



THE SUPREME COURT OF TEXAS

Orders Pronounced January 28, 2022

ORDERS ON CAUSES

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS GRANTED:

20-0700 CITY OF FORT WORTH, TEXAS v. ABDUL PRIDGEN AND VANCE KEYES; from Dallas County; 5th Court of Appeals District (05-19-00652-CV, ___ SW3d ___, 06-18-20)

motion of amicus curiae to participate in oral argument granted

Time allotted to argue: 15/20/5 minutes

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

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

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

20-0567 HSC PIPELINE PARTNERSHIP LLC v. TERRANCE J. HLAVINKA, KENNETH HLAVINKA, TRES BAYOU FARMS, LP, AND TERRANCE HLAVINKA CATTLE COMPANY; from Brazoria County; 1st Court of Appeals District (01-19-00092-CV, 605 SW3d 819, 06-18-20)

2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., February 23, 2022.]

Time allotted to argue: 20/20 minutes

20-0681 COLUMBIA VALLEY HEALTHCARE SYSTEM L. P. D/B/A VALLEY REGIONAL MEDICAL CENTER v. A.A., A MINOR, BY AND THROUGH HIS MOTHER, ANA RAMIREZ, AS NEXT FRIEND AND ANA RAMIREZ, INDIVIDUALLY; from Cameron County; 13th Court of Appeals District (13-18-00362-CV, ___ SW3d ___, 07-30-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 23, 2022.]

Time allotted to argue: 20/20 minutes

20-0687 KENNETH L. BERRY, INDIVIDUALLY; KENNETH L. BERRY, AS TRUSTEE OF THE BERRY DYNASTY TRUST; KENNETH L. BERRY, TRUSTEE IN A DERIVATIVE CAPACITY FOR FLYING BULL RANCH, LTD.; AND CHELSEA NICHOLE BRIERS v. DENNIS W. BERRY; MARVIN G. BERRY; ALLEN L. BERRY; FB RANCH, LLC; BERRY GP, INC. D/B/A BERRY CONTRACTING, INC., BERRY CONTRACTING, LP D/B/A BAY, LTD., AND BERRY RANCHES, LLC.; from Nueces County; 13th Court of Appeals District (13-18-00169-CV, ___ SW3d ___, 03-05-20)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., February 24, 2022.]

Time allotted to argue: 20/20 minutes

(Justice Huddle and Justice Young not participating)

20-0855 JOSH SCHROEDER, IN HIS OFFICIAL CAPACITY AS CHAIR OF THE CITY OF GEORGETOWN PLANNING AND ZONING COMMISSION, ALONG WITH THE FOLLOWING MEMBERS OF THE PLANNING AND ZONING COMMISSION ALSO IN THEIR OFFICIAL CAPACITIES: TIM BARGAINER, JOHN MARLER, ERCAL BRASHEAR, KAYLA MCCORD, GARY NEWMAN, AND BEN STEWART v. ESCALERA RANCH OWNERS' ASSOCIATION, INC.; from Williamson County; 7th Court of Appeals District (07-19-00210-CV, 610 SW3d 521, 08-17-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 23, 2022.]

Time allotted to argue: 20/20 minutes

20-0940 TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES v. N.J.; from Bell County; 3rd Court of Appeals District (03-20-00259-CV, 613 SW3d 317, 10-09-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 24, 2022.]

Time allotted to argue: 20/20 minutes

21-0049 PAPE PARTNERS, LTD., GLENN R. PAPE AND KENNETH W. PAPE v. DRR FAMILY PROPERTIES LP AND LOUISE W. CHAMPAGNE; from McLennan County; 10th Court of Appeals District (10-17-00180-CV, 623 SW3d 436, 01-29-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 24, 2022.]

Time allotted to argue: 20/20 minutes

21-0124 STEPHEN L. MITCHELL, JANIE MITCHELL BELEW, LISA MITCHELL SEIGMANN, AND LINDA MITCHELL STAPLETON v. MAP RESOURCES, INC., PECOS BEND ROYALTIES, LLP, PBR PROPERTIES JOINT VENTURE AND TOMMY VASCOCU; from Reeves County; 8th Court of Appeals District (08-17-00155-CV, 615 SW3d 212, 09-29-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 22, 2022.]

