



# THE SUPREME COURT OF TEXAS

Orders Pronounced October 4, 2019

## ORDERS ON CAUSES

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

- 16-0966 THOMAS A. LALONDE, JR., P.E., INDIVIDUALLY AND D/B/A LEE ENGINEERING CO., LEE ENGINEERING CO., STANLEY HAROLD PRATHER AND PRATHER ENGINEERING CONSULTANTS, INC. v. PAUL GOSNELL AND KIM GOSNELL; from Denton County; 2nd Court of Appeals District (02-15-00250-CV, 559 SW3d 559, 08-31-16)
- 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)  
(Justice Busby not participating)
- 17-0634 IN RE VERNA FRANCIS COLEY THETFORD; from Young County; 2nd Court of Appeals District (02-17-00182-CV, 559 SW3d 187, 06-15-17)  
stay order issued July 9, 2019, lifted
- 17-0713 LUIS GARCIA, ET AL. v. CITY OF WILLIS, LEONARD REED, IN HIS OFFICIAL CAPACITY AS [MAYOR] OF THE CITY OF WILLIS, JAMES NOWAK IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE OF THE CITY OF WILLIS, HECTOR FORESTIER, IN HIS OFFICIAL CAPACITY AS CITY MANAGER OF THE CITY OF WILLIS; from Montgomery County; 9th Court of Appeals District (09-16-00164-CV, 523 SW3d 729, 07-06-17)
- 17-0724 REY GARZA v. ROXANA REGALADO HARRISON AND JOSEPH SANTELLANA, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JONATHEN ANTHONY SANTELLANA, DECEASED; from Harris County; 14th Court of Appeals District (14-16-00615-CV, 531 SW3d 852, 07-25-17)
- 17-0840 TIME WARNER CABLE TEXAS LLC AND PUBLIC UTILITY COMMISSION OF TEXAS v. CPS ENERGY AND SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T

TEXAS; from Travis County; 3rd Court of Appeals District (03-14-00340-CV, 537 SW3d 157, 08-31-17)

(Justice Busby and Justice Bland not participating)

- 17-0850 KMS RETAIL ROWLETT, LP F/K/A KMS RETAIL HUNTSVILLE, LP v. CITY OF ROWLETT, TEXAS; from Dallas County; 5th Court of Appeals District (05-16-00402-CV, 559 SW3d 192, 07-19-17)
- 18-0203 JOSEPH RUSSELL TRIAL AND MICHAEL LEO TRIAL v. JEROME DRAGON, JR. AND PATRICIA G. DRAGON; from Karnes County; 4th Court of Appeals District (04-16-00758-CV, 568 SW3d 160, 11-08-17)
- 18-0431 TARRANT COUNTY, TEXAS v. RODERICK LYDELL BONNER; from Tarrant County; 2nd Court of Appeals District (02-16-00402-CV, 568 SW3d 169, 04-05-18)
- 18-1099 JCB, INCORPORATED, D/B/A CONVEYING & POWER TRANSMISSION SOLUTIONS v. THE HORSBURGH & SCOTT COMPANY (U.S. 5th Circuit 17-51023)

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

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

- 18-0350 FRANK LUCIANO AND HELENE LUCIANO v. SPRAYFOAMPOLYMERS.COM, LLC; from Travis County; 3rd Court of Appeals District (03-16-00382-CV, \_\_\_ SW3d \_\_\_, 03-09-18)  
motion for rehearing granted  
denial of petition for review on March 29, 2019, withdrawn  
petition reinstated  
[Note: This case has been set for oral argument at 9:00 a.m., January 8, 2020.]  
Time allotted to argue: 20/20 minutes
- 18-0403 CREDIT SUISSE AG, CAYMAN ISLANDS BRANCH AND CREDIT SUISSE SECURITIES (USA) LLC v. CLAYMORE HOLDINGS, LLC; from Dallas County; 5th Court of Appeals District (05-15-01463-CV, \_\_\_ SW3d \_\_\_, 02-20-18)  
[Note: This case has been set for oral argument at 9:00 a.m., January 8, 2020.]  
Time allotted to argue: 20/20 minutes
- 18-0841 TOMMY YOWELL, GAIL YOWELL, HARRY GRAFF, EL TERICO, LLC AND CASUARINA INVESTMENTS, LLC (D/B/A LAR RESOURCES, LLC) v. GRANITE OPERATING COMPANY AND APACHE CORPORATION, ET AL.; from Wheeler County; 7th Court of Appeals District (07-17-00112-CV, 557 SW3d 794, 07-26-18)  
2 petitions  
[Note: This case has been set for oral argument at 9:00 a.m., January 9, 2020.]  
Time allotted to argue: 20/20 minutes

