



THE SUPREME COURT OF TEXAS

Orders Pronounced April 6, 2018

ORDERS ON CAUSES

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)

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

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

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

Justice Blacklock did not participate in the decision.

16-0651 DUDLEY CONSTRUCTION, LTD., RICHARD MARK DUDLEY, AND HARTFORD FIRE INSURANCE COMPANY v. ACT PIPE AND SUPPLY, INC.; from Brazos County; 6th Court of Appeals District (06-15-00045-CV, 531 SW3d 744, 07-14-16)

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

Justice Brown delivered the opinion of the Court.

Justice Blacklock did not participate in the decision.

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

17-0041 TEXAS DEPARTMENT OF TRANSPORTATION v. AUSPRO ENTERPRISES, LP; from Travis County; 3rd Court of Appeals District (03-14-00375-CV, 506 SW3d 688, 12-08-16)

Pursuant to Texas Rule of Appellate Procedure 56.2, after granting the petition for review and without hearing oral argument or considering the merits, the Court vacates the judgments of the court of appeals and trial court and dismisses the case as moot.

17-0527 TEXAS VOICES FOR REASON AND JUSTICE, INC. v. THE CITY OF WESTWORTH VILLAGE, TEXAS; from Tarrant County; 2nd Court of Appeals District (02-16-00106-CV, 520 SW3d 652, 05-18-17)

respondent's motion to dismiss granted

Pursuant to Texas Rule of Appellate Procedure 56.2, after granting the petition for review and without hearing oral argument or considering the merits, the Court vacates the judgments of the court of appeals and trial court and dismisses the case as moot.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 17-0263 CRAIG PERKINS AND KIMBERLY PERKINS, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF CODY PERKINS, DECEDENT v. STEPHEN X. SKAPEK, M.D., DANIEL BOWERS, M.D., PAUL DAVID HARKER-MURRAY, M.D., JEFFREY SCOTT KAHN, M.D., LAURA KLESSE, M.D., PATRICK LEAVEY, M.D.; from Dallas County; 5th Court of Appeals District (05-16-00796-CV, ___ SW3d ___, 02-17-17)
- 17-0549 SALINAS CONSTRUCTION TECHNOLOGIES, LTD. v. URBAN ENGINEERING AND MURRAY F. HUDSON; from Nueces County; 13th Court of Appeals District (13-16-00451-CV, ___ SW3d ___, 05-25-17)
- 17-0564 COSMOPOLITAN CONDOMINIUM OWNERS ASSOCIATION v. CLASS A INVESTORS POST OAK, LP; from Harris County; 1st Court of Appeals District (01-16-00769-CV, ___ SW3d ___, 04-27-17)
- 17-0575 IN RE COMMITMENT OF BILLY DEAN PRICE; from Fannin County; 6th Court of Appeals District (06-16-00077-CV, ___ SW3d ___, 05-26-17)
- 17-0837 IN THE INTEREST OF C.S., G.M.S., J.C.S., J.S., AND R.S., CHILDREN; from Parmer County; 7th Court of Appeals District (07-17-00329-CV, ___ SW3d ___, 09-26-17)
- 17-0884 WILLIAM A. VANDERVLIST v. SAMARA PORTFOLIO MANAGEMENT, LLC; from Harris County; 14th Court of Appeals District (14-16-00044-CV, ___ SW3d ___, 07-27-17)
- 17-0896 JOHN SPELLMANN, ET AL. v. JANET H. LOVE AND JHL INTERESTS, LTD.; from De Witt County; 13th Court of Appeals District (13-16-00011-CV, ___ SW3d ___, 08-10-17)
- 17-0934 NATHAN CARUSO AND JENNIFER DONNER v. NATHANIEL YOUNG; from Travis County; 13th Court of Appeals District (13-16-00376-CV, ___ SW3d ___, 08-24-17)
- 17-0987 AJBJK, L.L.P. v. SAEFALDIN RAHMATI AND ABDUL SAEED ASSADI RAHMATI; from Fort Bend County; 1st Court of Appeals District (01-15-01036-CV, ___ SW3d ___, 10-26-17)
- 17-0989 REBECA BALDERAS-RAMIREZ v. ANTHONY CARL FELDER; from Travis County; 3rd Court of Appeals District (03-16-00322-CV, 537 SW3d 625, 11-21-17)

