



Orders of the Supreme Court of Texas
Fiscal Year 2009
(September 1, 2008-August 31, 2009)

Assembled by
The Supreme Court of Texas Clerk's Office

Blake A. Hawthorne, Clerk of the Court
Monica Zamarripa, Deputy Clerk

THE SUPREME COURT OF TEXAS

Orders Pronounced September 5, 2008

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0525 H. LANCE STINNETT AND METZ B. CASTLEBERRY v. SFJV-2003-1, LLC; from Parker County; 2nd district
(02-06-00445-CV, ___ SW3d ___, 04-03-08)
- 08-0599 LANGSTON, SWEET & FREESE, P.A. AND SWEET & FREESE, P.L.L.C. v. CLETUS P. ERNSTER, III; CLETUS P. ERNSTER, III, P.C.; AND R.G. TAYLOR, II, P.C.; from Jefferson County; 9th district
(09-07-00435-CV, 255 SW3d 402, 05-08-08)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 08-0697 ALESA KELLY v. DALLAS, GARLAND & NORTHEASTERN RAILROAD, INCORPORATED AND UNION PACIFIC RAILROAD COMPANY; from Grayson County; 5th district
(05-06-00456-CV, ___ SW3d ___, 07-17-08)

The Court strikes the petition for review with the following notations: "The petition violates Texas Rule of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed September 15, 2008."

ORDERS ON MOTIONS FOR REHEARING

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

- 08-0291 RONNIE R. REBER & ALAN RHEA TODD v. BELL HELICOPTER TEXTRON, INC.; from Tarrant County; 2nd district
(02-07-00104-CV, 248 SW3d 853, 03-06-08)
- 08-0303 PAUL MOOD AND K&M DISTRIBUTORS v. KRONOS PRODUCTS,

INC.; from Dallas County; 5th district
(05-06-00111-CV, 254 SW3d 8, 11-28-07)

08-0406 HENRY MELVYN RICHARDSON, STEPHANY HARRIS, KLAREE
BOOSE, SARAH, KEELI, IVY, SHEBA, DARRELL, HARPER, EMMA,
RAIN, AND ULYSSES v. PRIMARILY PRIMATES, INC.; from Bexar
County; 4th district (04-06-00868-CV, 255 SW3d 132, 01-16-08)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF
MANDAMUS IS DENIED:

08-0331 IN RE DONALD MOODY, SR.; from Jefferson County; 9th district
(09-07-00064-CV, ___ SW3d ___, 02-15-07)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

08-0598 IN RE OVIDIO GARCIA, JR., & JUAN G. HINOJOSA; from Starr County;
4th district (04-08-00348-CR, ___ SW3d ___, 06-11-08)

08-0601 IN RE BRIAN CALVIN ADAMS; 3rd district
(03-08-00335-CV, ___ SW3d ___, 06-11-08)

08-0603 IN RE CHRISTOPHER M. DEIOTTE; from Harris County

THE SUPREME COURT OF TEXAS

Orders Pronounced September 12, 2008

ORDERS ON CAUSES

THE MOTIONS TO RESET ORAL ARGUMENT IN THE FOLLOWING CAUSES ARE DENIED:

07-0520 ED VANEGAS, JIMMY D. HALMAN, SAM ARMSTRONG, ALEX CARBAJAL ROGER FARRINGTON, CURTIS HUFF AND TITO BETANCUR v. AMERICAN ENERGY SERVICES, NIEWOEHNER PARTNERSHIP, L.P., RCH/HSJ/CCM/MCPI, L.P., AUTRY STEPHENS, JOHN CARNETT, BRACK BLACKWOOD AND DENNIE MARTIN; from Midland County; 11th district (11-06-00118-CV, 224 SW3d 544, 05-10-07) unopposed motion to reschedule oral argument denied

[**Note:** This case remains set for oral argument at 9:00 a.m., October 15, 2008.]

07-0665 IN RE MORGAN STANLEY & CO. INCORPORATED, SUCCESSOR TO MORGAN STANLEY DW, INC.; from Dallas County; 5th district (05-07-00590-CV, ___ SW3d ___, 07-17-07) relator's opposed motion to reschedule oral argument denied

[**Note:** This case remains set for oral argument at 9:00 a.m., October 15, 2008.]

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

05-0916 PLEASANT GLADE ASSEMBLY OF GOD, REVEREND LLOYD A. MCCUTCHEN, ROD LINZAY, HOLLY LINZAY, SANDRA SMITH, BECKY BICKEL, AND PAUL PATTERSON v. LAURA SCHUBERT; from Tarrant County; 2nd district (02-02-00264-CV, 174 SW3d 388, 09-15-05) respondent's unopposed motion to stay issuance of mandate denied

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0460 JOSE THOTTUMKAL AND SARAMMA THOTTUMKAL v. LARRY MCDUGAL; from Fort Bend County; 14th district (14-06-00364-CV, 251 SW3d 715, 01-15-08)
- 08-0499 REBECCA DUNN GRIDER v. MIKE O'BRIEN, P.C., O'QUINN & LAMINACK, AND ITS SUCCESSORS IN INTEREST, THE O'QUINN FIRM, JOHN M. O'QUINN, AND KAISER & MAY, L.L.P.; from Harris County; 1st district (01-07-00006-CV, ___ SW3d ___, 05-08-08)
- 08-0538 ELTON ADAMCHEK, ET AL. v. REYNOLDS METAL COMPANY, ET AL.; from Wharton County; 13th district (13-06-00240-CV, ___ SW3d ___, 04-24-08)
- 08-0550 ESTATE OF WALTER ARTHUR KRIEGEL, DECEASED; from Parmer County
petitioner's motion for summary judgment denied
- 08-0573 MICHAEL LOU GARRETT v. LARRY E. BERGER, ET AL.; from Wichita County; 2nd district (02-08-00030-CV, ___ SW3d ___, 06-19-08)
- 08-0588 MICHAEL O. MURRAY AND WHITNEY W. MURRAY v. THE CADLE COMPANY; from Dallas County; 5th district (05-06-01481-CV, 257 SW3d 291, 04-25-08)
- 08-0610 MARK ZIMMER v. PALESTINE HERALD-PRESS CO., NEWSPAPER HOLDINGS, INC., AND SCOTT TYLER; from Cherokee County; 12th district (12-07-00139-CV, 257 SW3d 504, 06-25-08)
- 08-0612 MARIA GLORIA NASH v. BRENDA GRAY; from Tarrant County; 2nd district (02-07-00351-CV, ___ SW3d ___, 06-19-08)

THE FOLLOWING PETITIONS FOR REVIEW ARE ABATED:

- 08-0501 IN THE MATTER OF THE GUARDIANSHIP OF KATHRYN HOUSEWORTH GIBBS, AN INCAPACITATED PERSON; from Denton County; 2nd district (02-05-00143-CV, 253 SW3d 866, 04-03-08)
motion to abate granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until October 15, 2008, by which time the parties must file either a status report or a motion to

dismiss.]

08-0521 IN RE GUARDIANSHIP OF KATHRYN HOUSEWORTH GIBBS, AN
INCAPACITATED PERSON; from Denton County; 2nd district
(02-05-00460-CV, ___ SW3d ___, 04-17-08)
motion to abate granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until October 15,
2008, by which time the parties must file either a status report or a motion to
dismiss.]

THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO
TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

08-0624 IN THE INTEREST OF S.L.M.; from Bexar County; 4th district
(04-07-00566-CV, ___ SW3d ___, 06-18-08)

The Court strikes the petition for review with the following notations: "The
petition violates Texas Rules of Appellate Procedure 9.8(b)(1)(C) and is
struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed
September 22, 2008."

08-0670 SHARI A. WYNNE v. CITIBANK (SOUTH DAKOTA), N.A.; from Travis
County; 7th district (07-06-00162-CV, ___ SW3d ___, 04-25-08)
motion to exceed the page limit for the petition for review denied

The Court strikes the petition for review with the following notations: "The
petition violates Texas Rules of Appellate Procedure 53.6 and is struck.
Petitioner is ordered to redraw; the redrawn petition is due to be filed
September 22, 2008."

08-0691 ESTATE OF CHARLEY G. MARTIN, DECEASED, ALICE
LONGFELLOW, INDEPENDENT EXECUTRIX FOR THE ESTATE v.
RACETRAC PETROLEUM, INC. AND WALMART STORES EAST, INC.;
from Tarrant County; 2nd district
(02-06-00124-CV, ___ SW3d ___, 06-12-08)

The Court strikes the petition for review with the following notations: "The
petition violates Texas Rules of Appellate Procedure 9.4(f) and (h) and is
struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed
September 22, 2008."

