



THE SUPREME COURT OF TEXAS

Orders Pronounced October 18, 2019

ORDERS ON CAUSES

18-0740 THE UNIVERSITY OF TEXAS AT AUSTIN v. APRIL GARNER; from Travis County; 3rd Court of Appeals District (03-17-00199-CV, ___ SW3d ___, 04-18-18)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and dismisses the case for lack of jurisdiction.

Per Curiam Opinion

18-1034 IN THE INTEREST OF C.W., A CHILD; from Bexar County; 4th Court of Appeals District (04-18-00249-CV, ___ SW3d ___, 09-19-18)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court affirms in part and reverses in part the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

16-0644 MERCEDES-BENZ USA, LLC, JACK L. HOLT, CRAIG W. DEARING AND FRANK J. OSWALD, JR. v. CARDUCO, INC. D/B/A CARDENAS METROPLEX; from Cameron County; 13th Court of Appeals District (13-13-00296-CV, 562 SW3d 451, 03-31-16)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

18-1167 THE EL PASO EDUCATION INITIATIVE, INC., D/B/A BURNHAM WOOD CHARTER SCHOOL v. AMEX PROPERTIES, LLC; from El Paso County; 8th Court of Appeals District (08-17-00049-CV, 564 SW3d 228, 10-31-18)

[**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:

17-0929 IN THE INTEREST OF K.H., A CHILD; from Wichita County; 2nd Court of Appeals District (02-17-00192-CV, ___ SW3d ___, 10-05-17)

- 18-0532 ALCOA WORLD ALUMINA L.L.C. AND STEPHEN ALVARADO v. RUSTY MORALES AND OLGA MARIE ORTIZ; from Calhoun County; 13th Court of Appeals District (13-17-00101-CV, ___ SW3d ___, 05-17-18)
- 18-0905 IN THE INTEREST OF A.M., A CHILD; from Randall County; 7th Court of Appeals District (07-18-00141-CV, ___ SW3d ___, 08-09-18)
Justice Blacklock, joined by Justice Devine, concurring in the denial of the petition for review.
- 18-1156 MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND TEXAS COMMISSIONER OF EDUCATION v. DR. MARIA SOLIS; from Travis County; 3rd Court of Appeals District (03-18-00245-CV, 562 SW3d 591, 08-22-18)
2 petitions
Justice Blacklock notes his dissent to the denial of the petition for review.
- 18-1224 CHELSEA WESSELS, CRS HEALTHCARE, LLC, AND JOEY URRABAZO v. BENJAMIN SCOTT ZERTUCHE; from Atascosa County; 4th Court of Appeals District (04-18-00429-CV, ___ SW3d ___, 11-14-18)
- 19-0067 WARREN WESTER AND THEODORE SULLIVAN v. ROBERT AND DIANA GULLEDGE; from Galveston County; 1st Court of Appeals District (01-17-00488-CV, 562 SW3d 809, 12-04-18)
Justice Boyd notes his dissent to the denial of the petition for review.
(Justice Lehrmann and Justice Bland not participating)
- 19-0078 IN THE INTEREST OF J.D.R.G., A CHILD; from Harris County; 1st Court of Appeals District (01-18-00469-CV, ___ SW3d ___, 11-27-18)
- 19-0113 ROBERT LOWTHER v. BREAKAWAY PRACTICE, LLC; from Dallas County; 5th Court of Appeals District (05-18-00229-CV, ___ SW3d ___, 12-20-18)
- 19-0169 IN THE INTEREST OF S.A.S., A CHILD; from Harris County; 1st Court of Appeals District (01-18-00393-CV, ___ SW3d ___, 12-18-18)
- 19-0243 BRYAN C. WAGNER, WAGNER OIL COMPANY, TRADE EXPLORATION CORPORATION, AND WAGNER & COCHRAN, INC. v. APACHE CORPORATION; from Tarrant County; 2nd Court of Appeals District (02-18-00132-CV, ___ SW3d ___, 11-29-18)
unopposed joint motion to consolidate dismissed as moot

