



THE SUPREME COURT OF TEXAS

Orders Pronounced December 16, 2022

ORDERS ON CAUSES

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

22-0078 IN RE MARIAM AYAD; from Collin County; 5th Court of Appeals District (05-21-00216-CV, ___ SW3d ___, 01-05-22)
stay order issued November 4, 2022, lifted

The Court's opinion issued September 23, 2022 is corrected.

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

21-0769 ANGELA HORTON AND KEVIN HOUSER v. THE KANSAS CITY SOUTHERN RAILWAY COMPANY; from Dallas County; 5th Court of Appeals District (05-19-00856-CV, ___ SW3d ___, 03-11-21)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., January 31, 2023.]

Time allotted to argue: 20/20 minutes

21-0783 LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD. AND LENNAR HOMES OF TEXAS SALES AND MARKETING, LTD. v. KARA WHITELEY; from Galveston County; 14th Court of Appeals District (14-19-00269-CV, 625 SW3d 569, 04-29-21)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 31, 2023.]

Time allotted to argue: 20/20 minutes

21-1037 BRUCE R. HOTZE v. SYLVESTER TURNER, MAYOR, AND THE CITY OF HOUSTON; from Harris County; 14th Court of Appeals District (14-19-00959-CV, 634 SW3d 508, 10-12-21)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 1, 2023.]

Time allotted to argue: 20/20 minutes

22-0030 SCHINDLER ELEVATOR CORPORATION v. DARREN CEASAR; from Jefferson County; 9th Court of Appeals District (09-19-00419-CV, ___ SW3d ___, 11-30-21)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 1, 2023.]

Time allotted to argue: 20/20 minutes

22-0095 FREEPORT-MCMORAN OIL & GAS LLC AND OVINTIV USA INC. v. 1776 ENERGY PARTNERS. LLC; from Karnes County; 4th Court of Appeals District (04-20-00468-CV, ___ SW3d ___, 12-29-21)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 1, 2023.]

Time allotted to argue: 20/20 minutes

22-0180 CAE SIMUFLITE, INC. AND AMERICAN FLYERS, INC. v. VICTOR MAURICIO AGUILAR TALAVERA, AS REPRESENTATIVE OF THE ESTATE OF JUAN JOSE AGUILAR TALAVERA, DECEASED, MICHELLE DENISSE AGUILAR GONZALEZ, HEITRIAN NAXYELI AGUILAR GONZALEZ, ZIANYA NATALIA MARISA AGUILAR GONZALEZ, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF LUIS OVIDIO GONZALEZ FLORES, DECEASED, LORENA GUADALUPE FLORES BARRON, AND INGRID YANEL ALONSO MORALES, INDIVIDUALLY AND AS NEXT FRIEND OF L.M.G.A., A MINOR; from Dallas County; 5th Court of Appeals District (05-21-01022-CV, ___ SW3d ___, 01-24-22)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 2, 2023.]

Time allotted to argue: 20/20 minutes

22-0313 PECOS COUNTY APPRAISAL DISTRICT AND KINDER MORGAN PRODUCTION COMPANY, LLC, INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO KINDER MORGAN PRODUCTION COMPANY, LP v. IRAAN-SHEFFIELD INDEPENDENT SCHOOL DISTRICT; from Pecos County; 8th Court of Appeals District (08-20-00122-CV, 645 SW3d 827, 04-08-22)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 2, 2023.]

Time allotted to argue: 20/20 minutes

(Justice Bland not participating)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

21-1059 CHARLES HARRIS MCMORDIE, IN HIS CAPACITY AS TRUSTEE OF THE HOBART B. MCMORDIE, II ASSET MANAGEMENT TRUST v. JOSE FERNANDO LICEAGA SANCHEZ, JOSE JESUS QUESADA SANCHEZ, JORGE ALFONSO QUESADA SANCHEZ, LUIS ARMANDO QUESADA SANCHEZ, FRANCISCO JAVIER QUESADA SANCHEZ, BLANCA LUISA LICEAGA SANCHEZ, MARY NOEMI DOBBS SANCHEZ, REBECA MORALES LICEAGA, LUIS JAIME MORALES LICEAGA, PABLO MORALES LICEAGA, AND ALFONSO SANCHEZ VALDEZ AND FIRSTBANK SOUTHWEST, AS INDEPENDENT EXECUTOR OF THE ESTATE OF MAGDALENA SANCHEZ MCMORDIE, DECEASED, AND AS TRUSTEE OF THE MAGDALENA SANCHEZ MCMORDIE ASSET MANAGEMENT TRUST; from Randall County; 7th Court of Appeals District (07-20-00353-CV, ___ SW3d ___, 11-04-21)