08-0719 KERRY LYNN JOYCE v. TEXAS DEPARTMENT OF PROTECTIVE AND

REGULATORY SERVICES; from Henderson County; 12th district
(12-07-00371-CV, ___ SW3d ___, 06-30-08)

The Court strikes the petition for review with the following notations: "The petition violates Texas Rules of Appellate Procedure 9.8(b)(1)(C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed September 22, 2008."

ORDERS ON MOTIONS FOR REHEARING

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

08-0218 ROSE MARIE PATRONELLA v. HOUSTON INDEPENDENT SCHOOL
DISTRICT; from Harris County; 14th district
(14-07-00357-CV, ___ SW3d ___, 01-10-08)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

07-0554 IN RE DELFINO GONZALEZ

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

08-0597 IN RE ELOY MATA

08-0605 IN RE CHRISTOPHER M. DEIOTTE

08-0623 IN RE JUAN ALMAGUER #688069

08-0752 IN RE TOMMY MANION AND TOMMY MANION OF TEXAS, INC.;
from Potter County; 7th district (07-08-00318-CV, ___ SW3d ___, 09-11-08)
motion for emergency stay of discovery order denied

THE SUPREME COURT OF TEXAS

Orders Pronounced September 18, 2008

MISCELLANEOUS

THE MOTION TO STAY IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

08-0761 IN RE BOB BARR, WAYNE ALLYN ROOT AND THE LIBERTARIAN
PARTY OF TEXAS
motion for emergency stay denied

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

THE SUPREME COURT OF TEXAS

Orders Pronounced September 19, 2008

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0455 EX PARTE GARY HAMPTON; from Dallas County; 5th district
(05-07-00523-CV, ___ SW3d ___, 03-26-08)
- 08-0510 BIOSILK SPA, L.P., F.K.A. ONE MARENGO, L.P. v. HG SHOPPING
CENTERS, L.P.; from Harris County; 14th district
(14-06-00986-CV, ___ SW3d ___, 05-08-08)
- 08-0562 IN THE MATTER OF S.C.; from Travis County; 3rd district
(03-06-00397-CV, ___ SW3d ___, 07-03-08)
- 08-0565 GARY DEAN BROOKS v. DANA LEDON BROOKS; from Wise County;
2nd district (02-07-00270-CV, 257 SW3d 418, 06-05-08)
- 08-0594 TRUDY LEGGETT, INDIVIDUALLY AND AS HEIR OF NATHAN
LEGGETT, DECEASED v. CITY OF AUSTIN, TEXAS; from Travis County;
3rd district (03-07-00345-CV, 257 SW3d 456, 06-12-08)
- 08-0604 WILLIAM WYROSKI v. DANNY R. CHOATE INSULTECH OF TEXAS,
INC, D/B/A INSULTECH; from Tarrant County; 2nd district
(02-07-00262-CV, ___ SW3d ___, 06-19-08)
- 08-0640 R2 ENTERPRISES, INC. AND TED REEVES v. VERNON WHIPPLE; from
Denton County; 2nd district (02-07-00257-CV, ___ SW3d ___, 06-26-08)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 08-0745 IN THE INTEREST OF K.M. AND J.O. MINOR CHILDREN; from Bexar
County; 4th district (04-08-00037-CV, ___ SW3d ___, 07-30-08)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.8(b)(1)(C) and is

struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed September 29, 2008."

ORDERS ON MOTIONS FOR REHEARING

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

08-0140 CYNTHIA HIEGER AND ROY C. HIEGER, BOTH INDIVIDUALLY AND AS NEXT FRIEND OF DAVID C. HIEGER, A MINOR v. WALGREEN COMPANY; from Harris County; 14th district (14-06-00962-CV, 243 SW3d 183, 10-11-07)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DENIED:

08-0555 JOHN D. MCKEEVER, M.D., CHARLES C. DOMINGUES, M.D., BEAUMONT BONE & JOINT INSTITUTE, P.A., CHRISTUS HEALTH SOUTHEAST TEXAS D/B/A CHRISTUS ST. ELIZABETH HOSPITAL, TEXAS ALLIANCE FOR PATIENT ACCESS, TEXAS MEDICAL ASSOCIATION, AND TEXAS HOSPITAL ASSOCIATION v. ADRIAN CERNY AND JAMES E. ZAGONE; from Travis County

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

08-0622 IN RE CAROL JOHNE MORRIS; from Midland County; 11th district (11-07-00357-CV, ___ SW3d ___, 01-10-08)

THE SUPREME COURT OF TEXAS

Orders Pronounced September 22, 2008

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF PROHIBITION IS DENIED:

08-0774 IN RE MARK A. METZGER; from Harris County
motion for emergency relief denied

See Tex. R. App. P. 17 and 52.3(e)

THE SUPREME COURT OF TEXAS

Orders Pronounced September 23, 2008

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

08-0761 IN RE BOB BARR, WAYNE ALLYN ROOT AND THE LIBERTARIAN
PARTY OF TEXAS

THE SUPREME COURT OF TEXAS

Orders Pronounced September 26, 2008

ORDERS ON CAUSES

06-0162 DONALD DAVIS v. FISK ELECTRIC COMPANY, FISK TECHNOLOGIES & FISK MANAGEMENT, INC.; from Harris County; 14th district (14-04-00790-CV, 187 SW3d 570, 01-12-06)

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

Chief Justice Jefferson delivered the opinion of the Court, joined by Justice Hecht, Justice O'Neill, Justice Wainwright, Justice Medina, Justice Green, Justice Johnson, and Justice Willett.

Justice Brister delivered a concurring opinion, in which Justice Medina joined as to Part III.

06-0422 RELIANCE STEEL & ALUMINUM CO. AND SAMUEL ALVARADO v. MICHAEL SEVCIK AND CATHY LOTH; from Waller County; 13th district (13-03-00407-CV, ___ SW3d ___, 03-09-06)
respondents' motion to strike petitioners' brief on the merits dismissed as moot

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

Justice Brister delivered the opinion of the Court.

06-0611 MAURICIO MARTINEZ-PARTIDO v. METHODIST SPECIALTY AND TRANSPLANT HOSPITAL; METHODIST HEALTHCARE SYSTEM OF SAN ANTONIO, LTD., L.L.P. D/B/A METHODIST SPECIALTY AND TRANSPLANT HOSPITAL; JANE OR JOHN DOE(S), HOSPITAL EMPLOYEE(S); AND JANE OR JOHN DOE(S), HOSPITAL NURSE(S); from Bexar County; 4th district (04-05-00868-CV, ___ SW3d ___, 06-14-06)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court vacates the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

07-0221 JOHN A. ADAMS AND JANE A. ADAMS, INDIVIDUALLY, AND AS NEXT FRIENDS OF A.A., A MINOR v. YMCA OF SAN ANTONIO, D/B/A YMCA OF SAN ANTONIO AND HILL COUNTRY; from Bexar County; 4th district (04-04-00931-CV, 220 SW3d 1, 07-12-06)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

07-0472 DAVID J. SACKS, P.C. D/B/A SACKS & ASSOCIATES v. CHARLES MCINTYRE HADEN, JR., INDIVIDUALLY, AND CHARLES MCINTYRE HADEN, JR. & COMPANY D/B/A HADEN & COMPANY; from Harris County; 1st district (01-01-00200-CV, 222 SW3d 580, 03-08-07) motion for rehearing granted

The Court's opinion and judgment of July 11, 2008 are withdrawn and the opinion and judgment of this date are substituted.

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment, renders judgment in part, and remands the case to the court of appeals.

Per Curiam Opinion

07-0548 THE STATE OF TEXAS v. DAWMAR PARTNERS, LTD., A TEXAS LIMITED PARTNERSHIP, AND HOWARD WAYNE GRUETZNER AND BEVERLY ANN GRUETZNER (A/K/A BEVERLY G. SHAW), CO-INDEPENDENT EXECUTORS OF THE ESTATE OF MARTHA LILLIAN ATTAWAY GRUETZNER (A/K/A MARTHA LILLIAN ATTAWAY GRUETSNER); from McLennan County; 10th district (10-06-00136-CV, ___ SW3d ___, 05-30-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court affirms in part and reverses in part the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 04-0138 UNAUTHORIZED PRACTICE OF LAW COMMITTEE v. AMERICAN HOME ASSURANCE COMPANY, INC. AND THE TRAVELERS INDEMNITY COMPANY; from Dallas County; 11th district (11-02-00212-CV, 121 SW3d 831, 11-06-03)
- 06-0310 JIM LOWENBERG, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED v. CITY OF DALLAS; from Dallas County; 11th district (11-03-00061-CV, 187 SW3d 777, 03-01-06)
- 07-0197 KAO HOLDINGS, L.P., D/B/A SEBRING APARTMENTS AND WILLIAM KAO v. ANNIE LEE YOUNG; from Harris County; 14th district (14-05-00398-CV, 214 SW3d 504, 11-21-06)
- 07-0487 DAVID J. SACKS, P.C. D/B/A SACKS & ASSOCIATES v. CHARLES MCINTYRE HADEN, JR., INDIVIDUALLY, AND CHARLES MCINTYRE HADEN, JR. & COMPANY D/B/A HADEN & COMPANY; from Harris County; 1st district (01-03-00025-CV, 222 SW3d 580, 03-08-07)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 07-0340 SPIR STAR AG v. LOUIS KIMICH; from Harris County; 1st district (01-06-00129-CV, ___ SW3d ___, 02-08-07)
as amended
motion for leave to file amended petition for review granted

[**Note:** This case has been set for oral argument at 9:00 a.m., December 10, 2008.]