- 19-0244 BRYAN C. WAGNER, WAGNER OIL COMPANY, TRADE EXPLORATION CORPORATION, AND WAGNER & COCHRAN, INC. v. APACHE CORPORATION; from Tarrant County; 2nd Court of Appeals District (02-18-00135-CV, ___ SW3d ___, 11-29-18)
unopposed joint motion to consolidate dismissed as moot
- 19-0364 IN THE INTEREST OF F.M.E.A.F., A.A.F.H., AND A.J.F.H., CHILDREN; from Harris County; 14th Court of Appeals District (14-18-00865-CV, 572 SW3d 716, 03-21-19)
2 petitions
counsel's motion to withdraw granted
- 19-0407 LORD, LEWIS & COLEMAN, LLC v. BELLACO, LLC, BOX CREEK TIMBER, LLC, AND JOHN D. RENFRO; from Houston County; 12th Court of Appeals District (12-18-00126-CV, ___ SW3d ___, 03-12-19)
- 19-0408 DEBORAH PATTERSON HOWARD GOUGHNOUR v. ROBERT H. PATTERSON, JR., TRUSTEE OF THE DEBORAH PATTERSON HOWARD TRUST; from Smith County; 12th Court of Appeals District (12-17-00234-CV, ___ SW3d ___, 03-05-19)
- 19-0432 M. MONIQUE WALTERS v. DUNN LAW GROUP, P.C.; from Tarrant County; 2nd Court of Appeals District (02-17-00293-CV, ___ SW3d ___, 01-17-19)
- 19-0458 FORT BEND COUNTY v. MELISSA ANN NORSWORTHY; from Fort Bend County; 14th Court of Appeals District (14-17-00520-CV, ___ SW3d ___, 03-21-19)
- 19-0470 LAZARO WALCK v. THE CITY OF LUBBOCK; from Lubbock County; 7th Court of Appeals District (07-17-00096-CV, ___ SW3d ___, 04-17-19)
- 19-0517 THIEN NGUYEN, D.O. v. LARRY GARZA; from Harris County; 1st Court of Appeals District (01-19-00090-CV, ___ SW3d ___, 05-02-19)
- 19-0543 IN THE INTEREST OF L.J.S., A CHILD; from Harris County; 14th Court of Appeals District (14-18-01056-CV, ___ SW3d ___, 05-14-19)
counsel's motion to withdraw granted
- 19-0573 IN THE INTEREST OF T.L.E. A/K/A T.E., AND D.V.E. A/K/A D.E., CHILDREN; from Harris County; 14th Court of Appeals District (14-18-01057-CV, 579 SW3d 616, 05-21-19)
- 19-0581 LAURANCE KRIEGEL v. SOUTHWESTERN PUBLIC SERVICE COMPANY AND XCEL ENERGY; 8th Court of Appeals District (08-19-00115-CV, ___ SW3d ___, 06-05-19)

- 19-0592 IN THE INTEREST OF M.K.M., A CHILD; from Harris County; 14th Court of Appeals District (14-19-00013-CV, ___ SW3d ___, 07-12-19)
counsel's motion to withdraw granted
- 19-0692 RUTH TORRES v. THE CONTINENTAL APARTMENTS, ALL CITIES TOWING, INC., CITY VEHICLE STORAGE, INC.; from Dallas County; 5th Court of Appeals District (05-18-00215-CV, ___ SW3d ___, 05-21-19)
- 19-0698 IN THE INTEREST OF T.A.Q., A CHILD; from Galveston County; 14th Court of Appeals District (14-17-00954-CV, ___ SW3d ___, 03-14-19)
(Justice Busby not participating)
- 19-0699 ELIZABETH MURPHY BUNTING v. KYLE BUNTING HOLDINGS, INC.; from Travis County; 3rd Court of Appeals District (03-18-00656-CV, ___ SW3d ___, 06-27-19)
- 19-0764 REGINA DELL BROWN AND GWENDOLYN GABRIEL v. MERRY OUTLAW; from Dallas County; 5th Court of Appeals District (05-17-01270-CV, ___ SW3d ___, 06-27-19)
- 19-0782 CHICO AUTO PARTS & SERVICES, INC. v. MARY MAXEY; from Tarrant County; 2nd Court of Appeals District (02-18-00352-CV, ___ SW3d ___, 07-03-19)
- 19-0798 LYNDA BLISS v. BANK OF AMERICA N.A. AND SANTANDER BANK, N.A., F/K/A SOVEREIGN BANK, N.A.; from Collin County; 5th Court of Appeals District (05-18-00476-CV, ___ SW3d ___, 06-04-19)
(Justice Boyd not participating)
- 19-0850 IN THE INTEREST OF E.D.D., III, A CHILD; from Bexar County; 4th Court of Appeals District (04-19-00138-CV, ___ SW3d ___, 08-07-19)
motion to allow withdrawal of attorney of record granted
- 19-0897 IN THE INTEREST OF K.M., JR., A MINOR CHILD; from Harris County; 1st Court of Appeals District (01-19-00285-CV, ___ SW3d ___, 08-22-19)
motion for withdrawal of counsel granted
- 19-0900 IN THE INTEREST OF K.M., A MINOR CHILD; from Harris County; 1st Court of Appeals District (01-19-00286-CV, ___ SW3d ___, 08-22-19)
motion for withdrawal of counsel granted

19-0901 IN THE INTEREST OF H.J.G. AND I.S.G., CHILDREN; from Dallas County; 5th Court of Appeals District (05-19-00819-CV, ___ SW3d ___, 08-27-19)

19-0907 IN THE INTEREST OF H.B.C., S.C.C., AND A.S.C., CHILDREN; from Bexar County; 4th Court of Appeals District (04-19-00300-CV, ___ SW3d ___, 08-21-19)

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

19-0467 MARIA POND v. BOUCHRA EID; from Travis County; 1st Court of Appeals District (01-18-00553-CV, ___ SW3d ___, 05-02-19)

agreed joint motion to abate granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until November 13, 2019, by which time the parties must file a status report or a motion to dismiss.]

