



THE SUPREME COURT OF TEXAS

Orders Pronounced October 2, 2020

ORDERS ON CAUSES

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 17-0557 CLINTON W. ("BUDDY") PIKE, SR., DANIEL L. WALKER, W. TOBIN WILSON, VHSC CEMENT, LLC, AND FEW READY MIX CONCRETE CO. v. TEXAS EMC MANAGEMENT, LLC, TEXAS EMC PRODUCTS, LP, AND EMC CEMENT, BV; from Limestone County; 10th Court of Appeals District (10-14-00274-CV, 579 SW3d 390, 06-07-17)
- 18-0068 WARNER BROS. ENTERTAINMENT, INC.; WARNER BROS. TECHNICAL OPERATIONS, INC. D/B/A WARNER BROS. ADVANCED DIGITAL SERVICES; TMZ PRODUCTIONS, INC.; EHM PRODUCTION, INC. D/B/A TMZ; TMZ.COM; AND ELIZABETH MCKERNAN v. ROBERT JONES; from Travis County; 3rd Court of Appeals District (03-16-00009-CV, 538 SW3d 781, 12-21-17)
(Justice Boyd not participating)
- 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, 584 SW3d 18, 02-20-18)
- 18-0837 LOYA INSURANCE COMPANY v. OSBALDO HURTADO AVALOS AND ANTONIO HURTADO AS ASSIGNEES OF KARLA FLORES GUEVARA; from Webb County; 4th Court of Appeals District (04-17-00070-CV, 592 SW3d 138, 07-25-18)
- 18-1134 W&T OFFSHORE, INC. v. WESLEY FREDIEU; from Harris County; 14th Court of Appeals District (14-16-00511-CV, 584 SW3d 200, 10-30-18)
(Justice Lehrmann not participating)

19-0117 REGENT CARE OF SAN ANTONIO, L.P. v. ROBERT H. DETRICK AND CAROLYN DART DETRICK; from Bexar County; 4th Court of Appeals District (04-17-00596-CV, 567 SW3d 752, 11-07-18)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

19-0233 CONCHO RESOURCES, INC., ET AL. v. MARSHA ELLISON, D/B/A ELLISON LEASE OPERATING; from Irion County; 13th Court of Appeals District (13-17-00046-CV, ___ SW3d ___, 02-14-19)

3 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., January 5, 2021.]
Time allotted to argue: 20/20 minutes

19-0689 KATHLEEN POWELL AND PAUL LUCCIA v. CITY OF HOUSTON, TEXAS; from Harris County; 1st Court of Appeals District (01-18-00237-CV, 580 SW3d 391, 06-25-19)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 5, 2021.]
Time allotted to argue: 20/20 minutes

19-0787 DELL MARKETING L.P., A TEXAS LIMITED PARTNERSHIP, DELL FEDERAL SYSTEMS, L.P., A TEXAS LIMITED PARTNERSHIP; AND DELL PRODUCTS, L.P., A TEXAS LIMITED PARTNERSHIP v. INTEGRITY GLOBAL SECURITY, LLC; AND GREEN HILLS SOFTWARE, INC.; from Travis County; 3rd Court of Appeals District (03-17-00483-CV, 579 SW3d 577, 05-17-19)

2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., January 6, 2021.]
Time allotted to argue: 20/20 minutes

19-0885 ALLSTATE INSURANCE COMPANY v. DANIEL WES IRWIN; from Bexar County; 4th Court of Appeals District (04-18-00293-CV, ___ SW3d ___, 08-21-19)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 7, 2021.]
Time allotted to argue: 20/20 minutes

19-1051 EX PARTE ROBERTO PASQUALE-GUALTIERI PETITTO; from Kerr County; 4th Court of Appeals District (04-18-00539-CV, ___ SW3d ___, 07-31-19)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 6, 2021.]
Time allotted to argue: 20/20 minutes

20-0055 IN THE INTEREST OF D.T., A CHILD; from Hunt County; 6th Court of Appeals District (06-19-00064-CV, 593 SW3d 437, 12-13-19)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 7, 2021.]
Time allotted to argue: 20/20 minutes