Time allotted to argue: 20/20 minutes

- 07-0572 GAIL ASHLEY v. DORIS D. HAWKINS; from Montgomery County; 9th district (09-06-00359-CV, ___ SW3d ___, 06-07-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 11, 2008.]

Time allotted to argue: 20/20 minutes

- 08-0136 JOHN KAPPUS v. SANDRA L. KAPPUS; from Anderson County; 12th

district (12-06-00233-CV, 242 SW3d 182, 11-30-07)
denial of petition for review on April 4, 2008, withdrawn
motion for rehearing granted, as supplemented

[**Note:** This case has been set for oral argument at 9:00 a.m., December 10,
2008.]

Time allotted to argue: 20/20 minutes

**THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS SET FOR ORAL
ARGUMENT:**

08-0524 IN RE DEPARTMENT OF FAMILY & PROTECTIVE SERVICES; from
Harris County; 1st district (01-08-00348-CV, ___ SW3d ___, 06-30-08)
stay order issued July 3, 2008, remains in effect

[**Note:** This case has been set for oral argument at 9:00 a.m., November 12,
2008.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

06-0384 CELOTEX CORPORATION, LECIL M. COLBURN, AND DAVID MURRY
v. WAREHOUSE ASSOCIATES CORPORATE CENTRE II, INC.,
WAREHOUSE ASSOCIATES CORPORATE CENTRE POST OAK, LTD.,
AND WAREHOUSE ASSOCIATES DEVELOPMENT, INC.; from Harris
County; 14th district (14-03-01444-CV, 192 SW3d 225, 03-30-06)
2 petitions
as reinstated

07-0495 SOUTHWEST GRAIN CO. v. MARTIN P. GARZA, JR., ABEL N.
GONZALEZ, JR. AND AIDA GRACIELA GONZALEZ; from Hidalgo
County; 13th district (13-04-00409-CV, ___ SW3d ___, 04-12-07)
as reinstated

07-1001 BASIL BROWN AND YVONNE BROWN v. TEXAS BOARD OF NURSE
EXAMINERS, ET AL.; from Travis County; 3rd district
(03-05-00508-CV, ___ SW3d ___, 10-18-07)
as redrafted

07-1073 GAMAL ABDEL-HAFIZ v. ABC, INC., ABC NEWS, INC., ABC NEWS HOLDING COMPANY, INC., CHARLES GIBSON, BRIAN ROSS, ROBERT WRIGHT, AND JOHN VINCENT; from Tarrant County; 2nd district (02-06-00244-CV, 240 SW3d 492, 11-15-07)

(Justice Hecht not sitting)

07-1074 GAMAL ABDEL-HAFIZ v. FOX ENTERTAINMENT GROUP, INC., FOX BROADCASTING CO., FOX NEWS, INC., FOX NEWS NETWORK, INC., FOX NEWS NETWORK, L.L.C., FOX NEWSHOLDINGS, INC., AND BILL O'REILLY; from Tarrant County; 2nd district (02-06-00353-CV, 240 SW3d 524, 11-15-07)

(Justice Hecht not sitting)

08-0105 TARGET CORPORATION v. MRO SOUTHWEST, INC., D/B/A CROSSROADS MALL OF SAN ANTONIO, MRO MANAGEMENT, INC. AND GUADALUPE CULTURAL ARTS CENTER; from Bexar County; 4th district (04-07-00078-CV, ___ SW3d ___, 12-19-07)

08-0118 MELODY ALLISON, INDIVIDUALLY AND A/N/F OF DOROTHY MUELLER, ET AL. v. CHRIS UCHE, M.D.; from Galveston County; 1st district (01-06-00546-CV, ___ SW3d ___, 10-11-07)

08-0141 MARY C. ACOSTA v. HEMLATA CHHEDA, D.D.S.; from Harris County; 1st district (01-07-00398-CV, ___ SW3d ___, 11-01-07)

08-0178 IN THE INTEREST OF C.A.M.M., A MINOR CHILD; from Harris County; 14th district (14-06-00279-CV, 243 SW3d 211, 10-30-07)

08-0245 TEXAS DEPARTMENT OF TRANSPORTATION v. MID-SOUTH PAVERS, INC.; from Travis County; 3rd district (03-06-00666-CV, 246 SW3d 711, 12-19-07)

08-0253 IN THE INTEREST OF B.P.H. AND T.M.H., CHILDREN; from Deaf Smith County; 7th district (07-07-00006-CV, ___ SW3d ___, 02-14-08)

08-0270 ENVIROPOWER, L.L.C. v. BEAR, STEARNS & CO., INC.; from Harris County; 1st district (01-04-01111-CV, ___ SW3d ___, 02-21-08)

08-0283 COLLINS & AIKMAN FLOORCOVERINGS, INC. v. JAMES BRADLEY THOMASON; from Bexar County; 4th district

(04-06-00550-CV, 256 SW3d 402, 02-27-08)

- 08-0292 CITY OF FORT WORTH, TEXAS v. ARNOLDO DOMINGUEZ, ET AL.;
from Tarrant County; 2nd district
(02-06-00196-CV, ___ SW3d ___, 03-06-08)
- 08-0329 GUADALUPE ALMANZA v. PYRAMID HEALTHCARE CORPORATION
D/B/A ABILENE CONVALESCENT CENTER, SENIOR LIVING
PROPERTIES, L.L.C., AND WYVONNE ROYSDON; from Jones County;
11th district (11-06-00129-CV, ___ SW3d ___, 03-13-08)
- 08-0349 HECTOR HINOJOSA, JR. v. CITIBANK (SOUTH DAKOTA), N.A.; from
Dallas County; 5th district (05-07-00059-CV, ___ SW3d ___, 03-04-08)
- 08-0355 JOHN C. SCOTT v. WILLIAM E. KING; from Galveston County; 1st district
(01-06-00565-CV, ___ SW3d ___, 03-27-08)
- 08-0361 PAUL MARTIN CLARK AND BLACK CITIZENS FOR JUSTICE, LAW
AND ORDER, INC. v. GLADYS ELAINE BLANTON JENKINS; from
Henderson County; 7th district (07-06-00385-CV, 248 SW3d 418, 02-22-08)
- 08-0370 BROOKSTONE, L.P. AND LIBERTY MUTUAL INSURANCE COMPANY
v. GUSTAVO ARIAS D/B/A GUS TRUCKING SERVICE; from Harris
County; 1st district (01-05-00746-CV, ___ SW3d ___, 12-20-07)
- 08-0371 DALLAS COUNTY v. CAYCE COSKEY; from Dallas County; 5th district
(05-07-00160-CV, 247 SW3d 753, 03-04-08)
- 08-0385 NANCY SAINT-PAUL v. THE CITY OF GALVESTON, TEXAS; BOARD
OF TRUSTEES OF GALVESTON WHARVES; AND BP ENERGY
COMPANY; from Galveston County; 1st district
(01-06-00580-CV, ___ SW3d ___, 02-14-08)
- 08-0389 IN RE TOWNLEY BYPASS UNIFIED CREDIT TRUST; from Rusk County;
6th district (06-07-00025-CV, 252 SW3d 715, 04-09-08)
- 08-0392 ROY H. BRAY v. THE CADLE COMPANY; from Harris County; 1st district
(01-06-00899-CV, ___ SW3d ___, 01-24-08)
- 08-0412 THE SIMMONS MANUFACTURING CO., LLC, IMPROPERLY NAMED
BY PLAINTIFF/APPELLANT AS SIMMONS BEDDING COMPANY v.
JOE ANN SMITH; from Dallas County; 5th district
(05-07-00823-CV, 250 SW3d 200, 04-14-08)

