



# THE SUPREME COURT OF TEXAS

Orders Pronounced September 28, 2018

## ORDERS ON CAUSES

### THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS GRANTED:

- 17-0588 ERIC D. HILLMAN v. NUECES COUNTY, TEXAS AND NUECES COUNTY DISTRICT ATTORNEY'S OFFICE; from Nueces County; 13th Court of Appeals District (13-16-00012-CV, \_\_\_ SW3d \_\_\_, 06-08-17)  
unopposed motion for leave for amicus curiae to share argument granted

Time allotted to argue: 20/15/5 minutes

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

- 15-0155 ENDEAVOR ENERGY RESOURCES, L.P. AND ENDEAVOR PETROLEUM, L.L.C. v. DISCOVERY OPERATING, INC. AND PATRIOT ROYALTY AND LAND, L.L.C.; from Martin County; 11th Court of Appeals District (11-12-00322-CV, 448 SW3d 169, 10-23-14)
- 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)  
(Justice Guzman not sitting)
- 15-0935 XOG OPERATING, LLC AND GERONIMO HOLDING CORPORATION v. CHESAPEAKE EXPLORATION LIMITED PARTNERSHIP AND CHESAPEAKE EXPLORATION, L.L.C.; from Wheeler County; 7th Court of Appeals District (07-13-00439-CV, 480 SW3d 22, 09-02-15)
- 16-0098 THE DALLAS MORNING NEWS, INC. AND STEVE BLOW v. JOHN TATUM AND MARY ANN TATUM; from Dallas County; 5th Court of Appeals District (05-14-01017-CV, 493 SW3d 646, 12-30-15)
- 16-0125 DEBRA C. GUNN, M.D., OBSTETRICAL 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)

(Justice Guzman not sitting)

16-0519 HONORS ACADEMY, INC., D/B/A HONORS ACADEMY AND AMERICAN YOUTHWORKS, INC., D/B/A AMERICAN YOUTHWORKS CHARTER SCHOOL v. TEXAS EDUCATION AGENCY AND MICHAEL MORATH, IN HIS OFFICIAL CAPACITY AS TEXAS COMMISSIONER OF EDUCATION; from Travis County; 3rd Court of Appeals District (03-14-00283-CV, 496 SW3d 244, 06-10-16)

(Justice Blacklock not sitting)

16-0588 ALBERT LUJAN D/B/A TEXAS WHOLESALE FLOWER CO. v. NAVISTAR, INC., NAVISTAR INTERNATIONAL CORPORATION, NAVISTAR INTERNATIONAL TRANSPORTATION CORP., INTERNATIONAL TRUCK AND ENGINE CORPORATION AND SANTEX TRUCK CENTERS, LTD.; from Harris County; 14th Court of Appeals District (14-14-00345-CV, 503 SW3d 424, 06-23-16)

16-0626 WILLACY COUNTY APPRAISAL DISTRICT v. SEBASTIAN COTTON & GRAIN, LTD.; from Willacy County; 13th Court of Appeals District (13-14-00574-CV, 492 SW3d 824, 04-28-16)

The Court's opinion issued April 27, 2018 is corrected.

17-0140 SKY VIEW AT LAS PALMAS, LLC AND ILAN ISRAELY v. ROMAN GERONIMO MARTINEZ MENDEZ AND SAN JACINTO TITLE SERVICES OF RIO GRANDE VALLEY, LLC; from Hidalgo County; 13th Court of Appeals District (13-15-00019-CV, 548 SW3d 18, 01-19-17)

The Court's opinion issued June 1, 2018 is corrected.

17-0146 BOSQUE DISPOSAL SYSTEMS, LLC, AGNUS SWD SERVICES, L.P., GORDON SWD SERVICES, L.P., AND BOB PHILLIPS D/B/A PHILLIPS WATER HAULING v. PARKER COUNTY APPRAISAL DISTRICT; from Parker County; 2nd Court of Appeals District (02-15-00343-CV, 506 SW3d 665, 12-01-16)

#### **ORDERS ON CASES GRANTED**

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

17-0498 CHRISTOPHER MEDINA v. JENNIFER L. ZUNIGA; from Bexar County; 4th Court of Appeals District (04-14-00360-CV, \_\_\_ SW3d \_\_\_, 05-24-17)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 4, 2018.]  
Time allotted to argue: 20/20 minutes

17-0501 TEXAS MUTUAL INSURANCE COMPANY v. BERTILA CHICAS, INDIVIDUALLY AND AS BENEFICIARY OF SANTIAGO CHICAS, DECEASED; from Harris County; 1st Court of Appeals District (01-16-00226-CV, 522 SW3d 67, 05-16-17)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 22, 2019.]