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE SET FOR ORAL ARGUMENT:

19-1022 IN RE K&L AUTO CRUSHERS, LLC AND THOMAS GOTHARD, JR.; from Dallas County; 5th Court of Appeals District (05-19-01061-CV, ___ SW3d ___, 10-29-19)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 5, 2021.]
Time allotted to argue: 20/20 minutes

20-0005 DIOCESE OF LUBBOCK v. JESUS GUERRERO; from Lubbock County; 7th Court of Appeals District (07-19-00280-CV, 591 SW3d 244, 12-06-19)
petition for review granted

~ consolidated for oral argument with ~

20-0127 IN RE DIOCESE OF LUBBOCK; from Lubbock County; 7th Court of Appeals District (07-19-00307-CV, 592 SW3d 196, 12-06-19)

[**Note:** These cases have been set for oral argument at 9:00 a.m., January 6, 2021.]
Time allotted to argue: 20/20 minutes

20-0404 IN RE THE TEXAS EDUCATION AGENCY; MIKE MORATH, COMMISSIONER OF EDUCATION IN HIS OFFICIAL CAPACITY; AND DORIS DELANEY, IN HER OFFICIAL CAPACITY; from Travis County; 3rd Court of Appeals District (03-20-00025-CV, ___ SW3d ___, 04-24-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 27, 2020.]
Time allotted to argue: 20/20 minutes

20-0434 IN RE FACEBOOK, INC. AND FACEBOOK, INC. D/B/A INSTAGRAM; from Harris County; 14th Court of Appeals District (14-19-00845-CV; 14-19-00847-CV; 14-19-00886-CV, ___ SW3d ___, 04-28-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 7, 2021.]
Time allotted to argue: 20/20 minutes
(Justice Busby not participating)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

19-0354 LOGAN INDUSTRIES v. CARGOTEC CORPORATION., MACGREGOR USA, INC. AND CARGOTEC USA, INC.; from Waller County; 14th Court of Appeals District (14-17-00213-CV, ___ SW3d ___, 12-20-18)

- 19-0410 APACHE CORPORATION v. CATHRYN C. DAVIS; from Harris County; 14th Court of Appeals District (14-17-00306-CV, 573 SW3d 475, 04-23-19)
(Justice Busby and Justice Bland not participating)
- 19-0695 KEN BAILEY AND BRADLEY PETERSON v. CARTER SMITH, EXECUTIVE DIRECTOR; CLAYTON WOLF, WILDLIFE DIVISION DIRECTOR; MITCH LOCKWOOD, BIG GAME PROGRAM DIRECTOR; AND TEXAS PARKS & WILDLIFE DEPARTMENT; from Travis County; 3rd Court of Appeals District (03-17-00703-CV, 581 SW3d 374, 06-28-19)
- 19-0793 VIRGINIA ANGEL, TRUSTEE FOR THE GOBSMACK GIFT TRUST, AS ASSIGNEE OF SOUTH STATE BANK, AND SOUTH STATE BANK, N.A., FORMERLY KNOWN AS CENTERSTATE BANK, N.A., AS SUCCESSOR IN INTEREST BY MERGER TO SOUTH STATE BANK v. KYLE TAUCH; from Harris County; 14th Court of Appeals District (14-17-00976-CV, 580 SW3d 808, 07-25-19)
(Justice Lehrmann not participating)
- 20-0104 AMANDA MAURICIO v. DENNIS YAKLIN D/B/A JACOB'S APARTMENTS AND YAKLIN RENTALS, LLC; from Kleberg County; 13th Court of Appeals District (13-18-00439-CV, ___ SW3d ___, 08-22-19)
- 20-0124 WILLIAM DREXEL AND SANDY DREXEL v. TOLL BROTHERS, INC. AND TOLL DALLAS TX, LLC; from Collin County; 5th Court of Appeals District (05-18-00099-CV, ___ SW3d ___, 01-21-20)
2 petitions
- 20-0135 BYRON CURTIS COOK v. RONALD SIMMONS; from Collin County; 5th Court of Appeals District (05-19-00091-CV, ___ SW3d ___, 11-12-19)
- 20-0136 BYRON CURTIS COOK v. KEVIN KYSER AND CHRISTOPHER COWMAN; from Collin County; 5th Court of Appeals District (05-19-00311-CV, ___ SW3d ___, 11-12-19)
- 20-0149 KENNETH L. BERRY, INDIVIDUALLY; AND KENNETH L. BERRY, IN A DERIVATIVE CAPACITY FOR SKYEAGLE, INC. v. DENNIS W. BERRY; MARVIN G. BERRY; BAY, INC.; BERRY GP, INC., D/B/A BERRY CONTRACTING; AND BERRY CONTRACTING, D/B/A BAY, LTD.; from Nueces County; 13th Court of Appeals District (13-18-00215-CV, ___ SW3d ___, 12-05-19)