ORDERS ON MOTIONS FOR REHEARING

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

17-1039 VIRTEX OPERATING CO., INC. AND VIRTEX PRODUCING COMPANY, L.P. v. ROBERT LEON BAUERLE AND CYNTHIA BAUERLE; from Frio County; 4th Court of Appeals District (04-16-00549-CV, ___ SW3d ___, 11-08-17)

(Justice Lehrmann and Justice Bland not participating)

18-0092 SHANNON DAVIS v. HUMBLE SURGICAL HOSPITAL, LLC, K&S CONSULTING, LLC D/B/A K+S CONSULTING; from Harris County; 14th Court of Appeals District (14-16-01026-CV, 542 SW3d 12, 10-17-17)

(Justice Busby not participating)

18-0455 PROGRESO INDEPENDENT SCHOOL DISTRICT v. MICHAEL MORATH, IN HIS OFFICIAL CAPACITY AS TEXAS COMMISSIONER OF EDUCATION; AND MICHAEL BERRY, IN HIS OFFICIAL CAPACITY AS DEPUTY COMMISSIONER OF EDUCATION; from Travis County; 3rd Court of Appeals District (03-16-00254-CV, ___ SW3d ___, 12-07-17)

19-0274 KILGORE INDEPENDENT SCHOOL DISTRICT v. THE STATE OF TEXAS; from Gregg County; 6th Court of Appeals District (06-18-00016-CV, 572 SW3d 244, 02-11-19)

19-0617 KENNETH A. EVERHARD v. PLAINSCAPITAL BANK; from Hidalgo County; 13th Court of Appeals District (13-18-00036-CV, ___ SW3d ___, 06-06-19)

(Justice Boyd not participating)

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

19-0135 IN RE MCALLEN HOSPITALS, L.P.; from Cameron County; 13th Court of Appeals District (13-18-00529-CV, ___ SW3d ___, 12-12-18)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 19-0519 IN RE THIEN NGUYEN, D.O.; from Harris County; 1st Court of Appeals District (01-19-00090-CV, ___ SW3d ___, 05-02-19)
- 19-0745 IN RE JOEL WALKER; from Travis County; 3rd Court of Appeals District (03-19-00503-CV, ___ SW3d ___, 08-08-19)
- 19-0783 IN RE DISTRIBUTORS; from Harris County; 1st Court of Appeals District (01-19-00550-CV, ___ SW3d ___, 08-23-19)
emergency motion to temporarily stay denied
- 19-0785 IN RE PURDUE PHARMA L.P., ET AL.; from Harris County; 1st Court of Appeals District (01-19-00551-CV, ___ SW3d ___, 08-23-19)
emergency motion to temporarily stay denied

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DISMISSED:

- 14-1031 IN RE FARMERS INSURANCE EXCHANGE AND TEXAS FARMERS INSURANCE COMPANY; from Nueces County; 13th Court of Appeals District (13-14-00690-CV, ___ SW3d ___, 12-03-14)
relators' unopposed motion to lift stay and dismiss petition granted
abatement order issued February 27, 2015, lifted
mandamus reinstated
- 19-0257 IN RE MATAGORDA COUNTY; from Galveston County; 1st Court of Appeals District (01-18-00912-CV, ___ SW3d ___, 03-07-19)
motion to dismiss granted

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

- 19-0656 IN RE TEXAS NEW MEXICO POWER COMPANY; from Harris County; 1st Court of Appeals District (01-18-01075-CV, 579 SW3d 784, 06-20-19)
motion for stay granted
stay order issued
response requested due by November 4, 2019

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

THE FOLLOWING CASE IS ABATED:

- 17-0926 EP ENERGY E&P COMPANY, L.P. F/K/A EL PASO E&P COMPANY, L.P. v. FAIRFIELD INDUSTRIES, INC. D/B/A FAIRFIELDNODAL; from Harris County; 14th Court of Appeals District (14-15-00586-CV, 531 SW3d 234, 07-06-17)
abatement order issued

[**Note:** Effective October 3, 2019, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2, 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]