Time allotted to argue: 20/20 minutes

21-0130 THE STATE OF TEXAS v. VOLKSWAGEN AKTIENGESELLSCHAFT; from Travis County; 3rd Court of Appeals District (03-19-00453-CV, ___ SW3d ___, 12-22-20)

~ consolidated for oral argument with ~

21-0133 THE STATE OF TEXAS v. AUDI AKTIENGESELLSCHAFT; from Travis County; 3rd Court of Appeals District (03-20-00022-CV, ___ SW3d ___, 12-22-20)

[**Note:** These cases have been set for oral argument at 9:00 a.m., February 22, 2022.]

Time allotted to argue: 20/20 minutes

(Justice Blacklock not participating)

21-0173 BUILDER RECOVERY SERVICES, LLC v. THE TOWN OF WESTLAKE, TEXAS; from Tarrant County; 2nd Court of Appeals District (02-20-00051-CV, ___ SW3d ___, 01-07-21)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 23, 2022.]
Time allotted to argue: 20/20 minutes

21-0499 WARREN CHEN AND DYNACOLOR, INC. v. RAZBERI TECHNOLOGIES, INC., THOMAS J. GALVIN, LIVEOAK VENTURES PARTNERS 1A, L.P., KENNETH L. AND VIRGINIA T. BOYDA, AS TRUSTEES OF THE BOYDA FAMILY, ET AL.; from Dallas County; 5th Court of Appeals District (05-19-01551-CV, ___ SW3d ___, 11-02-20)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 23, 2022.]
Time allotted to argue: 20/20 minutes

(Justice Bland not participating)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

20-0160 ALAN TARRANT, KRISTI TARRANT, AND BETHANY KENDRICK v. BAYLOR SCOTT & WHITE MEDICAL CENTER-FRISCO, STEPHEN COURTNEY, M.D., EMINENT SPINE, LLC, AND MONITORING CONCEPTS MANAGEMENT, LLC; from Dallas County; 5th Court of Appeals District (05-18-01129-CV, ___ SW3d ___, 01-15-20)

motions to strike letters dismissed as moot

Justice Boyd and Justice Devine note their dissent from the Court's denial of the petition for review.

20-0578 NATURAL SODA LLC AND ENIRGI GROUP CORPORATION v. BUNNETT & CO., INC.; ENERGY FEEDS INTERNATIONAL, LLC; AND WILLIAM E. BUNNETT; from Travis County; 13th Court of Appeals District (13-17-00558-CV, ___ SW3d ___, 04-23-20)

3 petitions

- 20-0757 THE HIGH ROAD ON DAWSON v. BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS OF THE UNITED STATES OF AMERICA, INC.; from Travis County; 14th Court of Appeals District (14-18-00382-CV, 608 SW3d 869, 08-31-20)
- 20-0759 CECILE E. YOUNG, IN HER OFFICIAL CAPACITY AS EXECUTIVE COMMISSIONER OF TEXAS HEALTH & HUMAN SERVICES COMMISSION v. COMMUNITY HEALTH CHOICE TEXAS, INC.; from Travis County; 3rd Court of Appeals District (03-20-00153-CV, 607 SW3d 843, 08-14-20)
- 20-0994 GREAT AMERICAN INSURANCE COMPANY OF NEW YORK v. COMPASS WELL SERVICES, LLC; from Tarrant County; 2nd Court of Appeals District (02-19-00373-CV, ___ SW3d ___, 12-17-20)
(Justice Huddle and Justice Young not participating)
- 20-1012 SAN MIGUEL ELECTRIC COOPERATIVE, INC. v. DCP SAND HILLS PIPELINE, LLC; from McMullen County; 4th Court of Appeals District (04-19-00288-CV, ___ SW3d ___, 11-18-20)
2 petitions
- 21-0125 INFINITY COUNTY MUTUAL INSURANCE COMPANY v. MICHAEL TATSCH; from Gillespie County; 4th Court of Appeals District (04-19-00119-CV, 617 SW3d 614, 12-23-20)
- 21-0315 RAYMONDVILLE INDEPENDENT SCHOOL DISTRICT v. RUBEN RUIZ; from Willacy County; 13th Court of Appeals District (13-19-00597-CV, ___ SW3d ___, 03-04-21)
Justice Blacklock notes his dissent from the Court's denial of the petition for review.
- 21-0367 AEG PETROLEUM, LLC v. WESTERN MARKETING, INC. AND TODD PITTS; from Potter County; 7th Court of Appeals District (07-20-00093-CV, 621 SW3d 88, 03-18-21)

