



# THE SUPREME COURT OF TEXAS

Orders Pronounced June 25, 2021

## ORDERS ON CAUSES

18-0350 FRANK LUCIANO AND HELENE LUCIANO v. SPRAYFOAMPOLYMERS.COM, LLC; from Travis County; 3rd Court of Appeals District (03-16-00382-CV, 584 SW3d 44, 03-09-18) as reinstated

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

Justice Devine delivered the opinion of the Court.

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)

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

Chief Justice Hecht delivered the opinion of the Court.

(Justice Busby and Justice Bland not participating)

19-0497 IN RE ACADEMY, LTD. D/B/A ACADEMY SPORTS + OUTDOORS; from Bexar County; 4th Court of Appeals District (04-19-00219-CV, 601 SW3d 878, 05-22-19)  
relator's motion to strike dismissed as moot  
stay order issued June 21, 2019, lifted

The Court conditionally grants the writ of mandamus.

Justice Lehrmann delivered the opinion of the Court, in which Chief Justice Hecht, Justice Devine, Justice Blacklock, Justice Busby, Justice Bland, and Justice Huddle joined.

Justice Boyd delivered a concurring opinion.

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)

The Court denies the petition for writ of mandamus.

Chief Justice Hecht delivered the opinion of the Court.

19-0658 TEXAS DEPARTMENT OF TRANSPORTATION v. ALBERT LARA, JR.; from Travis County; 3rd Court of Appeals District (03-18-00153-CV, 577 SW3d 641, 05-09-19)  
2 petitions

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

Chief Justice Hecht delivered the opinion of the Court.

19-0662 IN RE ONCOR ELECTRIC DELIVERY COMPANY LLC; from Dallas County; 5th Court of Appeals District (05-19-00288-CV, 601 SW3d 903, 07-23-19)

The Court denies the petition for writ of mandamus.

Justice Bland delivered the opinion of the Court, in which Justice Lehrmann, Justice Devine, Justice Busby, and Justice Huddle joined.

Chief Justice Hecht delivered a dissenting opinion, in which Justice Boyd and Justice Blacklock joined.

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)

The Court affirms the court of appeals' judgment.

Justice Huddle delivered the opinion of the Court, in which Justice Devine, Justice Blacklock, Justice Busby, and Justice Bland joined.

Justice Boyd delivered a concurring opinion, in which Chief Justice Hecht and Justice Lehrmann joined.

20-0343 IN RE ALEXANDER GUEVARA AND JOSE ALFREDO GUEVARA; from Dallas County; 5th Court of Appeals District (05-19-01049-CV, \_\_\_ SW3d \_\_\_, 02-18-20)

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants the writ of mandamus.

Per Curiam Opinion

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, 607 SW3d 839, 04-28-20)

stay order issued July 3, 2020, lifted  
abatement order issued in part, January 22, 2021, lifted  
as reinstated

The Court denies in part and conditionally grants in part the writ of mandamus.

Justice Blacklock delivered the opinion of the Court.  
(Justice Busby and Justice Huddle not participating)

20-0979 AMAZON.COM, INCORPORATED v. MORGAN MCMILLAN, INDIVIDUALLY AND AS NEXT OF FRIEND OF E.G., A MINOR

The Court answers the question certified by the United States Court of Appeals for the Fifth Circuit.

Justice Busby delivered the opinion of the Court, in which Chief Justice Hecht, Justice Lehrmann, Justice Bland, and Justice Huddle joined.

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

(Justice Blacklock not participating)

THE FOLLOWING CAUSES ARE SET FOR SUBMISSION:

- 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)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 15, 2021.]  
Time allotted to argue: 20/20 minutes  
(Justice Lehrmann not participating)
- 19-0831 COURTNEY N. PHILLIPS, EXECUTIVE COMMISSIONER; SYLVIA HERNANDEZ KAUFFMAN, INSPECTOR GENERAL; AND TEXAS HEALTH AND HUMAN SERVICES COMMISSION v. JOHN MCNEILL, JR., R.PH.; AND NICHOLS SOUTHSIDE PHARMACY; from Travis County; 14th Court of Appeals District (14-18-00278-CV, 585 SW3d 109, 08-20-19)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 15, 2021.]  
Time allotted to argue: 20/20 minutes
- 19-1069 IN THE INTEREST OF J.W., A CHILD; from Brazos County; 10th Court of Appeals District (10-18-00344-CV, \_\_\_ SW3d \_\_\_, 10-09-19)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 15, 2021.]  
Time allotted to argue: 20/20 minutes
- 19-1108 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND DOS REPÚBLICAS COAL PARTNERSHIP v. MAVERICK COUNTY, CITY OF EAGLE PASS, ENVIRONMENTAL DEFENSE FUND, WALTER HERRING, ERNESTO IBARRA, GABRIEL DE LA CERDA, MIKE HERNANDEZ, BOULWARE AND ANSON FAMILY, LTD., AND MAVERICK COUNTY ENVIRONMENTAL AND PUBLIC HEALTH ASSOCIATION; from Travis County; 3rd Court of Appeals District (03-17-00785-CV, \_\_\_ SW3d \_\_\_, 11-15-19)  
2 petitions  
[Note: This cause has been set for oral argument at 9:00 a.m., September 29, 2021.]  
Time allotted to argue: 20/20 minutes
- 19-1144 CITY OF SAN ANTONIO v. JIMMY MASPERO AND REGINA MASPERO, INDIVIDUALLY, AND AS NEXT FRIENDS OF W.M., W.M., W.M., DECEASED, AND W.M., DECEASED, MINOR CHILDREN; from Bexar County; 4th Court of Appeals District (04-18-00286-CV, \_\_\_ SW3d \_\_\_, 08-28-19)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 28, 2021.]  
Time allotted to argue: 20/20 minutes

- 20-0014 AMC ENTERTAINMENT HOLDINGS, INC., AMC ENTERTAINMENT, INC., AND AMERICAN MULTI-CINEMA, INC. v. IPIC-GOLD CLASS ENTERTAINMENT, LLC AND IPIC TEXAS, LLC; from Harris County; 1st Court of Appeals District (01-17-00805-CV, 592 SW3d 946, 12-05-19)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 16, 2021.]  
Time allotted to argue: 20/20 minutes
- 20-0033 PHARR-SAN JUAN-ALAMO ISD v. TEXAS POLITICAL SUBDIVISIONS PROPERTY/CASUALTY JOINT SELF INSURANCE FUND; from Hidalgo County; 13th Court of Appeals District (13-17-00655-CV, \_\_\_ SW3d \_\_\_, 09-26-19)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 14, 2021.]  
Time allotted to argue: 20/20 minutes
- 20-0079 JAMES CONSTRUCTION GROUP, LLC, PRIMORIS SERVICES CORPORATION v. WESTLAKE CHEMICAL CORPORATION; from Harris County; 14th Court of Appeals District (14-18-00083-CV, 594 SW3d 722, 12-17-20)  
2 petitions  
[Note: This cause has been set for oral argument at 9:00 a.m., October 26, 2021.]  
Time allotted to argue: 20/20 minutes
- 20-0117 ROBERT W. VAN BOVEN M.D., D.D.S. v. SCOTT FRESHOUR, MARGARET MCNEESE, TIMOTHY WEBB, AND SHERIF ZAAFRAN, M.D., AMY SWANHOLM AND CHRISTOPHER PALAZOLA, IN THEIR OFFICIAL CAPACITIES AS OFFICERS OF THE TEXAS MEDICAL BOARD; from Travis County; 3rd Court of Appeals District (03-18-00817-CV, \_\_\_ SW3d \_\_\_, 01-09-20)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 29, 2021.]  
Time allotted to argue: 20/20 minutes
- 20-0270 NICOLE VAN DORN PRESTON, AS SURVIVING SPOUSE AND PERSONAL REPRESENTATIVE FOR THE ESTATE OF LT. J. WESLEY VAN DORN, USN, DECEASED; AMY SNYDER, AS SURVIVING SPOUSE AND PERSONAL REPRESENTATIVE FOR THE ESTATE OF LT. SEAN CHRISTOPHER SNYDER, USN, DECEASED; CHEYENNE COLLINS, AS SURVIVING SPOUSE AND PERSONAL REPRESENTATIVE FOR THE ESTATE OF PETTY OFFICER 3RD CLASS BRIAN ANDREW COLLINS, USN, DECEASED; AND PETTY OFFICER 2ND CLASS DYLAN MORGAN BOONE, USN v. M1 SUPPORT SERVICES, L.P.; from Denton County; 2nd Court of Appeals District (02-18-00348-CV, \_\_\_ SW3d \_\_\_, 03-05-20)  
[Note: This cause has been set for oral argument at 9:00 a.m., September 30, 2021.]  
Time allotted to argue: 20/20 minutes
- 20-0273 CADENCE BANK v. ROY J. ELIZONDO III AND ROY J. ELIZONDO III, PLLC; from Harris County; 1st Court of Appeals District (01-17-00886-CV, 606 SW3d 802, 03-10-20)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 26, 2021.]  
Time allotted to argue: 20/20 minutes