- 08-0424 WAYNE ERNEST BARKER v. STEVEN R. HALBERT, ET AL.; from Cherokee County; 6th district (06-08-00045-CV, ___ SW3d ___, 05-06-08)
- 08-0456 MONICA EDIE RENEE JONES v. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Denton County; 2nd district (02-07-00178-CV, ___ SW3d ___, 05-01-08)
2 petitions
- 08-0459 ROBERT GENE CUNNINGHAM, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF PATRICIA MAUDINE CUNNINGHAM, TRACY JEANNE CUNNINGHAM LANG AND ROBIN LEE CUNNINGHAM BISHOP v. BLUE CROSS BLUE SHIELD OF TEXAS, A DIVISION OF HEALTH CARE SERVICE CORPORATION, A MUTUAL LEGAL RESERVE COMPANY; from Tarrant County; 2nd district (02-06-00363-CV, ___ SW3d ___, 02-21-08)
- 08-0472 VICTOR A. PALLARES, M.D. AND PAIN AND ANESTHESIA ASSOCIATES, P.L.L.C. D/B/A HEADACHE + PAIN CENTER v. MAGIC VALLEY ELECTRIC COOPERATIVE, INC.; from Cameron County; 13th district (13-07-00559-CV, ___ SW3d ___, 05-08-08)
- 08-0475 ARMANDO RAMOS, SR. v. DR. IAN RICHARDSON AND VALLEY BAPTIST MEDICAL CENTER; from Cameron County; 13th district (13-05-00204-CV&13-05-00205-CV, ___ SW3d ___, 04-24-08)
- 08-0480 PAMELA INGRAM v. WHITE SETTLEMENT INDEPENDENT SCHOOL DISTRICT; from Tarrant County; 2nd district (02-07-00306-CV, ___ SW3d ___, 05-01-08)
- 08-0495 IN RE THE COMMITMENT OF TODD MITCHELL; from Montgomery County; 9th district (09-07-00002-CV, ___ SW3d ___, 03-20-08)
- 08-0509 GULF MARINE INSTITUTE OF TECHNOLOGY AND BIOMARINE TECHNOLOGIES, INC. v. JERRY PATTERSON, COMMISSIONER OF THE GENERAL LAND OFFICE; from Matagorda County; 13th district (13-06-00067-CV, ___ SW3d ___, 02-28-08)

(Chief Justice Jefferson not sitting)

- 08-0522 GALVESTON BEVERAGE, LTD. v. THE GAMBRINUS COMPANY; from Bexar County; 4th district (04-07-00265-CV, ___ SW3d ___, 05-14-08)

(Justice Hecht not sitting)

- 08-0535 CELESTINA ADAME, INDIVIDUALLY AND AS NEXT FRIEND OF ERICA ADAME, A MINOR, ET AL v. LAW OFFICES OF ALLISON & HUERTA, A TEXAS GENERAL PARTNERSHIP, DOUGLAS A. ALLISON, STEVE T. HASTINGS, ALBERTO R. HUERTA AND JEANETTE CANTU-BAZAR; from Nueces County; 13th district (13-04-00670-CV, ___ SW3d ___, 05-22-08)
- 08-0564 IN THE INTEREST OF S.T., A CHILD; from Brazos County; 10th district (10-07-00306-CV, ___ SW3d ___, 05-28-08)
2 petitions
as amended
- 08-0616 BARBARA HOLLADAY, RICHARD H. BYRNE, MICHAEL V. BYRNE AND JAMES E. BYRNE, JR., INDIVIDUALLY AND NOT AS INDEPENDENT EXECUTOR OF THE ESTATE OF RUSSELL E. WOMACK, DECEASED v. DEAH'DRA ANNE CUMMINGS, NANCY HIGGINSON, DEBBIE CHEADLE, ARTHUR CHEADLE, CAMILLE SAWAYA, WAYNE CARSON AND RAEANNE MARTIN; from Lubbock County; 7th district (07-07-00446-CV, ___ SW3d ___, 05-28-08)
- 08-0629 JERRY VALDEZ v. DOROTHY H. MELLO; from Bexar County; 4th district (04-07-00712-CV, ___ SW3d ___, 06-04-08)

THE FOLLOWING PETITION FOR REVIEW IS WITHDRAWN:

- 06-1017 GREAT AMERICAN LLOYDS INSURANCE COMPANY v. SUMMIT CUSTOM HOMES, INC.; from Dallas County; 5th district (05-05-00851-CV, 202 SW3d 823, 07-18-06)
petitioner's motion to withdraw petition for review granted

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED FOR WANT OF JURISDICTION:

- 08-0545 LAURANCE KRIEGEL v. PARMER COUNTY SHERIFF'S OFFICE, ET AL.; from Parmer County
as amended
motion for partial summary judgment denied
- 08-0631 FRANK CORNISH IV AND ALL OCCUPANTS v. WELLS FARGO BANK (TEXAS) N.A.; from Tarrant County; 2nd district

(02-07-00161-CV, ___ SW3d ___, 05-29-08)

(Justice Johnson not sitting)

ORDERS ON MOTIONS FOR REHEARING

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

05-0130 UNAUTHORIZED PRACTICE OF LAW COMMITTEE v. NATIONWIDE
MUTUAL INSURANCE COMPANY AND SEAN P. MARTINEZ; from
Bexar County; 4th district (04-04-00184-CV, 155 SW3d 590, 12-08-04)

Per Curiam Opinion

06-0870 MARK S. MAXWELL, D.O. v. DAVID ELKINS AND JUANITA ELKINS;
from Taylor County; 11th district
(11-05-00339-CV, 197 SW3d 858, 07-20-06)

07-0851 R.C. JONES, SUPERIOR WASTE MANAGEMENT SERVICES, INC. AND
JTI CONTRACTORS, INC. v. RUSTIN TRANSPORTATION COMPANY,
L.P.; from Harris County; 1st district
(01-04-00566-CV, 236 SW3d 390, 08-02-07)

07-0958 NANCY BRAUS v. RAY M. BOWEN, ET AL.; from Brazos County; 10th
district (10-06-00226-CV, ___ SW3d ___, 10-10-07)

07-0988 WOODY K. LESIKAR, AS TRUSTEE OF THE WOODROW V. LESIKAR
FAMILY TRUST, TRUSTEE OF THE WOODY K. LESIKAR SPECIAL
TRUST, AND INDEPENDENT EXECUTOR OF THE ESTATE OF
WOODROW V. LESIKAR v. CAROLYN ANN LESIKAR MOON,
INDIVIDUALLY AND AS TRUSTEE OF THE CAROLYN ANN LESIKAR
MOON SPECIAL TRUST; from Brazoria County; 14th district
(14-05-01246-CV, 237 SW3d 361, 07-10-07)

08-0138 ESTATE OF JOHN A. TEINERT DECEASED, LAURANCE KRIEGEL,
DESCENDENT, HEIR TO THE ESTATE; from Coryell County; 10th district
(10-07-00297-CV, 251 SW3d 66, 01-09-08)
motion to set a hearing dismissed as moot
motion to recuse or in the alternative to disqualify the Clerk of the Court
denied

08-0368 KIRK WAYNE MCBRIDE, SR. v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE-CORRECTIONAL INSTITUTIONS DIVISION, ET AL.; from Bee County; 13th district
(13-05-00391-CV&13-05-00392-CV, ___ SW3d ___, 02-28-08)

08-0513 SOUTH PLAINS SWITCHING, LTD. CO. AND SOUTH PLAINS LAMESA RAILROAD, L.L.C. v. BNSF RAILWAY COMPANY, F/K/A THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY; from Lubbock County; 7th district
(07-06-00165-CV, 255 SW3d 690, 04-17-08)

(Justice O'Neill not sitting)

MISCELLANEOUS

THE ABATEMENT ORDER IN THE FOLLOWING CASE IS LIFTED:

04-0607 IN RE THE JOHN G. & MARIE STELLA KENEDY MEMORIAL FOUNDATION; from Kenedy County; 13th district
(13-04-00337-CV, ___ SW3d ___, 07-06-04)
abatement order issued February 15, 2008, lifted
petition reinstated

[**Note:** The stay order issued July 8, 2004 remains in effect.]

(Justice O'Neill not sitting)

04-0608 IN RE FROST NATIONAL BANK, FORMER EXECUTOR OF THE ESTATE OF ELENA SUESS KENEDY, DECEASED; FROST NATIONAL BANK AND PABLO SUESS, TRUSTEES OF THE JOHN G. KENEDY, JR. CHARITABLE TRUST; AND THE MISSIONARY OBLATE FATHERS OF TEXAS; from Kenedy County; 13th district
(13-04-00339-CV, ___ SW3d ___, 07-06-04)
abatement order issued February 15, 2008, lifted
petition reinstated

[**Note:** The stay order issued July 8, 2004 remains in effect.]

