



THE SUPREME COURT OF TEXAS

Orders Pronounced June 3, 2022

ORDERS ON CAUSES

20-0117 ROBERT W. VAN BOVEN M.D., D.D.S. v. SCOTT FRESHOUR, MARGARET MCNEESE, CHRIS PALAZOLA, AMY SWANHOLM, TIMOTHY WEBB, AND SHERIF ZAAFRAN, M.D., IN THEIR OFFICIAL CAPACITIES AS OFFICERS OF THE TEXAS MEDICAL BOARD; from Travis County; 3rd Court of Appeals District (03-18-00817-CV, 628 SW3d 513, 01-09-20)

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

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

Justice Boyd filed a dissenting opinion.

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)

The Court reverses the court of appeals' judgment and dismisses the case for lack of jurisdiction.

Chief Justice Hecht delivered the opinion of the Court.

21-0358 JAMES ROBERT JONES AND ALLEN WATSON v. SYLVESTER TURNER, IN HIS OFFICIAL CAPACITY AS MAYOR OF THE CITY OF HOUSTON, ET AL.; from Harris County; 14th Court of Appeals District (14-19-00989-CV, 617 SW3d 894, 12-03-20)

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

Justice Lehrmann delivered the opinion of the Court.

21-1088 FIRE PROTECTION SERVICE, INCORPORATED v. SURVITEC SURVIVAL PRODUCTS, INCORPORATED (U.S. Fifth Circuit 21-20145)

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

Justice Huddle delivered the opinion of the Court.

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

21-0065 STEPHEN STELLY v. JOHN E. DELOACH, INDIVIDUALLY, JOHN E. DELOACH AS GENERAL PARTNER OF JOHN E. DELOACH FAMILY LIMITED PARTNERSHIP, AND JOHN E. DELOACH FAMILY LIMITED PARTNERSHIP; from Chambers County; 1st Court of Appeals District (01-19-00182-CV, ___ SW3d ___, 08-13-20)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

19-0612 MOSAIC BAYBROOK ONE, L.P. & MOSAIC BAYBROOK TWO, L.P. v. PAUL SIMIEN; from Harris County; 1st Court of Appeals District (01-18-00995-CV, ___ SW3d ___, 06-13-19)

~ consolidated for oral argument with ~

21-0159 MOSAIC BAYBROOK ONE, L.P. AND MOSAIC BAYBROOK TWO, L.P., AND MOSAIC RESIDENTIAL, INC. v. PAUL SIMIEN; from Harris County; 1st Court of Appeals District (01-18-01049-CV, ___ SW3d ___, 09-22-20)

~ consolidated for oral argument with ~

21-0161 MOSAIC BAYBROOK ONE, L.P., MOSAIC BAYBROOK TWO, L.P., AND MOSAIC RESIDENTIAL, INC. v. TAMMY CESSOR, FOR HERSELF AND ALL OTHERS SIMILARLY SITUATED; from Harris County; 1st Court of Appeals District (01-18-01057-CV, ___ SW3d ___, 09-22-20)

[**Note:** The date and time for oral argument are yet to be determined.]

21-0205 MICHELLE ELISE PARKER JORDAN v. OLA KATHLEEN PARKER, INDEPENDENT EXECUTOR OF THE ESTATE OF J. LOYD PARKER, III, DECEASED AND ALLISON RENEE PARKER; from Reeves County; 8th Court of Appeals District (08-19-00121-CV, 632 SW3d 108, 01-21-21)

[**Note:** The date and time for oral argument are yet to be determined.]

21-0587 APACHE CORPORATION v. APOLLO EXPLORATION, LLC; COGENT EXPLORATION, LTD., CO.; AND SELLMOCO, LLC; from Midland County; 11th Court of Appeals District (11-19-00183-CV, 631 SW3d 502, 06-10-21)

[**Note:** The date and time for oral argument are yet to be determined.]

21-0641 COMCAST CORPORATION AND NBC UNIVERSAL MEDIA, LLC, MCLANE CHAMPIONS, LLC, R. DRAYTON MCLANE, JR., v. HOUSTON BASEBALL PARTNERS LLC; from Harris County; 14th Court of Appeals District (14-20-00043-CV, 627 SW3d 398, 06-17-21)
2 petitions

[**Note:** The date and time for oral argument are yet to be determined.]

21-0874 AMERICAN CAMPUS COMMUNITIES, INC.; ET AL. v. BETH BERRY, BROOKE BERRY, YAEL SPIRER, AND HAILEY HOPPENSTEIN, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED; from Travis County; 3rd Court of Appeals District (03-21-00119-CV, ___ SW3d ___, 09-03-21)

[**Note:** The date and time for oral argument are yet to be determined.]