21-0369 JERRY DAVIS, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF HAYDEN DAVIS, KAREN DAVIS, AND SUMMER HERNANDEZ, AS NEXT FRIEND OF G.L.D. AND C.N.D. v. THURSTON, OWENS & NEWMAN, L.L.C., D/B/A SOUTHWEST RESTAURANT & BEVERAGE SOLUTIONS; from Gregg County; 12th Court of Appeals District (12-19-00384-CV, ___ SW3d ___, 03-31-21)

(Justice Lehrmann not participating)

21-0456 JOHN KHOURY v. PRENTIS B. TOMLINSON, JR.; from Harris County; 1st Court of Appeals District (01-19-00183-CV, 624 SW3d 601, 10-27-20)

21-0464 ALAN MEEKER AND CQUENTIA SERIES, LLC v. ANTHONY A. RIEDER, ED RAPEE III, AND CADBURY SOLUTIONS, LLC; from Tarrant County; 2nd Court of Appeals District (02-17-00176-CV, ___ SW3d ___, 04-22-21)

21-0532 IN THE INTEREST OF S.R.P. AND C.P., CHILDREN; from Hutchinson County; 7th Court of Appeals District (07-21-00002-CV, ___ SW3d ___, 05-10-21)

2 petitions

21-0536 DAVID BAGWELL, INDIVIDUALLY AND AS TRUSTEE OF THE DAVID S. BAGWELL TRUST, BROUGHTON LIMITED PARTNERSHIP, OLD GROVE LIMITED PARTNERSHIP AND BROADLAND LIMITED PARTNERSHIP AND MARILYN D. GARNER, CHAPTER 7 TRUSTEE OF THE ESTATE OF THE DAVID BAGWELL COMPANY AND THE ESTATE OF EVERMORE COMMUNITIES, LTD. v. BBVA COMPASS AND SAM MEADE; from Dallas County; 5th Court of Appeals District (05-18-00860-CV, ___ SW3d ___, 12-14-20)

2 petitions

- 21-0542 ZACHOR LEGAL INSTITUTE v. QATAR FOUNDATION FOR EDUCATION, SCIENCE AND COMMUNITY DEVELOPMENT, AND KEN PAXTON, TEXAS ATTORNEY GENERAL; from Travis County; 3rd Court of Appeals District (03-20-00129-CV, 627 SW3d 674, 04-15-21)
- 21-0555 CENTURY SPORTS WEARS, INC. D/B/A WYNFORD WHOLESALE, PERVEZ DAREDIA, AND ASHRAF DAREDIA v. WALLIS BANK F/K/A WALLIS STATE BANK; from Denton County; 2nd Court of Appeals District (02-20-00201-CV, ___ SW3d ___, 04-29-21)
(Justice Lehrmann not participating)
- 21-0563 DEZZIE BRUMFIELD D/B/A LAD ENTERPRISES, ET AL. v. JIMMY WILLIAMSON, JIMMY WILLIAMSON, PC, WILLIAMSON & RUSNAK, CYNDI RUSNAK, CYNDI RUSNAK, PLLC AND LAW OFFICES OF MICHAEL POHL; from Harris County; 1st Court of Appeals District (01-19-00336-CV, 634 SW3d 170, 05-27-21)
respondents' motion to dismiss, dismissed as moot
- 21-0564 ALICE MARIE GANDY, ET AL. v. ROBERT WILLIAMSON, ESTATE OF JIMMY GLENN WILLIAMSON, DECEASED JIMMY WILLIAMSON, P.C., WILLIAMSON & RUSNAK, CYNDI RUSNAK, AND CYNDI RUSNAK, PLLC; from Harris County; 1st Court of Appeals District (01-19-00335-CV, 634 SW3d 214, 05-27-21)
respondents' motion to dismiss, dismissed as moot
- 21-0566 CC FROST PROPERTIES, LTD. v. BRETT BIRKELAND AND MSC I 2007-IQ16 NORTH CARANCAHUA STREET, LLC; from Nueces County; 13th Court of Appeals District (13-20-00002-CV, ___ SW3d ___, 05-27-21)
- 21-0634 E.290 OWNERS' COALITION v. CITY OF FREDERICKSBURG, TEXAS; from Gillespie County; 4th Court of Appeals District (04-20-00349-CV, ___ SW3d ___, 06-16-21)

