



# THE SUPREME COURT OF TEXAS

Orders Pronounced December 8, 2017

## ORDERS ON CAUSES

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

- 15-0591 IN RE NATIONAL LLOYDS INSURANCE COMPANY, WARDLAW CLAIMS SERVICE, INC. AND IDEAL ADJUSTING, INC.; from Hidalgo County; 13th Court of Appeals District (13-15-00219-CV, \_\_\_ SW3d \_\_\_, 07-14-15)

The Court's opinion issued June 9, 2017 is corrected.

- 15-0968 LONGVIEW ENERGY COMPANY v. THE HUFF ENERGY FUND LP, WRH ENERGY PARTNERS LLC, WILLIAM R. "BILL" HUFF, RICK D'ANGELO AND RILEY-HUFF ENERGY GROUP LLC; from Zavala County; 4th Court of Appeals District (04-12-00630-CV, 482 SW3d 184, 11-25-15)

The Court's opinion issued June 9, 2017 is corrected.

(Justice Guzman not sitting)

## ORDERS ON CASES GRANTED

### THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 16-0125 DEBRA C. GUNN, OBSTETRIC AND GYNECOLOGICAL ASSOCIATES, P.A., AND OBSTETRICAL AND GYNECOLOGICAL ASSOCIATES P.L.L.C. v. ANDRE MCCOY, AS PERMANENT GUARDIAN OF SHANNON MILES MCCOY, AN INCAPACITATED PERSON; from Harris County; 14th Court of Appeals District (14-14-00112-CV, 489 SW3d 75, 03-24-16)

2 petitions

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

- 16-0301 ONCOR ELECTRIC DELIVERY COMPANY LLC v. CHAPARRAL ENERGY, LLC; from Ward County; 8th Court of Appeals District (08-13-00159-CV, 511 SW3d 750, 01-13-16)

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

16-0770 IN THE INTEREST OF S.C. AND K.C., CHILDREN; from Dallas County; 5th Court of Appeals District (05-15-00580-CV, \_\_\_ SW3d \_\_\_, 08-16-16)

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

17-0155 BART DALTON v. CAROL DALTON; from Nacogdoches County; 12th Court of Appeals District (12-15-00203-CV, \_\_\_ SW3d \_\_\_, 01-11-17)

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

17-0198 WASSON INTERESTS, LTD. v. CITY OF JACKSONVILLE, TEXAS; from Cherokee County; 12th Court of Appeals District (12-13-00262-CV, 513 SW3d 217, 12-09-16)

[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:

17-0023 THE GOODYEAR TIRE & RUBBER COMPANY v. ROSA OBREGON PEREZ, ET AL.; from Val Verde County; 4th Court of Appeals District (04-14-00620-CV, \_\_\_ SW3d \_\_\_, 04-13-16)

17-0032 INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS v. ORION DRILLING COMPANY, LLC AND INTEGRATED DRIVE SYSTEMS, LLC; from Harris County; 1st Court of Appeals District (01-16-00187-CV, 512 SW3d 483, 12-06-16)

17-0235 BRET RADCLIFFE, ROBERT RADCLIFFE, AND MAMBA MINERALS, LLC v. TIDAL PETROLEUM, INC.; from La Salle County; 4th Court of Appeals District (04-15-00644-CV, 521 SW3d 375, 02-08-17)

17-0311 OWENS CORNING 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; 4th Court of Appeals District (04-16-00211-CV, \_\_\_ SW3d \_\_\_, 04-05-17)

17-0319 CITY OF PHARR v. GERMAN GARCIA, ANNA LEAL, DOMINGO LOPEZ, JR., SAN JUANITA DE LA FUENTE, AND EZEQUIEL PEREZ; from Hidalgo County; 13th Court of Appeals District (13-15-00409-CV, \_\_\_ SW3d \_\_\_, 12-01-16)

(Justice Guzman not sitting)

17-0424 GEORGE MCDANIEL v. NORHILL ENERGY, L.L.C.; from Young County; 2nd Court of Appeals District (02-16-00011-CV, 517 SW3d 910, 04-13-17)