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 20-1004 IN THE ESTATE OF CLARALYN BROOKS TRICKETT, DECEASED; from Bexar County; 13th Court of Appeals District (13-19-00154-CV, ___ SW3d ___, 10-22-20)
- 20-1006 MARQUIS WESTLAKE DEVELOPMENT, INC., CDAVIS INVESTMENTS, LTD., PINETRADA INTERESTS, LTD., WINGLAKE HOLDINGS, LTD., AND WESTLAKE TOWN HALL, LLC. v. SILVER STAR TITLE, L.L.C., D/B/A SENDERA TITLE; from Dallas County; 5th Court of Appeals District (05-19-00562-CV, ___ SW3d ___, 08-18-20)
- 21-0025 ST. JOHN MISSIONARY BAPTIST CHURCH, SYMPHUEL ANDERSON, BEVERLY DAVIS AND PATRICIA MAYS v. MERLE FLAKES, ELOISE SQUARE, MARY JO EVANS, ANNIE KATHERINE WHITE, ELLA MAE ROLLINS, EDDIE ABNEY, GWEDOLYN BROWN, MARK HORTON, DAVID PAILIN, SR., DEE PATTERSON AND PENNY WHITE; from Dallas County; 5th Court of Appeals District (05-16-00671-CV, ___ SW3d ___, 11-30-20)
petitioner's emergency motion for temporary relief dismissed as moot
- 21-0543 JASON KEEN v. JENNIFER BARK; from Harris County; 1st Court of Appeals District (01-19-00997-CV, ___ SW3d ___, 12-15-20)
- 21-0850 IN THE MATTER OF J.S.; from Potter County; 7th Court of Appeals District (07-21-00035-CV, ___ SW3d ___, 08-11-21)
- 21-0889 BAYLOR SCOTT & WHITE v. PROJECT ROSE MSO, LLC, TOUCHDOWN INTERCEPTION, LLC, INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF 62 ROSES, LLC; from Smith County; 12th Court of Appeals District (12-20-00246-CV, 633 SW3d 263, 08-30-21)
(Justice Huddle and Justice Young not participating)

- 21-0927 EAST TEXAS EDUCATIONAL INSURANCE ASSOCIATION v. MARIA D. RAMIREZ; from El Paso County; 8th Court of Appeals District (08-19-00220-CV, 631 SW3d 908, 08-20-21)
- 21-0999 ROY UPSHAW AND R&S UPSHAW FRANCHISING, LLC v. LACADO, LLC; ANDREW K. WILSON; CADE WILSON; AND CARRD, LLC; from Tarrant County; 2nd Court of Appeals District (02-20-00031-CV, ___ SW3d ___, 07-22-21)
- 21-1098 TERESA LOPEZ v. LEONARD EUGENE WOODS, JR.; from Walker County; 7th Court of Appeals District (07-20-00233-CV, ___ SW3d ___, 10-04-21)
- 22-0011 TEXAS UNDERGROUND UTILITIES, INC. v. SOUTHWESTERN BELL TELEPHONE CO.; from Harris County; 1st Court of Appeals District (01-19-00814-CV, ___ SW3d ___, 08-03-21)
- 22-0039 IN THE MATTER OF C.O., A JUVENILE; from Tarrant County; 2nd Court of Appeals District (02-21-00235-CV, ___ SW3d ___, 12-16-21)
- 22-0041 RALPH LEE AND LUCKY 7 CATTLE COMPANY, LLC v. AGTEXAS FARM CREDIT SERVICES, AGTEXAS PCA, AND AGTEXAS, FLCA; from Castro County; 7th Court of Appeals District (07-21-00129-CV, ___ SW3d ___, 12-08-21)
- 22-0070 D&H PROPERTIES, LLC v. TARGET CORPORATION; from Harris County; 14th Court of Appeals District (14-20-00125-CV, 637 SW3d 816, 11-23-21)
- 22-0074 REGENERATIVE ORTHO SPINE INSTITUTE OF TEXAS, P.A. v. ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY; from Dallas County; 5th Court of Appeals District (05-20-00463-CV, ___ SW3d ___, 10-15-21)

- 22-0111 CITY OF AUSTIN v. MARIA FURTADO; from Travis County; 3rd Court of Appeals District (03-21-00083-CV, ___ SW3d ___, 12-31-21)
- 22-0144 GILCHRIST COMMUNITY ASSOCIATION v. COUNTY OF GALVESTON, TEXAS; from Galveston County; 14th Court of Appeals District (14-19-00774-CV, ___ SW3d ___, 11-16-21)
- 22-0241 AUTHOR JAMES MANNING, JR. v. LONGVIEW SOCIAL SECURITY OFFICE; from Gregg County; 12th Court of Appeals District (12-21-00241-CV, ___ SW3d ___, 02-28-22)
motion to expedite dismissed as moot
- 22-0287 IN THE INTEREST OF A.H., A CHILD; from Bexar County; 4th Court of Appeals District (04-21-00367-CV, ___ SW3d ___, 02-23-22)
- 22-0324 GEORGE WOOD v. MATTHEW D. WIGGINS, JR.; from Galveston County; 1st Court of Appeals District (01-18-00630-CV, ___ SW3d ___, 11-16-21)

ORDERS ON MOTIONS FOR REHEARING

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

- 21-0722 JAY H. COHEN, INDIVIDUALLY AND AS TRUSTEE OF THE JHC TRUSTS I AND II v. NEWBISS PROPERTY, L.P. AND SANDCASTLE HOMES, INC.; from Harris County; 1st Court of Appeals District (01-19-00397-CV, ___ SW3d ___, 11-24-20)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

22-0034 IN RE MICHAEL QUINN SULLIVAN; from Travis County; 3rd Court of Appeals District (03-21-00613-CV, ___ SW3d ___, 01-07-22)
motion to amend petition for writ of mandamus granted
as amended

22-0408 DEBRA CARTER AND BRAZOS VALLEY, LLC v. AGAMERICA AV1, LLC; from Comanche County; 11th Court of Appeals District (11-22-00127-CV)
motion to stay denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

21-0472 IN RE REGINALD WILLIS AND ALLIED AVIATION FUELING COMPANY OF HOUSTON, INC.; from Harris County; 1st Court of Appeals District (01-21-00289-CV, ___ SW3d ___, 06-07-21)
stay order issued June 8, 2021, lifted
abatement order issued September 3, 2021, lifted
mandamus reinstated
relators' unopposed motion to dismiss granted