21-1115 KNIGHT OIL TOOLS, INC. v. RIPPY OIL COMPANY, RIPPY INTEREST LLC, THE GENECOV GROUP, INC., AND JOHN D. PROCTOR; from Leon County; 10th Court of Appeals District (10-18-00284-CV, ___ SW3d ___, 11-10-21)

(Justice Lehrmann not participating)

- 22-0120 MIKE MORATH, COMMISSIONER OF EDUCATION, IN HIS OFFICIAL CAPACITY, AND TEXAS EDUCATION AGENCY v. TEXAS AMERICAN FEDERATION OF TEACHERS AND TEXAS STATE TEACHERS ASSOCIATION; from Travis County; 8th Court of Appeals District (08-20-00152-CV, ___ SW3d ___, 01-13-22)
- 22-0278 FELIX SORKIN, INDIVIDUALLY, GENERAL TECHNOLOGIES, INC., AND PRECISION-HAYES INTERNATIONAL, INC. v. P.T. ATLAS MANUFACTURING, L.L.C.; from Dallas County; 5th Court of Appeals District (05-21-00657-CV, ___ SW3d ___, 03-15-22)
- 22-0350 JENNIFER ROYAL SHULTZ v. PAUL YODER SHULTZ, JR.; from Dallas County; 5th Court of Appeals District (05-20-00819-CV, ___ SW3d ___, 02-04-22)
- 22-0374 FDP, LP AND LARRY FRIESENHAHN v. ROBERT MARX AND DEBBIE MARX; from Wilson County; 4th Court of Appeals District (04-21-00048-CV, ___ SW3d ___, 03-23-22)
- 22-0391 LLOYD KELLEY v. ABDOLRAHIM SHARIFAN; from Harris County; 14th Court of Appeals District (14-20-00197-CV, ___ SW3d ___, 04-14-22)
(Justice Lehrmann and Justice Young not participating)
- 22-0509 THE CINCINNATI INSURANCE COMPANY v. RONNIE VILLANUEVA; from Maverick County; 4th Court of Appeals District (04-20-00389-CV, ___ SW3d ___, 03-02-22)

- 22-0536 WILLIAM BUCK, IN HIS OFFICIAL CAPACITY AS FIRE CHIEF FOR THE PORT OF HOUSTON AUTHORITY; MARCUS WOODRING, IN HIS OFFICIAL CAPACITY AS THE CHIEF PORT SECURITY AND EMERGENCY OPERATIONS OFFICER FOR THE PORT OF HOUSTON AUTHORITY; ROGER GUENTHER, IN HIS OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF THE PORT OF HOUSTON AUTHORITY; AND ROGER WALTER, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF HUMAN RESOURCES OF THE PORT OF HOUSTON AUTHORITY v. STAN KOZLOWSKI, JASON HALL, MIKE STALLINGS, JASON ROBERTS, KYLE JORDAN, AND JUSTIN MEADOR; from Harris County; 13th Court of Appeals District (13-21-00123-CV, ___ SW3d ___, 05-26-22)
- 22-0543 ANA GUERRA AND MIGUEL GUERRA v. COPERNICUS GUERRA, ERIC STUBBS AND MONICA GUERRA; from Bexar County; 4th Court of Appeals District (04-20-00366-CV, ___ SW3d ___, 03-09-22)
respondent's motion to dismiss dismissed as moot
- 22-0544 ANKOR E&P HOLDINGS CORPORATION v. BACHTELL ENTERPRISES, LLC AND CRAFT OPERATING COMPANY XV11, LLC AND YAZOO VENTURE, LLC, CRAFT OPERATING COMPANY II, LLC, ET AL; from Harris County; 14th Court of Appeals District (14-20-00544-CV, 651 SW3d 514, 05-26-22)
- 22-0545 THERESA BREEDLOVE AND BOB BREEDLOVE v. ANTHONY VINCENT MOFFITT, DECEASED, ORKIN, LLC, AND ROLLINS, INC.; from Smith County; 12th Court of Appeals District (12-21-00037-CV, ___ SW3d ___, 04-29-22)
- 22-0586 CORBY W. STEVENSON v. TEXAS MUTUAL INSURANCE COMPANY; from Hunt County; 5th Court of Appeals District (05-21-00464-CV, ___ SW3d ___, 05-13-22)
- 22-0608 C.G. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Burnet County; 3rd Court of Appeals District (03-22-00019-CV, ___ SW3d ___, 06-09-22)