(Justice O'Neill not sitting)

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-0336 IN RE JASON LOBAN; from Tarrant County; 2nd district
(02-07-00400-CV, ___ SW3d ___, 01-04-08)
as amended
stay order issued May 6, 2008, lifted
- 08-0439 IN RE JOSE R. CARRERAS, M.D.; from Hidalgo County; 13th district
(13-08-00141-CV, ___ SW3d ___, 04-30-08)
- 08-0486 IN RE BREWER LEASING, INC. AND TEXAS STRETCH, INC.; from
Harris County; 1st district (01-08-00120-CV, 255 SW3d 708, 04-22-08)
- 08-0633 IN RE BEIRNE, MAYNARD & PARSONS, L.L.P.; from Harrison County;
6th district (06-08-00062-CV, 260 SW3d 229, 07-18-08)
stay order issued August 13, 2008, lifted

(Chief Justice Jefferson, Justice Wainwright, and Justice Johnson not sitting)

- 08-0676 IN RE MELVIN RAY HASSELL; from Eastland County; 11th district
(11-02-00267-CV, ___ SW3d ___, 04-24-03)
- 08-0677 IN RE RODNEY D. GOWANS, SR.; from Grimes County; 1st district
(01-97-00187-CR, ___ SW3d ___, 05-27-99)

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE STRUCK
PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 08-0775 IN RE SAFE STAFF, INC. D/B/A SERVICE PROFESSIONALS OF TEXAS,
INC. AND UNITED FOCUS, INC, D/B/A SERVICE PROFESSIONALS OF
TEXAS, INC.; from Dallas County; 5th district
(05-08-01005-CV, ___ SW3d ___, 08-11-08)

The Court strikes the petition for writ of mandamus with the following
notation: "The petition violates Texas Rules of Appellate Procedure 9.4(f) and
52.6 and is struck."

- 08-0791 IN RE LANAYE JULIAN; from Cameron County; 13th district
(13-08-00363-CV, ___ SW3d ___, 06-19-08)

The Court strikes the petition for writ of mandamus with the following
notation: "The petition violates Texas Rules of Appellate Procedure 9.4(f) and
52.6 and is struck."

THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE
FOLLOWING APPEAL IS AFFIRMED:

08-0306 WILLIAM J. SAMES, III v. COMMISSION FOR LAWYER DISCIPLINE
motion to defer oral argument dismissed as moot

THE SUPREME COURT OF TEXAS

Orders Pronounced October 2, 2008

ORDERS ON PETITIONS FOR REVIEW

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR REVIEW:

08-0696 THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER
AT DALLAS v. LARRY M. GENTILELLO, M.D.; from Dallas County; 5th
district (05-07-00845-CV, 260 SW3d 221, 07-18-08)
emergency motion to reinstate statutory stay and vacate court of appeals' order
lifting stay granted in part
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced October 3, 2008

ORDERS ON CAUSES

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS DENIED:

05-0272 ENTERGY GULF STATES, INC. v. JOHN SUMMERS; from Jefferson County; 9th district (09-04-00152-CV, ___ SW3d ___, 12-30-04) request of amici curiae for separate time to appear at oral argument denied

Pursuant to Texas Rule of Appellate Procedure 59.6, upon motion to the Court and with a party's consent, the Court will grant amicus curiae leave to share up to five minutes of the twenty minutes allotted to that party for oral argument.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0546 MARK SWANK AND JAMES J. MCCOY, JR., INDIVIDUALLY AND IN THEIR DERIVATIVE CAPACITY ON BEHALF OF APPLIED MARINE PROPULSION SERVICES, INC. v. LLOYD R. CUNNINGHAM, MARTI L. BATSON, CUNNINGHAM & ASSOCIATES, P.C., KEVIN J. MCEVILY, RICHARD L. FLOWERS, JR., MCEVILY & FLOWERS, JOHN L. VERNER, AUBREY CALVIN, THE CALVIN LAW FIRM, MICHAEL MALONE AND BATTLE FOWLER, L.L.P.; from Harris County; 11th district (11-06-00172-CV, 258 SW3d 647, 03-27-08)

08-0593 SP MIDTOWN, LTD. D/B/A SPACE PLACE MIDTOWN v. URBAN STORAGE, L.P. AND MIDTOWN STORAGE, L.L.C.; from Harris County; 14th district (14-07-00717-CV, ___ SW3d ___, 05-08-08)

08-0602 NANCY ORTEGON v. ENRIQUE BENAVIDES, M.D.; from Webb County; 4th district (04-05-00768-CV, ___ SW3d ___, 03-05-08)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

08-0635 CAROL GILLEN v. MARK S. GREENBURG, M.D. AND ALL-STAR
ORTHOPAEDICS AND SPORTS MEDICINE, P.A.; from Dallas County; 5th
district (05-07-01485-CV, 257 SW3d 281, 4-23-08)
unopposed motion to dismiss granted

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

08-0791 IN RE LANAYE JULIAN; from Cameron County; 13th district
(13-08-00363-CV, ___ SW3d ___, 06-19-08)
as redrafted
verified emergency motion to stay underlying proceedings denied

THE SUPREME COURT OF TEXAS

Orders Pronounced October 6, 2008

MISCELLANEOUS

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

08-0836 IN RE WEEKLEY HOMES, L.P.; from Dallas County; 5th district
(05-08-01249-CV, ___ SW3d ___, 09-24-08)
unopposed emergency motion for stay pending resolution of petition for writ of
mandamus granted
stay order issued
requested response due by 3:00 p.m., October 16, 2008

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

THE SUPREME COURT OF TEXAS

Orders Pronounced October 10, 2008

ORDERS ON CAUSES

05-0653 GILBERT KERLIN, INDIVIDUALLY, GILBERT KERLIN, TRUSTEE, WINDWARD OIL & GAS CORP., AND PI CORP. v. CONCEPCION SAUCEDA, ET AL.; from Cameron County; 13th district (13-01-00062-CV, 164 SW3d 892, 06-09-05)

The Court's opinion of August 29, 2008 is withdrawn and the opinion of this date is issued. The concurring opinion by Justice Brister and the judgment, issued August 29, 2008, remain in place.

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

Justice O'Neill delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Wainwright, Justice Medina, Justice Green, and Justice Johnson joined.

Justice Brister delivered a concurring opinion, in which Justice Hecht, Justice Medina, and Justice Willett joined.

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

05-0386 PROVIDENCE HEALTH CENTER A/K/A DAUGHTERS OF CHARITY HEALTH SERVICES OF WACO AND DEPAUL CENTER A/K/A DAUGHTERS OF CHARITY HEALTH SERVICES OF WACO v. JIMMY AND CAROLYN DOWELL, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF JONATHAN LANCE DOWELL, DECEASED; from McLennan County; 10th district (10-02-00026-CV, 167 SW3d 48, 03-30-05)

05-0788 JAMES C. PETTIT, D.O. v. JIMMY AND CAROLYN DOWELL, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF JONATHAN LANCE DOWELL, DECEASED; from McLennan County; 10th district (10-01-00420-CV, ___ SW3d ___, 08-10-05)

07-0682 UNIFUND CCR PARTNERS v. KENNETH F. WEAVER; from McLennan County; 10th district (10-06-00207-CV, 231 SW3d 441, 07-11-07)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

07-1031 CITY OF DESOTO, TEXAS v. JUSTIN WHITE; from Dallas County; 5th district (05-06-01469-CV, 232 SW3d 379, 08-28-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 11, 2008.]

Time allotted to argue: 20/20 minutes

07-1051 GALBRAITH ENGINEERING CONSULTANTS, INC. v. SAM POCHUCHA AND JEAN POCHUCHA; from Bexar County; 4th district (04-07-00119-CV, 243 SW3d 138, 09-12-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 11, 2008.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

07-0467 7979 AIRPORT GARAGE, LLC v. DOLLAR RENT A CAR SYSTEMS, INC.; from Harris County; 14th district (14-05-00484-CV, ___ SW3d ___, 04-27-07)
2 petitions

07-0758 LEONARD M. MCCOLLUM v. STEPHEN M. SMITH, SUBSTITUTE TRUSTEE, JLE INVESTORS, INC. D/B/A ASSOCIATED MORTGAGE INVESTORS AND HOUSTON SAVINGS BANK; from Harris County; 1st district (01-05-00472-CV, ___ SW3d ___, 08-09-07)

07-0952 VINCENT MAES, CYNTHIA MAES AND THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA v. EL PASO ORTHOPAEDIC SURGERY GROUP; from El Paso County; 8th district (08-06-00071-CV, 243 SW3d 695, 08-30-07)

08-0081 KARL PAUL MATTLAGE v. CELESTE MATTLAGE, MARK MATTLAGE, ROBERT SNOWDEN AND PATRICIA LONG; from

McLennan County; 10th district (10-06-00260-CV, 243 SW3d 763, 11-07-07)

