)  
motion to amend petition denied

16-0808 ROMEO LONGORIA, ET AL. v. EXXON MOBIL CORPORATION, ET AL.; from Brooks County; 4th Court of Appeals District (04-15-00536-CV, \_\_\_ SW3d \_\_\_, 07-27-16)  
as supplemented

(Justice Guzman and Justice Lehrmann not sitting)

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

16-0979 IN RE TRACY NIXON; from Dallas County; 5th Court of Appeals District (05-16-00845-CV, \_\_\_ SW3d \_\_\_, 09-01-16)

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

16-0190 IN RE NATIONAL LLOYDS INSURANCE COMPANY; from Hidalgo County; 13th Court of Appeals District (13-15-00521-CV, \_\_\_ SW3d \_\_\_, 02-10-16)

16-0232 IN RE MORGAN SECURITY CONSULTING, LLC; from Kaufman County; 5th Court of Appeals District (05-16-00067-CV, \_\_\_ SW3d \_\_\_, 03-28-16)  
motion for leave to supplement response dismissed as moot  
stay issued June 16, 2016, lifted

16-0951 IN RE KENNETH MILO LITTLEBRAVE; from Ellis County

17-0021 IN THE GUARDIANSHIP OF CLARENCE LAMAR NORSWORTHY, AN  
INCAPACITATED PERSON; from Dallas County; 5th Court of Appeals District (05-16-01523-  
CV, \_\_\_ SW3d \_\_\_, 01-03-17)