18-0989 CITY OF CONROE, TEXAS; CITY OF MAGNOLIA, TEXAS; AND CITY OF SPLENDORA, TEXAS v. SAN JACINTO RIVER AUTHORITY AND KEN PAXTON, ATTORNEY GENERAL OF TEXAS; from Travis County; 3rd Court of Appeals District (03-16-00785-CV, \_\_\_ SW3d \_\_\_, 08-31-18)

[Note: This case has been set for oral argument at 9:00 a.m., January 9, 2020.]  
Time allotted to argue: 20/20 minutes

18-1065 HOMER HILLIS v. HENRY MCCALL; from Gillespie County; 4th Court of Appeals District (04-17-00410-CV, 562 SW3d 98, 08-22-18)  
as amended

[Note: This case has been set for oral argument at 9:00 a.m., January 9, 2020.]  
Time allotted to argue: 20/20 minutes

18-1231 THE CITY OF FORT WORTH AND DAVID COOKE, IN HIS OFFICIAL CAPACITY AS FORT WORTH CITY MANAGER v. STEPHANNIE LYNN RYLIE, TEXAS C&D AMUSEMENTS, INC., AND BRIAN AND LISA SCOTT D/B/A TSCA AND D/B/A RIVER BOTTOM PUB; from Tarrant County; 2nd Court of Appeals District (02-17-00185-CV, 563 SW3d 346, 10-04-18)  
2 petitions

[Note: This case has been set for oral argument at 9:00 a.m., January 28, 2020.]  
Time allotted to argue: 20/20 minutes

19-0263 BONSMARA NATURAL BEEF COMPANY, LLC & GEORGE CHAPMAN, INDIVIDUALLY v. HART OF TEXAS CATTLE FEEDERS, LLC, JAMES MICHAEL HAYES, INDIVIDUALLY, LYNN LANDRUM, INDIVIDUALLY, AND HENRY O. PICKETT II, INDIVIDUALLY; from Castro County; 7th Court of Appeals District (07-17-00453-CV, \_\_\_ SW3d \_\_\_, 01-09-19)

[Note: This case has been set for oral argument at 9:00 a.m., January 28, 2020.]  
Time allotted to argue: 20/20 minutes

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

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

17-0961 HARDIN-SIMMONS UNIVERSITY, ET AL. v. HUNT CIMARRON LIMITED PARTNERSHIP D/B/A CIMARRON EXPLORATION COMPANY; from Cochran County; 7th Court of Appeals District (07-15-00303-CV, \_\_\_ SW3d \_\_\_, 07-25-17)  
2 petitions

18-0427 LINDA MOODY v. EDNA M. ARCHER, HADEN BEARDSLEY AND SARAH KATHRYN PACHECO; from Galveston County; 14th Court of Appeals District (14-15-00945-CV, 544 SW3d 413, 12-14-17)

(Justice Busby not participating)

- 18-0498 EC LEWISVILLE, LLC, D/B/A ELITE CARE EMERGENCY CENTER; GREATER HOUSTON EMERGENCY PHYSICIANS, PLLC, D/B/A ELITE CARE EMERGENCY CENTER; AND DR. HARVEY CASTRO v. HERIBERTO MARTINEZ GONZALEZ; from Denton County; 2nd Court of Appeals District (02-17-00122-CV, \_\_\_ SW3d \_\_\_, 03-08-18)
- 18-0539 TYLER CRAIG AND TEJAS VENDING, L.P. v. TEJAS PROMOTIONS, LLC; from Travis County; 3rd Court of Appeals District (03-16-00611-CV, 550 SW3d 287, 05-03-18)
- 18-0565 NABORS DRILLING TECHNOLOGIES USA, INC., SUCCESSOR BY MERGER TO RYAN DIRECTIONAL SERVICES, INC. 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; 3rd Court of Appeals District (03-17-00284-CV, \_\_\_ SW3d \_\_\_, 06-06-18)
- 18-0683 CRIMSON EXPLORATION INC., ET AL. v. MAGNUM PRODUCING LP; from Lavaca County; 13th Court of Appeals District (13-15-00013-CV, \_\_\_ SW3d \_\_\_, 12-28-17)
- 18-0937 JAMES P. NEILL v. CHARLES JONES; from Grayson County; 5th Court of Appeals District (05-17-00098-CV, \_\_\_ SW3d \_\_\_, 06-18-18)  
petitioner's motion to strike dismissed as moot
- 18-1028 CITY OF HIDALGO, TEXAS AND THE CITY OF HIDALGO, TEXAS MUNICIPAL FACILITIES CORPORATION v. MARY LEAH HODGE; from Hidalgo County; 13th Court of Appeals District (13-16-00695-CV, \_\_\_ SW3d \_\_\_, 01-18-18)
- 18-1075 CCI GULF COAST UPSTREAM LLC v. CIRCLE X CAMP COOLEY, LTD.; from Robertson County; 10th Court of Appeals District (10-17-00325-CV, \_\_\_ SW3d \_\_\_, 09-26-18)
- 18-1194 SM ARCHITECTS, PLLC AND ROGER STEPHENS v. AMX VETERAN SPECIALTY SERVICES, LLC; from Dallas County; 5th Court of Appeals District (05-17-01064-CV, 564 SW3d 902, 11-08-18)
- 19-0018 JUSTIN JINRIGHT, MICHEL C. MCCHESENEY, AND CAMERON PARKER v. NORTH TEXAS MUNICIPAL WATER DISTRICT; from Collin County; 5th Court of Appeals District (05-18-00152-CV, \_\_\_ SW3d \_\_\_, 11-27-18)
- 19-0056 THE STATE OF TEXAS v. GLEANNLOCH COMMERCIAL DEVELOPMENT, LP; from Harris County; 1st Court of Appeals District (01-16-00427-CV, \_\_\_ SW3d \_\_\_, 08-30-18)  
(Justice Bland not participating)