- 17-0517 CHLOE ROBINSON, INDIVIDUALLY AND AS P/O/A FOR OTIS ROBINSON, A DISABLED INDIVIDUAL, LUCY ROBINSON, AND DYKE ROBINSON, INDIVIDUALLY AND AS P/O/A FOR OTIS ROBINSON, A DISABLED INDIVIDUAL v. COURTYARD SNF, LLC D/B/A COURTYARD CONVALESCENT CENTER; from Harris County; 14th Court of Appeals District (14-16-00792-CV, \_\_\_ SW3d \_\_\_, 05-16-17)
- 17-0532 JENNY KLEIN, AS NEXT FRIEND OF E.K., A MINOR v. CITY OF CANADIAN; from Hemphill County; 7th Court of Appeals District (07-15-00452-CV, \_\_\_ SW3d \_\_\_, 05-22-17)
- 17-0546 D. HOUSTON, INC. D/B/A TREASURES v. THE TEXAS ALCOHOLIC BEVERAGE COMMISSION AND SHERRY COOK, ADMINISTRATOR; from Travis County; 3rd Court of Appeals District (03-13-00327-CV, \_\_\_ SW3d \_\_\_, 05-25-17)
- 17-0583 PLAZAMERICAS MALL TEXAS, LLC, ET AL. v. EWB-I, LLC; from Harris County; 1st Court of Appeals District (01-15-00527-CV, 527 SW3d 447, 06-06-17)
- 17-0606 MARIA GONZALES, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF PATRICIA GONZALES v. ST. JOSEPH REGIONAL HEALTH CENTER; from Brazos County; 10th Court of Appeals District (10-17-00088-CV, \_\_\_ SW3d \_\_\_, 06-14-17)
- 17-0671 RADIANT FINANCIAL, INC. v. FAYE BAGBY; BAGBY INVESTMENTS, LP; AND AMERICAN FINANCIAL & RETIREMENT SERVICES, LLC; from Dallas County; 5th Court of Appeals District (05-16-00268-CV, \_\_\_ SW3d \_\_\_, 07-10-17)
- 17-0675 ALI YAZDCHI v. BBVA COMPASS BANK; from Harris County; 1st Court of Appeals District (01-15-00969-CV, \_\_\_ SW3d \_\_\_, 04-25-17)
- 17-0676 OHIO DEVELOPMENT, LLC v. TAPATIO SPRINGS HOMEOWNERS ASSOCIATION; from Kendall County; 4th Court of Appeals District (04-17-00002-CV, \_\_\_ SW3d \_\_\_, 05-31-17)
- 17-0760 ROBERT GROSS v. JEANINE DANNATT; from Tom Green County; 13th Court of Appeals District (13-15-00309-CV, \_\_\_ SW3d \_\_\_, 06-22-17)
- 17-0785 ADVANCED GAS & EQUIPMENT, INC. v. AIRGAS USA, L.L.C.; from Harris County; 14th Court of Appeals District (14-16-00464-CV, \_\_\_ SW3d \_\_\_, 08-10-17)
- 17-0811 CLYDE F. HILL v. JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO CHASE HOME FINANCE, LLC; from McLennan County; 10th Court of Appeals District (10-16-00365-CV, \_\_\_ SW3d \_\_\_, 08-02-17)

- 17-0813 BUDDY WAYNE WEBB v. LORI BETH SCHLAGAL; from Midland County; 11th Court of Appeals District (11-14-00101-CV, \_\_\_ SW3d \_\_\_, 08-31-17)
- 17-0821 ESTATE OF JOHN DAVID HARRIS, DECEASED; from Tarrant County; 2nd Court of Appeals District (02-17-00265-CV, \_\_\_ SW3d \_\_\_, 09-21-17)
- 17-0831 JAIRUS PEGUES v. ADECCO USA, INC.; from Travis County; 13th Court of Appeals District (13-16-00383-CV, \_\_\_ SW3d \_\_\_, 08-24-17)
- 17-0834 M.G. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Travis County; 3rd Court of Appeals District (03-17-00321-CV, \_\_\_ SW3d \_\_\_, 08-25-17)  
motion to withdraw as counsel granted
- 17-0852 IN THE INTEREST OF J.M.R., JR. AND J.R., CHILDREN; from Harris County; 14th Court of Appeals District (14-17-00219-CV, \_\_\_ SW3d \_\_\_, 08-17-17)
- 17-0865 FITNESS ENTERTAINMENT LTD D/B/A PLANET FITNESS v. BRIAN HURST; from El Paso County; 8th Court of Appeals District (08-15-00262-CV, 527 SW3d 699, 09-06-17)  
petitioner's motion for stay dismissed as moot
- 17-0946 IN THE INTEREST OF J.L.B., ET AL.; from Bexar County; 4th Court of Appeals District (04-17-00364-CV, \_\_\_ SW3d \_\_\_, 11-01-17)
- 17-0951 IN THE INTEREST OF L.G.D. AND A.F.D., CHILDREN; from Hunt County; 6th Court of Appeals District (06-17-00061-CV, \_\_\_ SW3d \_\_\_, 10-10-17)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