Time allotted to argue: 20/20 minutes

18-0059 DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD v. VIZANT TECHNOLOGIES, LLC; from Dallas County; 5th Court of Appeals District (05-17-00090-CV, \_\_\_ SW3d \_\_\_, 12-15-17)

[Note: This case has been set for oral argument at 9:00 a.m., January 22, 2019.]

Time allotted to argue: 20/20 minutes

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

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

17-0414 CBIF LIMITED PARTNERSHIP, COLUMBIA AIRPORT, LLC, AND STEVE FLORY v. TGI FRIDAY'S INC., LBD CORPORATION, TGIF/DFW PARTNER, LLC, TGIF/DFW MANAGER, LLC, TGIF/DFW TERMINAL A RESTAURANT, DOMAIN ENTERPRISES, INC., TGIF/DFW RESTAURANT JOINT VENTURE, LOUIS STURNS, NORMA ROBY, ERMA JOHNSON HADLEY, RSH CONCESSIONS, LLC, ET AL.; from Dallas County; 5th Court of Appeals District (05-15-00157-CV, \_\_\_ SW3d \_\_\_, 04-21-17)

4 petitions

17-0417 CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC v. ELIDIA CURA-CRUZ, JORGE GARCIA, HOWARD E. COLEMAN, INDIVIDUALLY AND D/B/A COLEMAN CONVERSIONS, COLEMAN UPHOLSTERY, INC., C&D CAR CONNECTION, INC., AND WALTON GAW; from Harris County; 14th Court of Appeals District (14-15-00632-CV, 522 SW3d 565, 02-16-17)

17-0458 IN THE INTEREST OF A.E., A MINOR CHILD; from Montgomery County; 9th Court of Appeals District (09-16-00019-CV, \_\_\_ SW3d \_\_\_, 09-15-16)

17-0525 STOP THE ORDINANCES PLEASE, ET AL. v. CITY OF NEW BRAUNFELS, TEXAS; from Comal County; 3rd Court of Appeals District (03-14-00198-CV, 520 SW3d 208, 05-18-17)

17-0612 CHARLES ROBERT GAUGER v. MARJORIE TIDWELL GAUGER; from Shackelford County; 11th Court of Appeals District (11-15-00245-CV, \_\_\_ SW3d \_\_\_, 06-15-17)

Justice Johnson, joined by Justice Lehrmann, dissenting from the denial of the petition for review.

17-0701 HARLETON OIL & GAS, INC. v. WAYNE E. FREEMAN, ET AL.; from Harrison County; 6th Court of Appeals District (06-16-00034-CV, 528 SW3d 708, 07-07-17)

(Justice Guzman not sitting)

17-0728 IN THE ESTATE OF CARLOS AGUILAR, DECEASED; from Webb County; 4th Court of Appeals District (04-15-00688-CV, \_\_\_ SW3d \_\_\_, 04-05-17)