- 08-0275 PANQUITA CARTER v. UNIVERSITY TEXAS SYSTEMS; from Dallas County; 5th district (05-07-00592-CV, ___ SW3d ___, 02-25-08)
- 08-0317 BEVER PROPERTIES, L.L.C. AND JESSE M. TAYLOR, D.D.S., P.A. v. PLANO PARKWAY OFFICE CONDOMINIUMS; from Collin County; 5th district (05-05-01533-CV, 246 SW3d 188, 11-26-07)
- 08-0395 TOM RAMSAY v. TEXAS TRADING CO., INC. AND ADM INVESTOR SERVICES, INC.; from Hopkins County; 6th district (06-07-00043-CV, 254 SW3d 620, 05-05-08)
- 08-0458 JASON MARIS v. TADD HENDRICKS, AS INDEPENDENT EXECUTOR OF THE ESTATE OF MELISSA HENDRICKS, DECEASED, TADD HENDRICKS, INDIVIDUALLY AND AS NEXT FRIEND OF JOSHUA AND DANIEL HENDRICKS, MINORS, AND CHARLIE MORELLO; from Denton County; 2nd district (02-07-00300-CV, ___ SW3d ___, 05-01-08)
- 08-0493 TAMI BERGER MARTIN v. CLYDE C. BERGER (INDIVIDUALLY, AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF MILDRED JACQUELYN BERGER, AND AS TRUSTEE OF THE BERGER TRUST); from Brazos County; 10th district (10-06-00281-CV, ___ SW3d ___, 04-09-08)
- 08-0527 VANSTEEN MARINE SUPPLY, INC., KOPCKE INTERNATIONAL, U.S.A., INC., CURTIS L. CRONKHITE, AND RON FAUSETT v. TWIN CITY FIRE INSURANCE COMPANY AND HARTFORD INSURANCE COMPANY; from Harris County; 13th district (13-05-00231-CV, ___ SW3d ___, 03-06-08)
- 08-0568 HAROLD GRANEK, M.D. v. TEXAS STATE BOARD OF MEDICAL EXAMINERS AND DONALD W. PATRICK, M.D.; from Travis County; 3rd district (03-07-00380-CV, ___ SW3d ___, 03-19-08)
- 08-0579 DAVID Y. TANG v. JIANGUANG WANG AND YELLOW EMPEROR COMMUNICATIONS, INC D/B/A HOUSTON CHINESE PRESS; from Harris County; 1st district (01-08-00009-CV, 260 SW3d 149, 06-05-08)
- 08-0608 YATES CARPET, INC. AKA YATES FLOORING CENTER AKA YATES CARPET & INTERIORS AKA DISCOUNT CARPET WAREHOUSE v. THE TRAVELERS LLOYDS INSURANCE COMPANY; from Lubbock County; 7th district (07-06-00478-CV, ___ SW3d ___, 06-19-08)

- 08-0621 IN THE MATTER OF T.G.; from Bell County; 3rd district
(03-07-00543-CV, ___ SW3d ___, 06-19-08)
- 08-0626 EX PARTE RIGOBERTO RODRIGUEZ; from Tarrant County; 2nd district
(02-07-00079-CV, ___ SW3d ___, 06-19-08)
- 08-0663 IN THE INTEREST OF J.M., L.M. AND K.M., CHILDREN; from Brazos
County; 10th district (10-08-00108-CV, ___ SW3d ___, 06-11-08)
- 08-0678 GUY SPARKMAN v. RELIASTAR LIFE INSURANCE COMPANY; from
Smith County; 13th district (13-03-00500-CV, ___ SW3d ___, 05-15-08)
- 08-0693 ENRIQUE BENAVIDES, JR., M.D. v. NANCY ORTEGON; from Webb
County; 4th district (04-05-00768-CV, ___ SW3d ___, 03-05-08)
- 08-0745 IN THE INTEREST OF K.M. AND J.O. MINOR CHILDREN; from Bexar
County; 4th district (04-08-00037-CV, ___ SW3d ___, 07-30-08)
as redrafted

ORDERS ON MOTIONS FOR REHEARING

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

- 05-0717 PETER COLDWELL, M.D. v. JOYCE O'NEAL, ET AL.; from Refugio
County; 13th district (13-04-00258-CV, ___ SW3d ___, 07-21-05)
- 07-0993 OAIC COMMERCIAL ASSETS, LLC v. STONEGATE VILLAGE, LP AND
CAWC FINANCIAL, INC.; from Dallas County; 5th district
(05-05-01471-CV, 234 SW3d 726, 08-16-07)
- 08-0332 ULYSSES SINAI LOPEZ v. MAX KUSHNER AND SARA KATHRYN
KUSHNER; from Tom Green County; 3rd district
(03-06-00779-CV, ___ SW3d ___, 02-13-08)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 08-0659 IN RE LORI ANNE TIERI; from Smith County; 12th district
(12-07-00472-CV, ___ SW3d ___, 08-13-08)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 07-0914 IN RE COLUMBIA-VALLEY HEALTHCARE SYSTEM, L.P. D/B/A VALLEY REGIONAL MEDICAL CENTER; from Cameron County; 13th district (13-07-00672-CV, ___ SW3d ___, 10-31-07)
- 08-0107 IN RE WEEKS MARINE, INC.; from Harris County; 14th district (14-07-00501-CV, 242 SW3d 849, 12-19-07)
- 08-0519 IN RE JANICE M. WILKERSON; from Harris County; 14th district (14-08-00376-CV, ___ SW3d ___, 06-06-08)
- 08-0689 EX PARTE PATRICK EUGENE MALLEY; from Harris County
- 08-0703 IN THE INTEREST OF K.F.K., ET AL., CHILDREN; from Bexar County; 4th district
- 08-0716 IN RE EDMUND B. HEIMLICH; from Travis County; 3rd district (03-05-00827-CV, ___ SW3d ___, 07-31-08)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED AS MOOT:

- 08-0566 IN RE 4 MR, INC. D/B/A HOLDEN-MCCAULEY FUNERAL HOME AND HOLDEN-MCCAULEY FUNERAL HOME; from Haskell County; 11th district (11-08-00144-CV, ___ SW3d ___, 06-26-08)
motion to dismiss petition for writ of mandamus granted

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

- 08-0584 IN RE MACY'S TEXAS, INC.; from Bexar County; 4th district (04-08-00469-CV, ___ SW3d ___, 07-23-08)
motion for temporary relief granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced October 15, 2008

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

08-0865 IN RE LAWRENCE W. FEW; from El Paso County; 8th district
motion for emergency stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced October 17, 2008

ORDERS ON CAUSES

04-0641 NICK DIGIUSEPPE D/B/A SOUTHBROOK DEVELOPMENT CO. AND FRISCO MASTER PLAN v. ROGER LAWLER; from Collin County; 5th district (05-03-00468-CV, ___ SW3d ___, 06-03-04)

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

Justice Alan Waldrop delivered the opinion of the Court, in which Justice Hecht, Justice Wainwright, Justice Brister, and Justice Willett joined.

Justice Green delivered a dissenting opinion, in which Chief Justice Jefferson, Justice O'Neill, and Justice Johnson joined.

(Justice Waldrop sitting by commission pursuant to Section 22.005 of the Texas Government Code)

(Justice Medina not sitting)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0301 ALLEN LANDERMAN v. STATE BAR OF TEXAS; from Collin County; 5th district (05-07-00332-CV, 247 SW3d 426, 03-05-08)
as redrafted

08-0471 KOLL BREN FUND VI LP AND HARTMAN 3100 WESLAYAN ACQUISITIONS, LP, AS THE PROPERTY OWNERS AND THE PROPERTY OWNERS v. HARRIS COUNTY APPRAISAL DISTRICT AND THE APPRAISAL REVIEW BOARD OF HARRIS COUNTY APPRAISAL DISTRICT; from Harris County; 1st district (01-07-00321-CV, ___ SW3d ___, 02-28-08)
as redrafted