- 19-0061 DR. EMMANUEL E. UBINAS-BRACHE, MD v. SURGERY CENTER OF TEXAS, LP; from Dallas County; 5th Court of Appeals District (05-17-01334-CV, \_\_\_ SW3d \_\_\_, 12-07-18)
- 19-0108 MEWBOURNE OIL COMPANY v. BANTA OILFIELD SERVICES, INC.; from Smith County; 6th Court of Appeals District (06-17-00107-CV, 568 SW3d 692, 12-04-18)
- 19-0184 JOHN S. MORGAN v. SHERYL JOHNSON-TODD; from Jefferson County; 9th Court of Appeals District (09-17-00194-CV, \_\_\_ SW3d \_\_\_, 12-20-18)
- 19-0203 ALAMO NATIONAL BUILDING MANAGEMENT, LP 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; 13th Court of Appeals District (13-17-00040-CV, \_\_\_ SW3d \_\_\_, 01-24-19)
- 19-0214 JOE DRAY RUSHING v. THE STATE OF TEXAS; from Lubbock County; 7th Court of Appeals District (07-17-00059-CV, \_\_\_ SW3d \_\_\_, 01-23-19)  
as redrafted
- 19-0269 UNIVERSAL TELEPHONE EXCHANGE, INC. v. ZTE CORPORATION AND ZTE USA, INC.; from Dallas County; 5th Court of Appeals District (05-17-00781-CV, \_\_\_ SW3d \_\_\_, 11-19-18)
- 19-0300 PEAK'S ADDITION HOME OWNER'S ASSOCIATION, CITY OF DALLAS AND BOARD OF ADJUSTMENT FOR THE CITY OF DALLAS v. EMF SWISS AVENUE, LLC; from Dallas County; 5th Court of Appeals District (05-17-01112-CV, \_\_\_ SW3d \_\_\_, 12-28-18)
- 19-0316 STEPHEN MICHAEL YAMIN, JR. v. HENRY A. TROCHESSET AND CARROLL WAYNE CONN, LP; from Galveston County; 1st Court of Appeals District (01-18-00131-CV, \_\_\_ SW3d \_\_\_, 02-12-19)
- 19-0377 RICHARD "RICK" GONZALES v. MARK RODRIGUEZ, VICTOR TREVINO III, AND THOMAS TREVINO; from Harris County; 14th Court of Appeals District (14-17-00667-CV, \_\_\_ SW3d \_\_\_, 12-18-18)
- 19-0390 EVELYN KELLY, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF DAVID CHRISTOPHER DUNN v. HOUSTON METHODIST HOSPITAL; from Harris County; 1st Court of Appeals District (01-17-00866-CV, \_\_\_ SW3d \_\_\_, 03-26-19)
- 19-0405 L SERIES, L.L.C.; CKDH, L.L.C.; VUE, L.L.C.; & CKDH INVESTMENTS, L.L.C. v. CONRAD HOLT; from Tarrant County; 2nd Court of Appeals District (02-17-00415-CV, 571

SW3d 864, 02-28-19)