- 20-0240 THE PINKERTON LAW FIRM, PLLC v. UNIVERSITY CANCER CENTER, INC.; from Harris County; 1st Court of Appeals District (01-19-00089-CV, ___ SW3d ___, 01-09-20)
- 20-0260 FACILITY INSURANCE COMPANY, ET AL. v. VISTA HOSPITAL OF DALLAS, VISTA MEDICAL CENTER HOSPITAL AND SURGERY SPECIALTY HOSPITALS OF AMERICA; from Travis County; 3rd Court of Appeals District (03-18-00663-CV, ___ SW3d ___, 12-05-19)
- 20-0283 SCOTT BURRIS, ASHLEY BURRIS, WAYNE BURRIS, LEE BURRIS, KENNETH DAVIS, CECE DAVIS, AMY WILSON, MIKE WILSON, DARYL GREEN, CATHY GREEN, JEFFERY GRIGGS, CLIFF JACKSON, MAMIE JACKSON, WILLIAM MERRILL, TONYA SPELLS, QUINTON PERRY, ANGIE PERRY, KENNETH SHIELDS, TAMARA SHIELDS, CATHY HIGHT, CLINTON SIPLES, AND MICHELLE SIPLES v. SCHERTZ BANCSHARES CORPORATION, INDIVIDUALLY AND D/B/A SCHERTZ BANK & TRUST, SCHERTZ BANK & TRUST, AND MUSTANG VALLEY ESTATES HOMEOWNERS ASSOCIATION; from Guadalupe County; 4th Court of Appeals District (04-19-00209-CV, ___ SW3d ___, 01-02-20)
- 20-0302 ERIC THOMAS, JOHN WILLIAMS, AND ALBERT MAILHOT v. MARSHA MCLANE, IN HER OFFICIAL CAPACITY AS DIRECTOR OF THE TEXAS CIVIL COMMITMENT OFFICE; from Travis County; 3rd Court of Appeals District (03-18-00439-CV, ___ SW3d ___, 03-06-20)
- 20-0307 IN THE ESTATE OF RONALD CRAIG BURNS, DECEASED; from Karnes County; 4th Court of Appeals District (04-19-00284-CV, ___ SW3d ___, 01-22-20)
- 20-0316 STARBRIGHT CAR WASH LLC v. CITY OF BELTON, TEXAS; from Bell County; 14th Court of Appeals District (14-18-00261-CV, ___ SW3d ___, 12-10-19)
- 20-0342 ROBERT MICHELENA v. MONICA MICHELENA; from Cameron County; 13th Court of Appeals District (13-16-00349-CV, ___ SW3d ___, 03-19-20)
- 20-0370 THE CITY OF HOUSTON, TEXAS v. JOHN NICHOLAS, TEMPORARY ADMINISTRATOR OF THE ESTATE OF RHOGENA NICHOLAS, AND JO ANN NICHOLAS; from Harris County; 14th Court of Appeals District (14-19-00716-CV, ___ SW3d ___, 03-26-20)
motion for expedited consideration dismissed as moot
- 20-0374 ROBERT EUGENE POLLOCK, JR., FORBES ENERGY SERVICES, LTD. AND SPENCER H. YOUNG v. FERNANDO RUIZ; from Matagorda County; 13th Court of Appeals District (13-19-00315-CV, ___ SW3d ___, 04-09-20)