- 17-0816 RAYMAX MANAGEMENT, L.P. v. SBC TOWER HOLDINGS LLC; from Tarrant County; 2nd Court of Appeals District (02-16-00013-CV, \_\_\_ SW3d \_\_\_, 08-31-17)
- 17-0881 ELIZABETH H. GREEN, FRANK F. HENDERSON, JR., WELDON W. DIETZE, JOHN F. DIETZE, JR., CAROLINE D. BRADFORD, CHRISTIN N. DIETZE, & ALEXIS E. DIETZE v. PAT A. BOOTHE, STERLING PRICE BOOTHE & MICHAEL GEORGE MALONE; from De Witt County; 13th Court of Appeals District (13-15-00267-CV, 534 SW3d 93, 06-22-17)
- 17-0936 IN THE MATTER OF APPROXIMATELY \$80,600.00; from Harris County; 1st Court of Appeals District (01-14-00424-CV, 537 SW3d 207, 10-03-17)
- 17-0943 IN THE MATTER OF APPROXIMATELY \$80,600.00; from Harris County; 1st Court of Appeals District (01-15-00874-CV, 537 SW3d 207, 10-03-17)
- 17-1009 BARBARA FAIRCLOTH, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF HEATHER MARIE INCE AND SHANNON INCE, INDIVIDUALLY AND AS PARENT AND NEXT FRIEND OF K.I., K.R.I., AND D.I., MINORS v. BORDERLANDS, A SOUTHWEST GRILL, INC. D/B/A LYTLE LAND & CATTLE COMPANY; from Taylor County; 11th Court of Appeals District (11-14-00239-CV, \_\_\_ SW3d \_\_\_, 08-31-17)
- 17-1025 WAYNE CORRELL v. MICHELLE HARTMAN; from Harris County; 1st Court of Appeals District (01-15-00415-CV, \_\_\_ SW3d \_\_\_, 09-07-17)
- 17-1029 MELINDA BALLI v. CITY OF EDINBURG; from Hidalgo County; 13th Court of Appeals District (13-17-00183-CV, \_\_\_ SW3d \_\_\_, 11-09-17)
- 17-1045 DAVID TODD BURKE v. THE STATE OF TEXAS; from Jefferson County; 9th Court of Appeals District (09-16-00091-CV, \_\_\_ SW3d \_\_\_, 11-09-17)
- 18-0097 ESTATE LAND COMPANY, AARON WIESE AND KAMAL BANNAN (BANANI) v. ANTHONY WIESE; from Harris County; 14th Court of Appeals District (14-16-00040-CV, 546 SW3d 322, 12-21-17)
- 18-0259 CITY OF HOUSTON v. FRANK NICOLAI AND DEBORA NICOLAI AS PARENTS OF CAROLINE NICOLAI, DECEASED; from Harris County; 1st Court of Appeals District (01-16-00184-CV, 539 SW3d 378, 08-24-17)
- 18-0294 ESTATE OF WILMER GIDDENS, DECEASED; from Bowie County; 6th Court of Appeals District (06-17-00077-CV, \_\_\_ SW3d \_\_\_, 02-09-18)

- 18-0331 HOUSING AUTHORITY OF THE CITY OF EL PASO v. BELTRAN ELECTRICAL CONTRACTORS, INC.; from El Paso County; 8th Court of Appeals District (08-16-00043-CV, 550 SW3d 707, 02-23-18)
- 18-0387 TED B. LYON, III, AND LYON PROPERTIES & CUSTOM HOMES, LLC D/B/A LYON CONSTRUCTION SERVICES v. BUILDING GALVESTON, INC. D/B/A BUILDING SOLUTION; from Galveston County; 1st Court of Appeals District (01-15-00664-CV, \_\_\_ SW3d \_\_\_, 10-12-17)  
2 petitions
- 18-0388 KIRK MITCHELL v. BRIAN MITCHELL AND CLARK MITCHELL; from Comal County; 3rd Court of Appeals District (03-17-00318-CV, \_\_\_ SW3d \_\_\_, 02-16-18)
- 18-0402 THE CITY OF MCALLEN v. SAN JUANITA VIOLA ALDRETE; from Hidalgo County; 13th Court of Appeals District (13-16-00587-CV, \_\_\_ SW3d \_\_\_, 03-22-18)
- 18-0461 HAROLD A. RUMZEK v. BRYAN D. LUCCHESI; from Tarrant County; 8th Court of Appeals District (08-15-00067-CV, 543 SW3d 327, 11-15-17)
- 18-0495 NEAL RAUHAUSER v. JAMES MCGIBNEY AND VIAVIEW, INC.; from Tarrant County; 2nd Court of Appeals District (02-16-00244-CV, 549 SW3d 816, 04-19-18)
- 18-0573 THE TRAVIS LAW FIRM, P.C. F/K/A TRAVIS & HAMMOND, P.C. v. JEFFREY L. DOGGETT; from Harris County; 1st Court of Appeals District (01-17-00098-CV, \_\_\_ SW3d \_\_\_, 05-10-18)
- 18-0645 ROBERT ERIC BLAAUW AS RECEIVER FOR OCANA CORPORATION, N.V. AND ZALINCO CORPORATION, N.V. v. GABRIEL ALARCÓN VELAZQUEZ; from Harris County; 14th Court of Appeals District (14-16-00481-CV, 552 SW3d 354, 05-31-18)
- 18-0661 COLIN SHILLINGLAW v. BAYLOR UNIVERSITY; from McLennan County; 10th Court of Appeals District (10-17-00259-CV, \_\_\_ SW3d \_\_\_, 06-06-18)
- 18-0677 JASPER INDEPENDENT SCHOOL DISTRICT v. JACQUELINE MARTIN; from Jasper County; 9th Court of Appeals District (09-17-00195-CV, \_\_\_ SW3d \_\_\_, 06-14-18)
- 18-0690 IN THE INTEREST OF P.S.E. AND J.T.S., CHILDREN; from Harris County; 1st Court of Appeals District (01-17-00926-CV, \_\_\_ SW3d \_\_\_, 05-29-18)