- 21-0645 SOUTHEAST SNF, LLC D/B/A SOUTHEAST NURSING REHABILITATION CENTER, TEXAS OPERATIONS MANAGEMENT LLC AND ADVANCED HCS LLC v. RUPERTO C. GUTIERREZ, JR., INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF RUPERTO Q. GUTIERREZ, SR., DECEASED AND DELIA JARAMILLO, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF CATALINA ROMERO; from Bexar County; 4th Court of Appeals District (04-21-00026-CV; 04-21-00027-CV, ___ SW3d ___, 06-16-21)
- 21-0663 CARROLL INDEPENDENT SCHOOL DISTRICT v. NORTHWEST INDEPENDENT SCHOOL DISTRICT, JOSH WRIGHT, MARK SCHLUTER, STEVE SPROWLS, JUDY COPP, ANN DAVIS-SIMPSON, LILLIAN RAUCH, AND RYDER WARREN, IN THEIR OFFICIAL CAPACITIES ONLY; from Tarrant County; 2nd Court of Appeals District (02-18-00264-CV, ___ SW3d ___, 07-01-21)
- 21-0713 TEXAS WINDSTORM INSURANCE ASSOCIATION v. VALSTAY, LLC; from Nueces County; 13th Court of Appeals District (13-19-00379-CV, ___ SW3d ___, 06-10-21)
- 21-0738 RAWNDA DRAPER, MARK SCOTT, MEGAN SCOTT, JEREMY FENCEROY, AND BRADLEY HERBERT v. CITY OF ARLINGTON, TEXAS, AND W. JEFF WILLIAMS, MAYOR OF THE CITY OF ARLINGTON; from Tarrant County; 2nd Court of Appeals District (02-19-00410-CV, 629 SW3d 777, 07-15-21)
- 21-0747 PAUL MUNDHEIM, MARLA MUNDHEIM, AND THE MUNDHEIM FIRM, PLLC v. SCOTT LEPP AND AMY TORRES LEPP; from Dallas County; 5th Court of Appeals District (05-19-01490-CV, ___ SW3d ___, 05-13-21)
- 21-0750 ARMANDO GAMBOA, ANITRIA M. CARRASCO GAMBOA, AND KEITH LIVESAY v. TESSA VARGAS AND CHRISTOPHER VARGAS; from Hidalgo County; 13th Court of Appeals District (13-19-00555-CV, ___ SW3d ___, 04-15-21)

- 21-0791 JOHN BIRD, INDIVIDUALLY; JOHN BIRD, AS DE FACTO TRUSTEE OF THE CARL C. ANDERSON, SR. AND MARIE JO ANDERSON CHARITABLE REMAINDER TRUST; AND JOHN BIRD, AS FORMER DE FACTO TRUSTEE OF THE CARL C. ANDERSON, SR. AND MARIE JO ANDERSON FAMILY TRUST F/B/O JENNIFERJO BIRD v. THE CARL C. ANDERSON, SR. AND MARIE JO ANDERSON CHARITABLE FOUNDATION; from Travis County; 3rd Court of Appeals District (03-21-00140-CV, ___ SW3d ___, 07-29-21)
- 21-0808 MYSTERIE GUTIERREZ, AS NEXT FRIEND OF M.C., A MINOR CHILD v. HECTOR ARGUETA, JR. D/B/A ARGUETA BUS SERVICE; from Harris County; 14th Court of Appeals District (14-19-00794-CV, ___ SW3d ___, 04-22-21)
2 petitions
- 21-0838 PULAK BARUA D/B/A SUNSHINE FOOD MART v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; from Travis County; 8th Court of Appeals District (08-20-00045-CV, 632 SW3d 726, 08-20-21)
- 21-0857 IN THE MATTER OF Z.T.; from Dallas County; 5th Court of Appeals District (05-21-00138-CV, ___ SW3d ___, 08-17-21)
- 21-0881 IN THE MATTER OF THE MARRIAGE OF CRYSTAL GAYLE CALDWELL-BAYS AND MARVIN BAYS; from Kendall County; 13th Court of Appeals District (13-20-00202-CV, ___ SW3d ___, 08-26-21)
- 21-0899 JAMES RICHARDS v. MARSHA MCLANE, IN HER OFFICIAL CAPACITY AS DIRECTOR OF THE TEXAS CIVIL COMMITMENT OFFICE; from Travis County; 7th Court of Appeals District (07-20-00306-CV, ___ SW3d ___, 07-06-21)