- 08-0647 MICHAEL ANTHONY PEREZ v. CINDY MARIE PEREZ; from Jefferson County; 9th district (09-06-00521-CV, ___ SW3d ___, 05-22-08)
- 08-0650 KIRK WAYNE MCBRIDE, SR. v. MAIL SYSTEM COORDINATOR'S PANEL & DIRECTOR'S REVIEW COMMITTEE; from Bee County; 13th district (13-05-00560-CV, ___ SW3d ___, 05-22-08)
- 08-0656 CHARLES HALL v. JAMES H. DIEFFENWIERTH, II D/B/A TCI AND ROBERT DALE MORE; from Tarrant County; 2nd district (02-07-00058-CV, ___ SW3d ___, 06-12-08)
- 08-0661 MARY STEPHENS, LIFE ESTATE AND EXECUTOR, CHARLES M. STEPHENS FARM v. LCRA TRANSMISSION SERVICES CORPORATION; from Lampasas County; 3rd district (03-06-00604-CV, ___ SW3d ___, 07-17-08)
motion to request record dismissed as moot
- 08-0688 TERRY SIMMONS v. ELMOW HOLDINGS, INC., F/K/A RIO PUMPING SERVICES, INC.; from Tarrant County; 2nd district (02-08-00027-CV, ___ SW3d ___, 07-10-08)
- 08-0708 BERNARD DOLENZ v. DALLAS CENTRAL APPRAISAL DISTRICT AND DALLAS COUNTY APPRAISAL REVIEW BOARD; from Dallas County; 5th district (05-07-00885-CV, 259 SW3d 331, 06-30-08)
- 08-0709 IN THE MATTER OF A.G.N. A CHILD; from Potter County; 7th district (07-07-00312-CV, ___ SW3d ___, 06-24-08)
- 08-0712 ASHWIN ALEXANDER KALIA v. TEXAS DEPARTMENT OF PUBLIC SAFETY; from Bexar County; 4th district (04-08-00001-CV, ___ SW3d ___, 07-09-08)

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING DIRECT APPEAL IS DENIED:

- 08-0494 LAURANCE KRIEGEL v. DIVERSIFIED FINANCIAL SERVICES, LLC. AND EMPLOYEES AS INDIVIDUAL PARTIES, JOHN L. SEYMOUR, LITIGATION MANAGER, BRIAN S. KELLEY, PORTFOLIO/COLLECTIONS SERVICING MANAGER, CHRIS FORD, AVP, MIKE HUGHBANKS, SENIOR V.P. CHIEF OPERATIONS

OFFICER; from Parmer County

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

- 08-0400 DR. CAMIL KREIT, M.D., P.A. v. LINDA YOUNG; from Polk County; 11th district (11-06-00149-CV, 253 SW3d 790, 02-22-08)
2 motions for rehearing
- 08-0512 LAURANCE KRIEGEL v. TEXAS DEPARTMENT OF AGRICULTURE, ORGANIC CERTIFYING AGENT, AND INDIVIDUALLY, LESLIE MCKINNON, COORDINATOR FOR ORGANIC CERTIFICATION
- 08-0514 LAURANCE KRIEGEL v. PARMER COUNTY SHERIFF'S OFFICE, ET AL.; from Parmer County
motion to set hearing denied
- 08-0548 LAURANCE KRIEGEL v. RAILROAD COMMISSION OF TEXAS, ET AL.
fourth motion for discovery denied
motion to set hearing denied

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF
MANDAMUS IS DENIED:

- 08-0298 IN RE MEDICAL CARBON RESEARCH INSTITUTE, L.L.C. AND JACK C. BOKROS, PH.D.; from Brazoria County; 14th district
(14-08-00104-CV, ___ SW3d ___, 04-09-08)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-0729 IN RE JOHN FOX; from El Paso County; 3rd district (08-08-00092-CV)
- 08-0732 IN RE JOHN FOX; from El Paso County; 8th district
- 08-0734 IN RE HARVEY BRAMLETT, JR.; from Dallas County; 5th district
(05-07-01256-CV, ___ SW3d ___, 08-07-08)
- 08-0747 IN RE COMPLETE BOOKS & MEDIA SUPPLY, INC.; from Travis County;

3rd district (03-08-00432-CV, ___ SW3d ___, 07-31-08)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

08-0804 IN RE MILLENNIUM MULTIPLE EMPLOYER WELFARE BENEFIT PLAN, MILLENNIUM MARKETING GROUP, INC., NORMAN BEVAN, AND INNOVUS FINANCIAL SOLUTIONS, INC.; from Dallas County; 5th district (05-08-01025-CV, ___ SW3d ___, 08-11-08)
relator's motion to abate granted
abatment order issued

[**Note:** This case is removed from the Court's active docket until December 16, 2008, by which time the parties must file either a status report or a motion to dismiss.]

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

08-0660 IN RE SATTERFIELD & PONTIKES CONSTRUCTION, INC.; from Duval County; 4th district (04-08-00343-CV, ___ SW3d ___, 08-13-08)
relator's motion for emergency stay granted
stay order issued

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

08-0800 IN RE HOUSTON PIPE LINE COMPANY, L.P. D/B/A HOUSTON PIPE LINE COMPANY; ENERGY TRANSFER EQUITY, L.P.; ENERGY TRANSFER PARTNERS, L.P.; AND LA GRANGE ACQUISITION, L.P. D/B/A ENERGY TRANSFER COMPANY; from Victoria County; 13th district (13-07-00299-CV&13-07-00362-CV, ___ SW3d ___, 08-26-08)
relators' motion for emergency stay granted
stay order issued
requested response due by 3:00 p.m., November 17, 2008

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

08-0820 IN RE GREATER HOUSTON ORTHOPAEDIC SPECIALISTS, INC.; from Cameron County; 13th district (13-08-00366-CV, ___ SW3d ___, 09-11-08)
motion for interim relief granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced October 21, 2008

MISCELLANEOUS

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

08-0882 IN RE JAMES H. MAPLES AND KATHY MAPLES; from Hidalgo County;
13th district (13-08-00524-CV, ___ SW3d ___, 10-08-08)
relators' motion for immediate temporary relief in the form of order staying
proceedings granted
stay order issued
requested response due by 3:00 p.m., November 20, 2008

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

THE SUPREME COURT OF TEXAS

Orders Pronounced October 24, 2008

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 07-0915 IN THE INTEREST OF H.R.C., A CHILD; from Kerr County; 4th district
(04-06-00801-CV, ___ SW3d ___, 09-19-07)
- 08-0666 KARON K. CONNELLY, CHARLES D. HOLLEY, AND WELDON
HOLLEY, INDIVIDUALLY AND AS NEXT FRIEND TO THELMA
SPARKMAN AND THELMA SPARKMAN v. WANDA JUNE
CRENSHAW MCDANIEL; from Nueces County; 13th district
(13-08-00230-CV, ___ SW3d ___, 07-03-08)
- 08-0674 SEAN LUNDY v. MARCOS V. MASSON; from Harris County; 14th district
(14-06-00581-CV, 260 SW3d 482, 04-29-08)
- 08-0679 ARTURO MARROQUIN AND LETICIA MARROQUIN v. JOHN M.
FAIRCLOTH AND HELEN BOWEN; from Bandera County; 4th district
(04-07-00758-CV, ___ SW3d ___, 05-14-08)
- 08-0699 TERRY JAMES AND CHARLOTTE MANOR v. JACKIE JOHNSON; from
Dallas County; 5th district (05-07-00638-CV, ___ SW3d ___, 06-18-08)
- 08-0701 ALLEN WALKER v. TRB BANCORP, INC.; from Collin County; 5th district
(05-07-00901-CV, ___ SW3d ___, 07-15-08)
- 08-0722 GRAYSON DOUGLAS GILL, ELLEN EVES DENNIS, EMILY SCANLON
CRUMP, ROBERT BLAIR SCANLON AND CALLOWAY, NORRIS &
BURDETTE v. JANICE L. MATTOX, ATTORNEY AD LITEM FOR THE
UNKNOWN HEIRS OF HARRISON DOUGLAS FENDLEY, DECEASED;
from Dallas County; 5th district (05-07-00429-CV, ___ SW3d ___, 06-23-08)
- 08-0730 LAURANCE KRIEGEL v. CLERK'S OFFICE OF THE STATE OFFICE OF
ADMINISTRATIVE HEARING, ET AL.
motion to set hearing denied
motion to compel answers denied

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS
RULE OF APPELLATE PROCEDURE 9.4(i):

08-0881 IN THE MATTER OF T.A., A JUVENILE; from Midland County; 11th district (11-06-00342-CV, ___ SW3d ___, 09-04-08)

The Court strikes the petition for review with the following notations: "The petition violates Texas Rule of Appellate Procedure 9.8(c) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed November 3, 2008."