- 18-0730 CHARLES E. THOMPSON, AS TRUSTEE OF THOMPSON-PHILP FAMILY TRUST v. TAEDA INVESTMENTS, LLC D/B/A TAEDA MANAGEMENT; from Shelby County; 12th Court of Appeals District (12-17-00195-CV, \_\_\_ SW3d \_\_\_, 06-29-18)
- 18-0732 IN THE INTEREST OF T.Y., A CHILD; from Dallas County; 5th Court of Appeals District (05-18-00287-CV, \_\_\_ SW3d \_\_\_, 06-25-18)  
counsel's motion to withdraw granted
- 18-0767 AMERICAN PIPING INSPECTION, INC. AND SAMUEL D. ORBISON v. MA-TEX ROPE COMPANY, INC.; from Gregg County; 6th Court of Appeals District (06-17-00112-CV, 553 SW3d 17, 06-15-18)

#### **ORDERS ON MOTIONS FOR REHEARING**

##### THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

- 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)  
denial of petition for review on April 6, 2018, withdrawn  
petition reinstated

[**Note:** The petition for review remains pending before this Court.]

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

- 17-0468 RLJ II-C AUSTIN AIR, LP; RLJ II-C AUSTIN AIR LESSEE, LP; AND RLJ LODGING FUND II ACQUISITIONS, LLC v. ELNESS SWENSON GRAHAM ARCHITECTS, INC.; from Travis County; 3rd Court of Appeals District (03-14-00738-CV, 520 SW3d 145, 05-03-17)
- 17-0767 HUGO XAVIER DE LOS SANTOS v. COMMISSION FOR LAWYER DISCIPLINE; from Bexar County; 4th Court of Appeals District (04-16-00065-CV, 547 SW3d 640, 05-17-17)

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

- 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)  
stay order issued July 13, 2018, lifted
- 18-0648 IN RE AMANDA BAILEY; from Harris County; 14th Court of Appeals District (14-18-00352-CV, \_\_\_ SW3d \_\_\_, 05-31-18)

#### **MISCELLANEOUS**

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

- 18-0023 IN RE CHARLES MICHAEL GLAZE; from Montgomery County; 9th Court of Appeals District (09-17-00423-CV, \_\_\_ SW3d \_\_\_, 12-14-17)

- 18-0104 IN RE KEITH AND SERENA TINKER; from Brazos County; 10th Court of Appeals District (10-17-00194-CV, 549 SW3d 747, 12-13-17)
- 18-0154 IN RE JOHNATHAN WOMACK AND GENA TAYLOR-WAGNER; from Brazos County; 10th Court of Appeals District (10-17-00336-CV, 549 SW3d 760, 12-27-17)
- 18-0480 IN RE JONES LANG LASALLE-TEXAS. INC.; from Harris County; 1st Court of Appeals District (01-16-00564-CV, \_\_\_ SW3d \_\_\_, 09-19-17)
- 18-0540 IN RE THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS; from Dallas County; 5th Court of Appeals District (05-18-00086-CV, \_\_\_ SW3d \_\_\_, 04-10-18)  
motion for stay denied
- 18-0727 IN RE KIRK JOHN NORTHUP
- 18-0780 IN RE CHARLES WOMBA HOLMES; from Brazos County; 10th Court of Appeals District (10-11-00309-CR, \_\_\_ SW3d \_\_\_, 10-25-12)
- 18-0890 IN RE GORE FAMILY LIMITED PARTNERSHIP; from Brazoria County; 14th Court of Appeals District (14-18-00761-CV, \_\_\_ SW3d \_\_\_, 09-13-18)  
motion to stay denied
- 18-0909 IN RE STEVE PAUL LAFREDO; from Dallas County; 5th Court of Appeals District (05-18-01034-CV, \_\_\_ SW3d \_\_\_, 09-24-18)  
as supplemented  
motion for emergency relief denied