- 19-0439 VISTA RIDGE 07 A, LLC, A TEXAS LIMITED LIABILITY COMPANY v. THE STATE OF TEXAS; from Denton County; 7th Court of Appeals District (07-18-00025-CV, \_\_\_ SW3d \_\_\_, 04-22-19)
- 19-0443 FRANKLIN COX v. TEXAS WORKFORCE COMMISSION AND LINCOLN TECHNICAL AND UCAC INC.; from Dallas County; 5th Court of Appeals District (05-17-01331-CV, \_\_\_ SW3d \_\_\_, 05-10-19)
- 19-0451 LAWRENCE ALLEN v. CLAIRE L. ALLEN; from Williamson County; 3rd Court of Appeals District (03-18-00287-CV, \_\_\_ SW3d \_\_\_, 04-12-19)
- 19-0484 CENTRAL STATES LOGISTICS, INC. D/B/A DILIGENT DELIVERY SYSTEMS v. BOC TRUCKING, LLC AND CLARENCE J. MEYERS, III INDIVIDUALLY AND D/B/A BOC LOGISTICS; from Harris County; 1st Court of Appeals District (01-16-00693-CV, 573 SW3d 269, 11-01-18)
- 19-0518 KAREN MISKO v. TRACY JOHNS; from Collin County; 5th Court of Appeals District (05-18-00487-CV, 575 SW3d 872, 05-01-19)
- 19-0536 IN THE INTEREST OF C.M.L. AND M.P.L., CHILDREN; from Travis County; 6th Court of Appeals District (06-18-00091-CV, \_\_\_ SW3d \_\_\_, 05-08-19)
- 19-0558 CARLOS PASOL AND REE FAMILY LTD PARTNERSHIP v. D&C JEWELRY SHOP, INC.; from Cameron County; 13th Court of Appeals District (13-17-00627-CV, \_\_\_ SW3d \_\_\_, 04-04-19)
- 19-0590 IN THE INTEREST OF Z.N., A CHILD; from Potter County; 7th Court of Appeals District (07-18-00440-CV, 579 SW3d 140, 06-06-19)  
petition for review, on behalf of V.C., denied  
  
[Note: The petition for review, on behalf of Texas Department of Family and Protective Services, remains pending before this Court.]
- 19-0620 IGNACIO G. GONZALES, JR. AND ESPERANZA GONZALES v. EDNA BURGESS; from Travis County; 6th Court of Appeals District (06-19-00014-CV, \_\_\_ SW3d \_\_\_, 06-06-19)
- 19-0630 IN THE INTEREST OF A.W., A CHILD; from Wichita County; 2nd Court of Appeals District (02-19-00057-CV, \_\_\_ SW3d \_\_\_, 06-13-19)  
2 petitions

- 19-0631 JEFFREY MURTHA, JAMES BREWER, LARRY BERKMAN, AND CHASIN JASON, INC. v. SAVVY'S, INC., ICIE BERKMAN, AND WENDIE M. KRICKER; from Tarrant County; 2nd Court of Appeals District (02-18-00065-CV, \_\_\_ SW3d \_\_\_, 06-06-19)
- 19-0644 VICTOR ANTOLIK v. DENNIS ANTOLIK; from Travis County; 6th Court of Appeals District (06-18-00096-CV, \_\_\_ SW3d \_\_\_, 05-15-19)
- 19-0705 M.V. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Williamson County; 3rd Court of Appeals District (03-19-00066-CV, \_\_\_ SW3d \_\_\_, 06-19-19)
- 19-0753 PAUL JASON HAMLIN AND TARA NATALIE BERTALAN HAMLIN v. SMITH ROBERTSON, L.L.P. AND ALTON LEE RIGBY, JR.; from Williamson County; 3rd Court of Appeals District (03-18-00754-CV, \_\_\_ SW3d \_\_\_, 07-11-19)
- 19-0770 A.L.G.A. AND W.F.A.M. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Williamson County; 3rd Court of Appeals District (03-19-00086-CV, \_\_\_ SW3d \_\_\_, 07-10-19)  
2 petitions  
counsel's motion to withdraw granted
- 19-0774 IN THE INTEREST OF M.T.R., A CHILD; from Harris County; 14th Court of Appeals District (14-18-01058-CV, 579 SW3d 548, 05-16-19)
- 19-0833 IN THE INTEREST OF M.R., R.R., P.R., C.R., B.R., M.R., AND M.H., CHILDREN; from Bee County; 13th Court of Appeals District (13-19-00178-CV, \_\_\_ SW3d \_\_\_, 08-30-19)
- 19-0844 IN THE INTEREST OF E.J.M.K., A CHILD; from Bexar County; 4th Court of Appeals District (04-19-00079-CV, \_\_\_ SW3d \_\_\_, 08-07-19)  
motion to allow withdrawal of attorney granted
- THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:
- 19-0419 ALBERTO TREVINO D/B/A BOB TREVINO INSURANCE WORKPLACE BENEFITS ADVISOR v. LA JOYA INDEPENDENT SCHOOL DISTRICT; from Hidalgo County; 13th Court of Appeals District (13-17-00333-CV, \_\_\_ SW3d \_\_\_, 04-04-19)  
petitioner's motion to dismiss granted