- 22-0660 IN THE MATTER OF THE MARRIAGE OF ROBERT LYALL MARTZ AND AMY GONZALEZ MARTZ; from McLennan County; 9th Court of Appeals District (09-21-00048-CV, ___ SW3d ___, 06-23-22)
- 22-0676 RICHARD J. ADDANTE, PH.D. v. THE UNIVERSITY OF TEXAS AT DALLAS; from Dallas County; 5th Court of Appeals District (05-20-00376-CV, 651 SW3d 271, 09-08-21)
- 22-0683 PLEASANT GROVE INDEPENDENT SCHOOL DISTRICT v. FIELDTURF USA INC.; from Bowie County; 6th Court of Appeals District (06-19-00022-CV, 648 SW3d 608, 07-01-22)
- 22-0734 EMPOWER TEXANS, INC. v. DALLAS COUNTY, TEXAS; from Dallas County; 5th Court of Appeals District (05-20-00546-CV, 648 SW3d 664, 07-15-22)
- 22-0753 IN THE INTEREST OF A.S.R., A CHILD; from Bexar County; 4th Court of Appeals District (04-22-00073-CV, ___ SW3d ___, 07-20-22)
- 22-0822 MINGTEL INC. D/B/A AZPEN INNOVATION v. COMERICA BANK; from Dallas County; 5th Court of Appeals District (05-20-01115-CV, ___ SW3d ___, 08-02-22)
- 22-0935 SAMUEL SAN MIGUEL v. MARSHA MCLANE, ET AL.; from Lamb County; 7th Court of Appeals District (07-21-00058-CV, ___ SW3d ___, 07-26-22)
- 22-0939 IN THE INTEREST OF L.M., A CHILD; from Taylor County; 11th Court of Appeals District (11-22-00079-CV, ___ SW3d ___, 09-22-22)
2 petitions

- 22-0957 R.J. AND A.D.M. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Travis County; 3rd Court of Appeals District (03-22-00190-CV, ___ SW3d ___, 09-15-22)
- 22-0985 IN THE INTEREST OF W.L., A CHILD; from Camp County; 6th Court of Appeals District (06-22-00012-CV, ___ SW3d ___, 09-29-22)
- 22-0996 QUEEN PRINYAH GODIAH NMIAA PAYNE'S EL-BEY v. CUBESMART CORP., CUBESMART STORE 0558, AND CUBESMART SELF STORAGE; 10th Court of Appeals District (10-22-00321-CV, ___ SW3d ___, 10-19-22)
- 22-1083 IN THE INTEREST OF C.M., A CHILD; from Limestone County; 10th Court of Appeals District (10-22-00177-CV, ___ SW3d ___, 10-19-22)
counsel's motion to withdraw granted
- 22-1093 IN THE INTEREST OF A.L.S., A.L.S., S.A.S., CHILDREN; from Webb County; 4th Court of Appeals District (04-22-00257-CV, ___ SW3d ___, 10-19-22)

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

- 22-0774 IN THE INTEREST OF C.W.S. AND J.S.; from Orange County; 9th Court of Appeals District (09-22-00040-CV, ___ SW3d ___, 07-28-22)
abatement order issued

[**Note:** The parties in this case agree that proper notice was not given as required by the Indian Child Welfare Act, 25 U.S.C. §§ 1901-1963 (ICWA). This case is abated and removed from the Court's active docket until further order of this Court. The trial court is directed to (1) provide notice as required by ICWA and (2) determine whether any other action is required. The trial court shall notify the Court of its determination and provide the Court with a status report as soon as possible or within 30 days, whichever is earlier.]