20-0293 THE CITY OF SAN ANTONIO v. ARMANDO D. RIOJAS; from Bexar County; 4th Court of Appeals District (04-19-00220-CV, 604 SW3d 432, 02-26-20)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 28, 2021.]  
Time allotted to argue: 20/20 minutes

20-0309 CITY OF BAYTOWN v. ALAN SCHROCK; from Harris County; 1st Court of Appeals District (01-17-00442-CV, \_\_\_ SW3d \_\_\_, 06-27-19)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 27, 2021.]  
Time allotted to argue: 20/20 minutes

20-0328 IN THE GUARDIANSHIP OF JAMES E. FAIRLEY; from Bexar County; 4th Court of Appeals District (04-19-00196-CV, 604 SW3d 450, 03-11-20)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 30, 2021.]  
Time allotted to argue: 20/20 minutes

20-0354 CENTERPOINT ENERGY RESOURCES CORP. v. FERNANDO RAMIREZ AND MINERVA RAMIREZ; from Webb County; 4th Court of Appeals District (04-18-00103-CV, \_\_\_ SW3d \_\_\_, 03-25-20)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 29, 2021.]  
Time allotted to argue: 20/20 minutes  
(Justice Huddle not participating)

20-0384 IN RE CHRISTIANSON AIR CONDITIONING & PLUMBING, LLC AND CONTINENTAL HOMES OF TEXAS, LP; from Travis County; 3rd Court of Appeals District (03-19-00291-CV, \_\_\_ SW3d \_\_\_, 03-25-20)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 28, 2021.]  
Time allotted to argue: 20/20 minutes

20-0396 SIGNATURE INDUSTRIAL SERVICES, LLC v. INTERNATIONAL PAPER COMPANY; from Jefferson County; 13th Court of Appeals District (13-18-00186-CV, \_\_\_ SW3d \_\_\_, 04-30-20)

3 petitions

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 16, 2021.]  
Time allotted to argue: 20/20 minutes  
(Justice Huddle not participating)

20-0451 ENERGEN RESOURCES CORPORATION v. BRYCE J. WALLACE, ELITE DRILLERS CORPORATION, AND UNITED FIRE & CASUALTY AND ITS PARENT, UNITED FIRE GROUP, INC.; from Reeves County; 8th Court of Appeals District (08-17-00248-CV, 603 SW3d 499, 04-24-20)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 16, 2021.]  
Time allotted to argue: 20/20 minutes

20-0505 IN RE EAGLERIDGE OPERATING, LLC; from Dallas County; 5th Court of Appeals District (05-19-01171-CV, \_\_\_ SW3d \_\_\_, 01-24-20)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 26, 2021.]  
Time allotted to argue: 20/20 minutes  
(Justice Lehrmann not participating)

20-0517 U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-EFC2 v. DENNIS MOSS; from Dallas County; 5th Court of Appeals District (05-19-00223-CV, \_\_\_ SW3d \_\_\_, 05-21-20)

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 27, 2021.]  
Time allotted to argue: 20/20 minutes