**ORDERS ON MOTIONS FOR REHEARING**

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

- 18-0056 THE GOODYEAR TIRE & RUBBER COMPANY v. VICKI LYNN ROGERS, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF CARL ROGERS, NATALIE ROGERS AND COURTNEY DUGAT; from Dallas County; 5th Court of Appeals District (05-15-00001-CV, 538 SW3d 637, 09-13-17)  
(Justice Busby not participating)
- 18-0150 VOPAK TERMINAL DEER PARK, INC. v. VERTICAL NORTH AMERICA, INC. NKA RAIZEN NORTH AMERICA, INC.; from Harris County; 14th Court of Appeals District (14-15-01088-CV, \_\_\_ SW3d \_\_\_, 09-21-17)  
(Justice Busby not participating)
- 18-0230 WILLIAM PAUL GIPS, LUCILLE FAY GIPS, AND CONOCOPHILLIPS COMPANY v. KENNETH HAHN; from De Witt County; 13th Court of Appeals District (13-16-00336-CV, \_\_\_ SW3d \_\_\_, 02-08-18)
- 19-0320 KATHRYN A. MURPHY v. JUAN TERRAZAS; from Johnson County; 7th Court of Appeals District (07-18-00184-CV, \_\_\_ SW3d \_\_\_, 01-04-19)
- 19-0521 MAX GROSSMAN v. MARK WOLFE, EXECUTIVE DIRECTOR, TEXAS HISTORICAL COMMISSION; from Travis County; 3rd Court of Appeals District (03-19-00002-CV, 578 SW3d 250, 06-21-19)  
stay order issued August 9, 2019, lifted
- 19-0672 IN THE INTEREST OF A.D.K., C.D.K., AND J.Z.K., CHILDREN; from Lamar County; 6th Court of Appeals District (06-19-00019-CV, \_\_\_ SW3d \_\_\_, 06-26-19)
- 19-0693 IN THE INTEREST OF J.O., J.O., & J.O., CHILDREN; from Medina County; 4th Court of Appeals District (04-19-00037-CV, \_\_\_ SW3d \_\_\_, 07-24-19)

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

- 19-0505 IN RE WILBERT NORWOOD STARKS; from Collin County; 5th Court of Appeals District (05-19-00322-CV, \_\_\_ SW3d \_\_\_, 04-10-19)

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 18-1114 IN RE BRIAN EDWARD FRANKLIN
- 19-0057 IN RE RAFAEL LAGUNES; from Bexar County; 4th Court of Appeals District (04-18-00126-CV, \_\_\_ SW3d \_\_\_, 05-02-18)



19-0180 IN RE MELISSA PSIHOUidakis; from Bexar County; 4th Court of Appeals District (04-18-00880-CV, \_\_\_ SW3d \_\_\_, 12-19-18)  
real party in interest's motion to dismiss for mootness, denied

19-0468 IN RE BAILEY PEAVY BAILEY COWAN HECKAMAN PLLC; from Erath County; 11th Court of Appeals District (11-19-00035-CV, \_\_\_ SW3d \_\_\_, 05-09-19)

19-0608 IN RE TRENT S. GRIFFIN; from Dallas County; 5th Court of Appeals District (05-19-00782-CV, \_\_\_ SW3d \_\_\_, 07-02-19)  
motion for emergency relief denied

19-0737 IN RE WILLIAM H. ATWELL, II; from Harris County; 1st Court of Appeals District (01-18-01066-CV, \_\_\_ SW3d \_\_\_, 08-13-19)

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

19-0389 SHA'BRANDDON C. JOHNSON v. COMMISSION FOR LAWYER DISCIPLINE (60708)  
stay order issued May 31, 2019, lifted

THE FOLLOWING APPEAL FROM A DECISION OF THE BOARD OF DISCIPLINARY APPEALS IS  
DISMISSED FOR WANT OF PROSECUTION:

19-0406 MARCO A. DELGADO v. COMMISSION FOR LAWYER DISCIPLINE (54396)