ORDERS ON MOTIONS FOR REHEARING

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

21-0497 DIAMONDBACK E & P LLC AND MAGNOLIA, LLC v. RIDGEFIELD PERMIAN, LLC AND ALBERT JEFFRYES GRIFFITHS, AS TRUSTEE OF THE ALBERT JEFFRYES GRIFFITHS TRUST; from Reeves County; 8th Court of Appeals District (08-19-00156-CV, 626 SW3d 357, 05-05-21)

22-0371 ALFONSO KENNARD, JR. v. COMMISSION FOR LAWYER DISCIPLINE (BODA Cause No. 85861)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

22-0174 IN RE INTERSTATE FIRE & CASUALTY COMPANY, ET AL.; from Harris County; 1st Court of Appeals District (01-21-00114-CV, ___ SW3d ___, 02-03-22)
petitioners' emergency motion for temporary relief dismissed as moot

22-0181 IN RE KIA MOTORS AMERICA, INC.; from Harris County; 14th Court of Appeals District (14-22-00086-CV, ___ SW3d ___, 03-08-22)
stay order issued March 10, 2022, lifted

(Justice Lehrmann not participating)

22-0232 IN RE SALESFORCE.COM, INC.; from Harris County; 1st Court of Appeals District (01-22-00045-CV, ___ SW3d ___, 03-01-22)
motion for temporary relief dismissed as moot

- 22-0355 IN RE FAMOUS WATER COMPANY, L.P., CRAZY BOTTLING COMPANY, LLC, SCOTT ELDER, CAROL ELDER, TROY HUSEMAN, KELLI HUSEMAN, JACK BRADSHAW, JANET BRADSHAW, TOM FIREOVED, AND MIKE MODANO; from Tarrant County; 2nd Court of Appeals District (02-22-00103-CV, ___ SW3d ___, 04-27-22)
- 22-0542 IN RE LISA MILLER; from Palo Pinto County; 11th Court of Appeals District (11-22-00018-CV, ___ SW3d ___, 02-10-22)
- 22-0623 IN RE NATIONAL DISTRIBUTORS. LEASING, INC.; RICKY GARDNER; AND VERONICA ROMERO; from Travis County; 3rd Court of Appeals District (03-22-00316-CV, ___ SW3d ___, 06-10-22)
- 22-0651 IN RE DALLAS PLUMBING COMPANY; from Dallas County; 5th Court of Appeals District (05-22-00473-CV, ___ SW3d ___, 06-21-22)
- 22-0670 IN RE PEDRO MARTINEZ AND LYDIA GONZALEZ, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF PEDRO JOVANY "BRUNO" MARTINEZ; from Travis County; 3rd Court of Appeals District (03-21-00233-CV, ___ SW3d ___, 07-28-22)
- 22-0672 IN RE MARIO-ARNOLDO:YARRITO; 3rd Court of Appeals District (03-22-00446-CV, ___ SW3d ___, 07-29-22)
- 22-0841 IN RE TEXAS BOARD OF CHIROPRACTIC EXAMINERS AND TEXAS CHIROPRACTIC ASSOCIATION; from Travis County; 3rd Court of Appeals District (03-22-00520-CV, ___ SW3d ___, 08-31-22)
stay order issued November 4, 2022, lifted
- 22-0966 IN RE TIAN LLC AND FNU TIANJISI; from Harris County; 1st Court of Appeals District (01-22-00654-CV, ___ SW3d ___, 10-11-22)

22-0970 IN RE NANCY ALANIS; from Bexar County; 4th Court of Appeals District (04-21-00021-CV, ___ SW3d ___, 08-31-22)

relator's emergency motion for temporary mandamus relief dismissed as moot

22-0993 IN RE COMMUNITY BANK OF TEXAS, N.A.; from Harris County; 14th Court of Appeals District (14-22-00246-CV, ___ SW3d ___, 09-01-22)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

21-1010 IN RE UNITED DEVELOPMENT FUNDING, L.P.; UNITED DEVELOPMENT FUNDING II, L.P.; UNITED DEVELOPMENT FUNDING III, L.P.; UNITED DEVELOPMENT FUNDING IV; UNITED DEVELOPMENT FUNDING V; UNITED MORTGAGE TRUST; UNITED DEVELOPMENT FUNDING LAND OPPORTUNITY FUND, L.P.; UNITED DEVELOPMENT FUNDING LAND OPPORTUNITY FUND INVESTORS, L.L.C.; from Dallas County; 5th Court of Appeals District (05-21-00102-CV, ___ SW3d ___, 02-12-21)

relators' notice of nonsuit and dismissal of original proceeding, being treated as a motion to dismiss, granted

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

22-1100 IN RE LAKESIDE RESORT JV, LLC D/B/A MARGARITAVILLE RESORT LAKE CONROE; from Montgomery County; 9th Court of Appeals District (09-22-00345-CV, ___ SW3d ___, 12-01-22)

relator's emergency motion for temporary stay granted

stay order issued

response requested due by January 17, 2023

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