- 20-0379 IN THE INTEREST OF H.J.Y.S., A CHILD; from Brazos County; 10th Court of Appeals District (10-19-00325-CV, ___ SW3d ___, 02-26-20)
- 20-0391 JINNEAN K. ASKEW v. MENA HOMES, INC.; from Tarrant County; 2nd Court of Appeals District (02-19-00181-CV, ___ SW3d ___, 02-06-20)
- 20-0402 CARLOS MORALES v. DAVID BARNES; from Dallas County; 5th Court of Appeals District (05-18-00767-CV, ___ SW3d ___, 02-07-20)
- 20-0417 DAVID BARNES v. KATHERINE KINSER, JONATHAN BATES, AND KINSER & BATES, LLP; from Dallas County; 5th Court of Appeals District (05-19-00481-CV, 600 SW3d 506, 04-07-20)
- 20-0441 THOMAS KEVIN COOK, M.D., CRANIOFACIAL AND PLASTIC SURGERY CENTER-HOUSTON, AND QIJUN SONG, CSA v. KATHLEEN BROUSSARD; from Harris County; 1st Court of Appeals District (01-19-00483-CV, ___ SW3d ___, 04-21-20)
- 20-0458 INSGROUP, INC. D/B/A AGIA AGRICULTURAL INSURANCE AGENCY v. WHITE LION HOLDINGS, LLC AND BERNARD MORELLO; from Fort Bend County; 1st Court of Appeals District (01-18-00851-CV, ___ SW3d ___, 12-31-19)
- 20-0476 IN THE INTEREST OF H.P., III, A MINOR CHILD; from Childress County; 7th Court of Appeals District (07-19-00394-CV, ___ SW3d ___, 05-01-20)
- 20-0479 R&T ELLIS EXCAVATING, INC. AND PRINCIPAL SERVICES, LTD. v. FLOYD PAGE AND GALE PAGE; from Liberty County; 9th Court of Appeals District (09-20-00080-CV, ___SW3d___, 04-02-20)
- 20-0490 DAVID J. KAM, INDIVIDUALLY, AS INDEPENDENT EXECUTOR OF THE ESTATE OF ROBERT S. KAM, DECEASED, AND AS TRUSTEE OF THE ROBERT S. KAM TRUST v. CAROL M. KAM; from Dallas County; 5th Court of Appeals District (05-19-01293-CV, ___ SW3d ___, 04-10-20)
- 20-0511 BCCC SOCIAL MEMBERS ASSOCIATION v. BARTON CREEK RESORT LLC D/B/A BARTON CREEK COUNTRY CLUB; from Travis County; 3rd Court of Appeals District (03-18-00708-CV, ___ SW3d ___, 06-03-20)
- 20-0559 MADHAVAN A. PISHARODI, M.D., P.A. v. UNITED BIOLOGICS, L.L.C.; from Bexar County; 4th Court of Appeals District (04-18-00324-CV, ___ SW3d ___, 03-25-20)

- 20-0575 VEROS CREDIT, L.L.C. v. SURETY BONDING COMPANY OF AMERICA; from Dallas County; 5th Court of Appeals District (05-19-00586-CV, ___ SW3d ___, 05-21-20)
- 20-0591 IN THE INTEREST OF N.E.C., A CHILD; from Dallas County; 5th Court of Appeals District (05-18-01350-CV, ___ SW3d ___, 06-18-20)
- 20-0595 IN THE MATTER OF THE MARRIAGE OF CHARLES INNESS THRASH, AN INCAPACITATED ADULT; from Bexar County; 4th Court of Appeals District (04-19-00236-CV, 605 SW3d 224, 04-29-20)
- 20-0616 IN RE THE COMMITMENT OF JEFFERY REGAN EDDINGS; from Tarrant County; 2nd Court of Appeals District (02-19-00290-CV, ___ SW3d ___, 07-02-20)
- 20-0628 GARY MARTIN AND KAREN MARTIN v. JOHN M. BAYOUTH, M.D.; TEXAS HEALTH CARE, P.L.L.C.; BAYLOR ALL SAINTS MEDICAL CENTER; from Tarrant County; 2nd Court of Appeals District (02-19-00008-CV, ___ SW3d ___, 07-02-20)
- 20-0691 D.N.-B. AND C.B. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Williamson County; 3rd Court of Appeals District (03-20-00092-CV, ___ SW3d ___, 07-24-20)
- 20-0717 IN THE INTEREST OF K.E., K.E., D.T., AND K.E., THE CHILDREN; from Denton County; 2nd Court of Appeals District (02-20-00045-CV, ___ SW3d ___, 07-30-20)
motion to withdraw as counsel granted
unopposed motion for extension of word limit granted
- 20-0721 IN THE INTEREST OF S.A.J., A CHILD; from Harris County; 14th Court of Appeals District (14-20-00216-CV, ___ SW3d ___, 08-13-20)
motion for withdrawal of counsel granted
- 20-0732 IN THE INTEREST OF K.J.B. AND K.J.B., CHILDREN; from Harris County; 14th Court of Appeals District (14-19-00473-CV, ___ SW3d ___, 11-05-19)
- 20-0733 IN THE INTEREST OF M.P., K.P., B.P., AND G.B., CHILDREN; from Comanche County; 11th Court of Appeals District (11-20-00055-CV, ___ SW3d ___, 08-06-20)