- 17-0738 OLD AUSTIN ROAD LAND TRUST, JOSEPH ANTHONY PIZZINI, INDIVIDUALLY AND AS TRUSTEE OF OLD AUSTIN ROAD LAND TRUST, AND JOHN PRICE v. BEATRICE VASQUEZ AND DARRYL DE LA CRUZ; from Bexar County; 4th Court of Appeals District (04-16-00025-CV, \_\_\_ SW3d \_\_\_, 07-26-17)

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

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

- 16-0543 IN THE INTEREST OF D.C., A CHILD; from Cameron County; 13th Court of Appeals District (13-15-00486-CV, \_\_\_ SW3d \_\_\_, 07-21-16)  
respondent's motion to delay, being treated as a motion to abate, granted  
abatment order issued

[**Note:** This case is removed from the Court's active docket until January 2, 2018, at which time the case will be returned to the Court's active docket.]

## **ORDERS ON MOTIONS FOR REHEARING**

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

- 17-0169 ASPECT INTERNATIONAL, INC. AND JAMES STERLING v. DAVID TUBB AND SUPERIOR SHOOTING SYSTEM, INC.; from Smith County; 12th Court of Appeals District (12-14-00323-CV, \_\_\_ SW3d \_\_\_, 01-18-17)
- 17-0403 MARTINA JACKSON, INDIVIDUALLY AND ON BEHALF OF HER HUSBAND, KEITH JACKSON, DECEASED, AND CARLY ROSE JACKSON AND LARA MARIE JACKSON v. TEXAS DEPARTMENT OF TRANSPORTATION A/K/A TXDOT; from El Paso County; 8th Court of Appeals District (08-15-00045-CV, 528 SW3d 598, 02-15-17)
- 17-0513 JAMES E. WADE v. JOHNNY WADE AND AMANDA WADE, INDIVIDUALLY AND AMANDA WADE AS THE INDEPENDENT EXECUTOR OF THE ESTATE OF EDELL WADE; from Burnet County; 3rd Court of Appeals District (03-15-00100-CV, \_\_\_ SW3d \_\_\_, 01-26-17)

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

- 17-0624 IN RE JOHN BENJAMIN CLOPTON, JR.; from Ellis County

## **MISCELLANEOUS**

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

- 16-0964 IN RE MICHAEL CHARLES MCDERMOTT; from Collin County
- 17-0108 IN RE KIMBERLEY A. GUNNARSON AND GUNNARSON OUTDOOR ADVERTISING, INC.; from Hays County; 3rd Court of Appeals District (03-17-00045-CV, \_\_\_ SW3d \_\_\_, 02-03-17)
- 17-0176 IN RE SERAFIN GARCIA, INDIVIDUALLY AND D/B/A CHAPO'S AUTO SALES; from Hidalgo County; 13th Court of Appeals District (13-16-00489-CV, \_\_\_ SW3d \_\_\_, 02-07-17)  
stay order issued July 25, 2017, lifted
- 17-0580 IN RE PAUL JOHNSON; from Bastrop County; 3rd Court of Appeals District (03-17-00253-CV, \_\_\_ SW3d \_\_\_, 06-09-17)  
real party in interest's motion for sanctions denied
- 17-0680 IN RE DAVID C. PETRUSKA; from Dallas County; 5th Court of Appeals District (05-17-00668-CV, \_\_\_ SW3d \_\_\_, 08-07-17)

### STAY ORDERS ARE ISSUED IN THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS:

17-0982 IN RE OSCAR SALDIVAR, INNOVATIVE BLOCK OF SOUTH TEXAS, LTD., AND INNOVATIVE SUPPLY, L.L.C.; from Hidalgo County; 13th Court of Appeals District (13-17-00648-CV, \_\_\_ SW3d \_\_\_, 11-28-17)

relators' opposed emergency motion for temporary relief granted  
stay order issued

response requested due by December 18, 2017

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

17-1005 IN RE JOHN DOE, INDIVIDUALLY AND AS NEXT FRIEND FOR JOHN DOE, JR., A MINOR; from Dallas County; 5th Court of Appeals District (05-17-00493-CV, \_\_\_ SW3d \_\_\_, 10-11-17)

unopposed emergency motion for temporary relief granted  
unopposed motion to seal portions of the mandamus record granted  
stay order issued

response requested due by December 18, 2017

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