- 21-0917 FEDERAL CORPORATION, INC. v. DESIREE TRUHLAR, CARLOS ALVAREZ, ROSENDO AGUILAR, JENNIFER BUTLER, MARIA T. RUIZ, AUDEN TERCERO, LUCIA CERECERES, ROBERTO RODRIGUEZ, PRISCILLA RODRIGUEZ AND LIBERTY MUTUAL FIRE INSURANCE CORPORATION; from El Paso County; 8th Court of Appeals District (08-16-00095-CV, 632 SW3d 697, 08-10-21)
- 21-0958 IN RE COMMITMENT OF LONNIE JAMES; from Harris County; 1st Court of Appeals District (01-19-00734-CV, ___ SW3d ___, 10-07-21)
- 21-0959 YULISSA ZUBIA, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF ELPIDIA RIOS DE ZUBIA; RENE ZUBIA; AND RENE ZUBIA, JR. v. MCH PROFESSIONAL CARE AND KRISTOPHER KINDLE, CRNA; from Ector County; 11th Court of Appeals District (11-19-00338-CV, ___ SW3d ___, 09-23-21)
- 21-1070 IN THE INTEREST OF B.D., J.D., AND B.D., CHILDREN; from Tarrant County; 2nd Court of Appeals District (02-21-00194-CV, ___ SW3d ___, 10-28-21)
motion for leave to withdraw as counsel granted
- 21-1076 IN RE THE COMMITMENT OF ANTHONY BERNARD WILEY; from Wichita County; 7th Court of Appeals District (07-20-00039-CV, ___ SW3d ___, 08-11-21)
- 21-1103 IN THE ESTATE OF ROOSEVELT GREEN, SR., DECEASED; from Matagorda County; 13th Court of Appeals District (13-19-00484-CV, ___ SW3d ___, 10-28-21)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 21-0714 BEAMERS PRIVATE CLUB D/B/A PRIVATE LOUNGE; BAVARIAN MANAGEMENT, LLC v. STACEY M. JACKSON, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF JERRY BROWN, JR.; from Dallas County; 5th Court of Appeals District (05-19-00698-CV, ___ SW3d ___, 04-21-21)
motion to dismiss granted
motion to abate dismissed as moot

ORDERS ON MOTIONS FOR REHEARING

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

- 21-0310 MICHAEL A. RUFF v. SUZANN RUFF; from Palo Pinto County; 11th Court of Appeals District (11-20-00122-CV, ___ SW3d ___, 02-04-21)
denial of petition for review on September 3, 2021, 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:

- 20-0411 GLOBAL METAL SERVICES, LTD. v. HAMILTON METALS, INC.; from Harris County; 14th Court of Appeals District (14-17-00670-CV, 597 SW3d 870, 08-13-19)
(Justice Busby not participating)

- 20-0574 GOLIAD COUNTY, TEXAS v. EUGENE CALVIN BONNET; from Goliad County; 13th Court of Appeals District (13-19-00176-CV, ___ SW3d ___, 04-09-20)

(Justice Young not participating)

- 21-0446 IN THE MATTER OF J.R., A JUVENILE; from Dallas County; 5th Court of Appeals District (05-20-00920-CV, ___ SW3d ___, 03-01-21)

21-0493 PECHUA, INC. v. CITIBANK N.A. AS TRUSTEE FOR NRZ PASS-THROUGH TRUST VI AND NEWREZ LLC F/K/A NEW PENN FINANCIAL LLP D/B/A SHELLPOINT MORTGAGE SERVICING; from Harris County; 14th Court of Appeals District (14-19-00337-CV, 624 SW3d 633, 04-27-21)

21-0630 TED B. LYON III v. BUILDING GALVESTON, INC.; from Galveston County; 1st Court of Appeals District (01-19-00571-CV, ___ SW3d ___, 12-17-20)

(Justice Bland not participating)

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

21-0653 IN RE REIMERS FAMILY LIMITED PARTNERSHIP; from Caldwell County; 3rd Court of Appeals District (03-20-00551-CV, ___ SW3d ___, 06-16-21)

21-0935 IN RE LINDA JACKSON; from Brown County; 11th Court of Appeals District (11-21-00226-CV, ___ SW3d ___, 09-30-21)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

21-0363 IN RE WALMART, INC. AND WAL-MART STORES TEXAS, LLC; from El Paso County; 8th Court of Appeals District (08-20-00191-CV, 620 SW3d 851, 03-26-21)

motion to expedite dismissed as moot

21-0400 IN RE LIBERTY COUNTY MUTUAL INSURANCE COMPANY; from Brown County; 11th Court of Appeals District (11-21-00056-CV, ___ SW3d ___, 05-04-21)

(Justice Boyd not participating)

21-0650 IN RE WALMART, INC. AND WAL-MART STORES TEXAS, LLC; from El Paso County; 8th Court of Appeals District

21-0799 IN RE BRIGETTA D'OLIVIO; from Collin County; 5th Court of Appeals
District (05-20-01118-CV)