20-0523 GERARD MATZEN v. MARSHA MCLANE, DIRECTOR OF THE TEXAS CIVIL COMMITMENT OFFICE AND THE TEXAS CIVIL COMMITMENT OFFICE; from Travis County; 3rd Court of Appeals District (03-18-00740-CV, 604 SW3d 91, 03-06-20)  
2 petitions

[**Note:** This cause has been set for oral argument at 9:00 a.m., October 27, 2021.]  
Time allotted to argue: 20/20 minutes

20-0802 LAKE JACKSON MEDICAL SPA, LTD., ROBERT YARISH AND JAMIE GUTZMAN v. ERICA GAYTAN; from Harris County; 14th Court of Appeals District (14-19-00703-CV, \_\_\_ SW3d \_\_\_, 07-09-20)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 30, 2021.]  
Time allotted to argue: 20/20 minutes

21-0232 BITCO GENERAL INSURANCE CORPORATION, FORMERLY KNOWN AS BITUMINOUS CASUALTY CORPORATION v. MONROE GUARANTY INSURANCE COMPANY, A MEMBER OF THE FCCI INSURANCE GROUP (U.S. Fifth Circuit 19-51012)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 14, 2021.]  
Time allotted to argue: 20/20 minutes

21-0312 DILLON GAGE, INCORPORATED OF DALLAS v. CERTAIN UNDERWRITERS AT LLOYDS SUBSCRIBING TO POLICY NO EE1701590 (U.S. Fifth Circuit 20-10262)

[**Note:** This cause has been set for oral argument at 9:00 a.m., September 14, 2021.]  
Time allotted to argue: 20/20 minutes

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

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

20-0432 IN THE INTEREST OF L.C.L. AND M.E.M., CHILDREN; from Harris County; 14th Court of Appeals District (14-19-00062-CV, 599 SW3d 79, 07-16-19)

2 petitions

Justice Lehrmann, joined by Justice Bland, concurring in the denial of the petitions for review.

20-0452 TODD DELANE FERGUSON v. TEXAS DEPARTMENT OF PUBLIC SAFETY; from Bexar County; 4th Court of Appeals District (04-19-00384-CV, \_\_\_ SW3d \_\_\_, 04-22-20)

Justice Busby, joined by Justice Boyd, concurring in the denial of the petition for review.  
Justice Blacklock, joined by Justice Devine, dissenting from the denial of the petition for review.

21-0003 LEO J. TRAN v. THE STATE BOARD FOR EDUCATOR CERTIFICATION; from Travis County; 3rd Court of Appeals District (03-18-00855-CV, \_\_\_ SW3d \_\_\_, 11-20-20)

21-0203 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, \_\_\_ SW3d \_\_\_, 01-07-21)

21-0210 PERMIT PARTNERS, LLC AND DAVID CANCIALOSI v. HEIDI SAUER; from Travis County; 3rd Court of Appeals District (03-19-00059-CV, \_\_\_ SW3d \_\_\_, 01-29-21)

21-0380 MIRAMAR FAIRMOUNT PARTNERS, LLC v. 2902 MAPLE, LP, ANDERS P. TING AND COMERICA BANK; from Dallas County; 5th Court of Appeals District (05-19-01350-CV, \_\_\_ SW3d \_\_\_, 03-19-21)

21-0401 GUADALUPE MARISCAL v. MCCARTHY BUILDING COMPANIES, INC. AND THE BRANDT COMPANIES, LLC; from Nueces County; 13th Court of Appeals District (13-19-00211-CV, \_\_\_ SW3d \_\_\_, 03-25-21)

21-0475 IN THE INTEREST OF D.B.S., B.L.S., B.L.P., D.E.S., AND A.B.P., CHILDREN; from Hunt County; 5th Court of Appeals District (05-20-00959-CV, \_\_\_ SW3d \_\_\_, 04-26-21)

21-0481 IN THE INTEREST OF M.L.S., A MINOR CHILD; from Childress County; 7th Court of Appeals District (07-20-00369-CV, \_\_\_ SW3d \_\_\_, 05-04-21)

THE MOTION FOR STAY IN THE FOLLOWING PETITION FOR REVIEW IS DENIED:

21-0528 RETAIL SERVICES WIS CORPORATION D/B/A PRODUCT CONNECTIONS, NATHAN STOUT, AMANDA VILLA, AND KATHERINE PALMER v. CROSSMARK, INC.; from Collin County; 5th Court of Appeals District (05-20-00937-CV, \_\_\_ SW3d \_\_\_, 05-04-21)  
petitioner's emergency motion for temporary stay denied

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

**ORDERS ON MOTIONS FOR REHEARING**

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

21-0083 AUTUMN BISCAMP v. SPECIAL PALS INCORPORATED; from Harris County; 1st Court of Appeals District (01-19-00005-CV, \_\_\_ SW3d \_\_\_, 02-13-20)

21-0142 VICENTE A. MENCHACA v. INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA; from Harris County; 1st Court of Appeals District (01-18-01122-CV, \_\_\_ SW3d \_\_\_, 11-03-20)

**MISCELLANEOUS**

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

19-0637 IN RE ACADEMY, LTD. D/B/A ACADEMY SPORTS + OUTDOORS; from Bexar County; 4th Court of Appeals District (04-19-00497-CV, \_\_\_ SW3d \_\_\_, 07-31-19)  
stay order issued July 26, 2019, lifted

Per Curiam Opinion

20-0241 IN RE HUB GROUP TRUCKING, INC.; WAEL AL-ASHQAR; MAPLETREE TRANSPORTATION, INC.; AND DENNIS EADS; from Dallas County; 5th Court of Appeals District (05-20-00082-CV, \_\_\_ SW3d \_\_\_, 02-18-20)  
as reinstated  
real party in interest's motion for leave to file sur-reply dismissed as moot

Per Curiam Opinion

20-0345 IN RE JEREMIAH PARKS; from Dallas County; 5th Court of Appeals District (05-19-00375-CV, \_\_\_ SW3d \_\_\_, 02-18-20)

Per Curiam Opinion



20-0843 IN RE LEON PAUL SAVOY; TEXAS CURB CUT, LP; AND TEXAS CUTTING & CORING, LP; from Travis County; 3rd Court of Appeals District (03-19-00361-CV, 607 SW3d 120, 07-30-20)

Per Curiam Opinion

21-0068 IN RE ANDRES SANCHEZ; from Harris County; 1st Court of Appeals District (01-20-00795-CV, \_\_\_ SW3d \_\_\_, 12-08-20)

stay order issued February 19, 2021, lifted

Per Curiam Opinion

21-0416 IN RE CALLIE HARRISON; from Tarrant County; 2nd Court of Appeals District (02-21-00139-CV, \_\_\_ SW3d \_\_\_, 05-11-21)

21-0422 IN RE HARRIET NICHOLSON; from Tarrant County; 2nd Court of Appeals District (02-20-00180-CV, \_\_\_ SW3d \_\_\_, 03-25-21)

as amended

21-0423 IN RE RICHARD SUROVIK; from Burleson County; 7th Court of Appeals District (07-20-00371-CV, \_\_\_ SW3d \_\_\_, 03-08-21)

21-0426 IN RE ALLSTATE INSURANCE COMPANY HURRICANE HANNA LITIGATION

STAY ORDERS ARE ISSUED IN THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS:

20-1014 IN RE FLEET PRIDE, INC.; from Dallas County; 5th Court of Appeals District (05-20-00810-CV, \_\_\_ SW3d \_\_\_, 12-11-20)

relators' motion for temporary relief and stay granted  
stay order issued

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

21-0341 IN RE FLEET PRIDE, INC.; from Dallas County; 5th Court of Appeals District (05-20-01098-CV, \_\_\_ SW3d \_\_\_, 03-30-21)

relators' motion for temporary relief and stay granted  
stay order issued

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

21-0514 IN RE THOMAS PETROLEUM HOLDINGS, LLC, C.L. THOMAS, INC., AND C.L.  
THOMAS HOLDINGS INVESTMENTS, LLC; from Victoria County; 13th Court of Appeals  
District (13-20-00427-CV, \_\_\_ SW3d \_\_\_, 05-26-21)

relators' unopposed motion to file documents under seal granted  
relators' unopposed motion for temporary relief granted  
stay order issued

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