ORDERS ON MOTIONS FOR REHEARING

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

- 19-0186 BTX SCHOOLS, INC. AND BASIS SCHOOLS v. KONARK LIMITED PARTNERSHIP; from Bexar County; 4th Court of Appeals District (04-17-00558-CV, 580 SW3d 194, 11-07-18)
- 19-0555 JACE HARKEY, ROBERT H. HOLMES, AND THE HOLMES LAW FIRM, INC. AND TRUSTEE, AREYA HOLDER AURZADA V. ADM MILLING CO., INC. v. ADM MILLING CO., INC.; from Dallas County; 5th Court of Appeals District (05-17-00778-CV, ___ SW3d ___, 12-28-18)
- 19-0611 CKR PROPERTY MANAGEMENT, LLC v. DENISE LONGORIA; from Harris County; 14th Court of Appeals District (14-18-00100-CV, 577 SW3d 263, 12-21-18)
(Justice Busby not participating)
- 19-0780 RICHARD STEPHEN CALKINS, INDIVIDUALLY AND AS AGENT-IN-FACT, FOR MARY OLIVE CALKINS, AND MICHAEL EASTON v. G. WESLEY URQUHART, G. WESLEY URQUHART, P.C. AND MARY ELIZABETH URQUHART; from Harris County; 1st Court of Appeals District (01-17-00256-CV, ___ SW3d ___, 07-10-19)
(Justice Boyd and Justice Bland not participating)
- 20-0012 ANDRE OMAR WARREN v. KIMBERLY DAE BAUGHMAN; from Harris County; 1st Court of Appeals District (01-19-00678-CV, ___ SW3d ___, 12-12-19)
- 20-0488 THOMAS R. MALONE v. PLH GROUP, INC. AND POWER LINE SERVICES, INC.; from Harris County; 1st Court of Appeals District (01-19-00016-CV, ___ SW3d ___, 04-07-20)
- 20-0593 K.D. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Mills County; 3rd Court of Appeals District (03-20-00116-CV, ___ SW3d ___, 07-15-20)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 20-0386 IN RE TERESA L. RIBELIN COOK; from Harris County; 14th Court of Appeals District (14-19-00664-CR, ___ SW3d ___, 02-25-20)

- 20-0463 IN RE FRANCES PHILLIPS, INDIVIDUALLY; from Erath County; 11th Court of Appeals District (11-20-00110-CV, ___ SW3d ___, 04-30-20)
- 20-0555 IN RE VIVIAN GARCIA, AS INDEPENDENT EXECUTRIX OF THE ESTATE OF JESUS RODRIGUEZ AGUERO, M.D., DECEASED; from Hidalgo County; 13th Court of Appeals District (13-20-00233-CV, ___ SW3d ___, 07-15-20)
- 20-0601 IN RE T.H. TRUST; from Fort Bend County; 1st Court of Appeals District (01-20-00440-CV, ___ SW3d ___, 07-21-20)