as corrected

- 17-1000 SHAMEKA ANDREA SMITH v. ALDINE INDEPENDENT SCHOOL DISTRICT; from Harris County; 1st Court of Appeals District (01-17-00700-CV, ___ SW3d ___, 11-21-17)
motion for en banc reconsideration denied
- 18-0020 IN THE INTEREST OF K.R., A.R., G.L.C., CHILDREN; from Nueces County; 13th Court of Appeals District (13-17-00281-CV, ___ SW3d ___, 10-26-17)
- 18-0030 TIMOTHY FITZGERALD AND WYNNE A. FITZGERALD v. WATER ROCK OUTDOORS, LLC D/B/A ARTISAN HOMES, GRANT WILSON, AND INGRAM CONCRETE, LLC; from Lubbock County; 7th Court of Appeals District (07-16-00330-CV, 536 SW3d 112, 12-01-17)
- 18-0032 HATEM EL-KHALIDI v. ARABIAN AMERICAN DEVELOPMENT COMPANY; from Hardin County; 9th Court of Appeals District (09-16-00400-CV, ___ SW3d ___, 11-09-17)
- 18-0036 IN THE INTEREST OF J.H., A.H., J.H., L.H., AND H.H., CHILDREN; from Potter County; 7th Court of Appeals District (07-17-00307-CV, ___ SW3d ___, 12-11-17)
- 18-0040 LINDA MICHAELSKI v. JACK FRYDAY D/B/A FRYDAY CONSULTING SERVICES, INC.; from Harris County; 14th Court of Appeals District (14-16-00881-CV, ___ SW3d ___, 12-07-17)
- 18-0062 IN THE ESTATE OF ROSE FARHA NUNU, DECEASED; from Harris County; 14th Court of Appeals District (14-16-00394-CV, ___ SW3d ___, 11-02-17)
- 18-0067 BARBARA A. GARRETT AND NELSON GENE GARRETT v. SHAY BRINKLEY AND ROBIN BRINKLEY; from Burnet County; 3rd Court of Appeals District (03-17-00295-CV, ___ SW3d ___, 12-12-17)
- 18-0085 PRAISE DELIVERANCE CHURCH AND ALL OTHER OCCUPANTS OF 2400 EASTEX FREEWAY, HOUSTON, TEXAS v. JELINIS, LLC AND HREAL COMPANY, LLC; from Harris County; 1st Court of Appeals District (01-16-00890-CV, 536 SW3d 849, 10-19-17)
- 18-0087 ROBERT LOWRY, M.D.; NEUROLOGY AND NEUROPHYSIOLOGY ASSOCIATES, PA; JCMLR, PA; AND LYNNELL LOWRY, M.D. v. PETER A. TARBOX, M.D. AND/OR D/B/A PETER A. TARBOX, M.D. PA; from Bexar County; 4th Court of Appeals District (04-16-00416-CV, 537 SW3d 599, 10-25-17)

- 18-0109 TERRENCE L. DANIELS v. BARBARA BROWDER, IN HER INDIVIDUAL AND OFFICIAL CAPACITIES, SUSANA MARTINEZ, IN HER INDIVIDUAL AND OFFICIAL CAPACITIES, AMY ORLANDO, IN HER INDIVIDUAL AND OFFICIAL CAPACITIES, SUSAN RIEDEL, IN HER INDIVIDUAL AND OFFICIAL CAPACITIES, JAMES DICKENS, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES, ET AL.; from El Paso County; 8th Court of Appeals District (08-14-00060-CV, 538 SW3d 139, 10-31-17)
- 18-0166 JOHN MATTINGLY, CONNIE MATTINGLY AND TRISTAN MATTINGLY v. SWISHER INTERNATIONAL, INC. AND TERRY RAY WEBER; from Burnet County; 3rd Court of Appeals District (03-17-00510-CV, ___ SW3d ___, 01-11-18)
- 18-0242 IN THE INTEREST OF Y.M.D., A CHILD; from Howard County; 11th Court of Appeals District (11-17-00220-CV, ___ SW3d ___, 01-31-18)
motion to withdraw as counsel granted

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 16-0281 ELIZABETH QUIROZ, AS NEXT FRIEND OF JOSEPH CARDONA A/K/A JOSEPH QUIROZ v. JORGE FABIO LLAMAS-SOFORO, M.D. AND JORGE FABIO LLAMAS-SOFORO, M.D., P.A. D/B/A EL PASO EYE CARE CENTER; from El Paso County; 8th Court of Appeals District (08-14-00073-CV, 483 SW3d 710, 01-06-16)
unopposed motion to dismiss granted

ORDERS ON MOTIONS FOR REHEARING

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

- 17-0374 COMMUNICATION WORKERS OF AMERICA LOCAL 6215 AFL-CIO AND BONNIE MATHIAS v. TARSHA HARDY; from Dallas County; 5th Court of Appeals District (05-16-00829-CV, 536 SW3d 38, 03-31-17)
- 17-0531 GAYLAN HENDRICKS AND DAN HENDRICKS v. DON CORLEY, JR.; from Tarrant County; 2nd Court of Appeals District (02-16-00293-CV, ___ SW3d ___, 04-27-17)
- 17-0914 MARGARET D. ROBERTS v. MARTIN E. ROBERTS; from Bexar County; 4th Court of Appeals District (04-16-00170-CV, 531 SW3d 224, 05-10-17)
- 17-0996 LARRY B. JOHNSON v. JAMES W. VOLBERDING; from Smith County; 12th Court of Appeals District (12-17-00247-CV, ___ SW3d ___, 09-06-17)

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 16-0556 IN RE ACCIDENT FUND GENERAL INSURANCE COMPANY AND KRISTE HENDERSON; from Hidalgo County; 13th Court of Appeals District (13-16-00315-CV, ___ SW3d ___, 07-21-16)

16-0877 IN RE MCCLELLAND & HINE, INC.; from Hidalgo County; 13th Court of Appeals District (13-16-00527-CV, ___ SW3d ___, 10-06-16)

17-0308 IN RE JOSEPH ANDRE DAVIS; from Harris County; 1st Court of Appeals District (01-16-00731-CV, ___ SW3d ___, 10-27-16)

as supplemented
motion to take judicial notice dismissed as moot

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

17-0741 IN RE CLEO BUSTAMANTE, JR.; from Maverick County; 4th Court of Appeals District (04-17-00553-CV, ___ SW3d ___, 09-07-17)

18-0176 IN RE ARTURO GARCIA AND AURELIA GARCIA; from Hidalgo County; 13th Court of Appeals District (13-18-00079-CV, ___ SW3d ___, 02-08-18)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

18-0214 IN RE LTF CLUB OPERATIONS CO., INC. D/B/A LIFE TIME FITNESS #152; from Bexar County; 4th Court of Appeals District (04-18-00106-CV, ___ SW3d ___, 03-07-18)

as supplemented
unopposed motion to dismiss proceeding granted
relator's motion for emergency temporary relief dismissed

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

17-0818 IN RE VCC, LLC, VRATSINAS CONSTRUCTION CO., NATO GARCIA D/B/A NATO GARCIA COMPANY, AND PHI SERVICE AGENCY, INC.; from Hidalgo County; 13th Court of Appeals District (13-17-00521-CV, ___ SW3d ___, 09-28-17)

motion to dismiss petition, or alternatively, motion to abate granted in part
stay order issued October 31, 2017, lifted
revised stay order issued December 15, 2017, lifted
abatement order issued

[**Note:** The case is abated under Tex. R. App. P. 7.2(b) until further order of this Court.]

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

17-0878 CHRISTOPHER GRAHAM v. COMMISSION OF LAWYER DISCIPLINE