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED:

08-0501 IN THE MATTER OF THE GUARDIANSHIP OF KATHRYN HOUSEWORTH GIBBS, AN INCAPACITATED PERSON; from Denton County; 2nd district (02-05-00143-CV, 253 SW3d 866, 04-03-08)
as reinstated
joint agreed motion to dismiss granted
abatement order issued September 12, 2008, lifted

08-0521 IN RE GUARDIANSHIP OF KATHRYN HOUSEWORTH GIBBS, AN INCAPACITATED PERSON; from Denton County; 2nd district (02-05-00460-CV, ___ SW3d ___, 04-17-08)
as reinstated
joint agreed motion to dismiss granted
abatement order issued September 12, 2008, lifted

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF
JURISDICTION:

08-0894 PATRICIA ANN POWERS v. THE CITY OF CONROE, TEXAS, CONROE ANIMAL CONTROL, LT. WAYNE MCCARTY, MUNICIPAL COURT JUDGE CATES (DVM); from Montgomery County; 9th district (09-07-00591-CV, ___ SW3d ___, 07-31-08)

ORDERS ON MOTIONS FOR REHEARING

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

08-0441 DIGHTON PACKARD, M.D., EMERGENCY HEALTH SERVICES ASSOCIATES, EMCARE, INC., AND EMCARE HOLDINGS, INC. v.

LILLIAN GUERRA, INDIVIDUALLY AND AS NEXT FRIEND OF
MARCELA LILLIAN GUERRA AND MARCELINO GUERRA; from Harris
County; 14th district (14-06-00546-CV, 252 SW3d 511, 02-28-08)

08-0496 PATRICK OLAJIDE AKINWAMIDE v. TRANSPORTATION INSURANCE
COMPANY, CNA INSURANCE COMPANY AND AUTOMATIC DATA
PROCESSING INC.; from Harris County; 14th district
(14-06-01054-CV, ___ SW3d ___, 03-11-08)

08-0515 LAURANCE KRIEGEL v. PARMER COUNTY SHERIFF'S OFFICE, ET
AL.; from Parmer County
motion to set hearing denied

08-0550 ESTATE OF WALTER ARTHUR KRIEGEL, DECEASED; from Parmer
County
motion to set hearing denied

08-0588 MICHAEL O. MURRAY AND WHITNEY W. MURRAY v. THE CADLE
COMPANY; from Dallas County; 5th district
(05-06-01481-CV, 257 SW3d 291, 04-25-08)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF
MANDAMUS IS DENIED:

08-0449 IN RE RAFFAELE M. PANDOZY, PH.D.; from Dallas County; 6th district
(06-07-00114-CV, 254 SW3d 596, 04-30-08)

MISCELLANEOUS

THE FOLLOWING CASE IS REINSTATED:

08-0074 THOMAS O. BENNETT, JR., AND JAMES B. BONHAM CORPORATION
v. RANDY REYNOLDS; from San Saba County; 3rd district
(03-05-00034-CV, 242 SW3d 866, 12-21-07)
joint motion to reinstate granted
petition reinstated
abatement order issued August 22, 2008, lifted

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

08-0765 IN RE GARY N. SCHEPPS; from Dallas County; 5th district

(05-08-01004-CV, ___ SW3d ___, 08-01-08)

08-0769 IN RE DAVID ANDREW DOUGLAS; from Bee County
motion to demand the Supreme Court read all regulations, codes, procedures,
etc. dismissed as moot

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

08-0805 IN RE JINDAL SAW LIMITED, JINDAL ENTERPRISES LLC, AND SAW
PIPES USA; from Harris County; 1st district
(01-07-01068-CV, ___ SW3d ___, 05-22-08)
relator's motion for emergency relief granted
stay order issued

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

08-0884 IN RE SCOGGINS CONSTRUCTION COMPANY, INC.; from Hidalgo
County; 13th district (13-08-00548-CV, ___ SW3d ___, 10-15-08)
relator's motion for emergency stay granted
stay order issued
requested response due by 3:00 p.m., November 24, 2008

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

08-0886 IN RE HEI RESOURCES, INC., R.D. TUSETH, RICK STRATTON AND
STEVEN HEARNE; from Wharton County; 13th district
(13-08-00494-CV, ___ SW3d ___, 10-08-08)
emergency motion for temporary relief granted
stay order issued
requested response due by 3:00 p.m., November 24, 2008

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

THE SUPREME COURT OF TEXAS

Orders Pronounced October 29, 2008

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

08-0898 IN RE LAWRENCE W. FEW; from El Paso County
motion for emergency stay denied

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

08-0896 IN RE VICTOR DEL RIO; from Harris County
emergency motion for relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced October 31, 2008

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

08-0642 ROBERT S. BENNETT, INDIVIDUALLY, AND THE BENNETT LAW FIRM, P.C. v. STEPHEN T. LEAS; from Hidalgo County; 13th district (13-06-00469-CV, ___ SW3d ___, 06-26-08)
abatement order issued

[**Note:** Effective as of August 11, 2008, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0394 CECILE CHILDS v. SCOTT COHRON CRUTCHFIELD, ET AL.; from Jefferson County; 9th district (09-07-00065-CV, ___ SW3d ___, 04-10-08)

08-0587 IN THE INTEREST OF H.G., K.G., J.G. AND T.G., CHILDREN; from Guadalupe County; 4th district (04-07-00656-CV, ___ SW3d ___, 06-11-08)

08-0638 DONALD M. HOLDEN AND MARY HOLDEN v. SCOTT RIVENES, M.D.; from Fort Bend County; 14th district (14-07-00438-CV, 257 SW3d 332, 05-08-08)

08-0684 RICK DHANANI v. MS. RUSSELL GILES, AND WACO GAMES AND AMUSEMENTS, INC.; from McLennan County; 10th district (10-07-00144-CV, ___ SW3d ___, 05-28-08)

08-0782 MARION YOUNG v. STATE OF TEXAS; from Travis County; 3rd district (03-07-00572-CV, ___ SW3d ___, 07-31-08)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED AS MOOT:

- 08-0156 LESLIE LANPHIER, R.N. AND REBECCA FRANCIS, R.N. v. TANIA AVIS A/K/A TANIA GREER; from Cass County; 6th district
(06-07-00074-CV, 244 SW3d 596, 01-10-08)
respondent's motion to dismiss for lack of jurisdiction granted

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING DISCIPLINARY APPEAL
IS DENIED:

- 08-0328 JOSEPH ONWUTEAKA v. COMMISSION FOR LAWYER DISCIPLINE

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-0788 IN RE ROBERT F. CALDWELL
- 08-0797 IN RE KENNETH WEBB; from Randall County; 7th district
(07-08-00301-CV, ___ SW3d ___, 07-31-08)
- 08-0903 IN RE FOREVER ENTERPRISES, INC.; from Jefferson County; 9th district
(09-08-00442-CV, ___ SW3d ___, 10-16-08)
motion for emergency relief denied
- 08-0910 IN RE MARIO GILBERTO CANALES; from Hidalgo County; 13th district
(13-08-00605-CV, ___ SW3d ___, 10-27-08)
relator's emergency motion to stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced November 7, 2008

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

- 08-0813 INSURANCE CORPORATION OF HANNOVER v. JUDY POLK AND MARCIA MOORE; from Jones County; 11th district (11-06-00336-CV, 262 SW3d 120, 07-17-08)
joint motion to abate and to remand to court of appeals to allow voluntary dismissal of appeal dismissed as moot
joint motion to grant petition for review and remand to court of appeals pursuant to Texas Rules of Appellate Procedure 56.3 to permit voluntary dismissal granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, the Court grants the petition for review. Without hearing oral argument or considering the merits, the Court remands the case to the court of appeals for rendition of judgment pursuant to the parties' settlement agreement and motion.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0374 ROSA SERRANO v. RYAN'S CROSSING APARTMENTS; from El Paso County; 8th district (08-05-00325-CV, 241 SW3d 560, 05-31-07)
- 08-0619 CHARLES BELL, JR. v. AIC SUN-BELT GROUP, INC., ENCOMPASS INSURANCE F/K/A CNA PERSONAL INSURANCE, CONTINENTAL LLOYDS OF TEXAS; from Travis County; 3rd district (03-06-00399-CV, ___ SW3d ___, 04-17-08)
- 08-0670 SHARI A. WYNNE v. CITIBANK (SOUTH DAKOTA), N.A.; from Travis County; 7th district (07-06-00162-CV, ___ SW3d ___, 04-25-08)
as redrafted
- 08-0713 TIFFANY DRAKE v. WILSON N. JONES MEDICAL CENTER; from Grayson County; 5th district (05-07-01403-CV, 259 SW3d 386, 07-24-08)

- 08-0715 LEGAL CONCIERGE, INC. v. ROBERT ORTIZ AND R. ANAICKA
ORTIZ; from Dallas County; 5th district
(05-07-00692-CV, 263 SW3d 385, 05-16-08)
- 08-0772 ROSE KABBE v. BUDGET STORAGE USA, ET AL.; from Dallas County;
5th district (05-07-01646-CV, ___ SW3d ___, 06-17-08)
- 08-0818 GEORGE HORN, JR., INDIVIDUALLY AND AS ASSIGNEE OF
BURRELL ROWE, AS ADMINISTRATOR OF THE ESTATE OF ERIC A.
HULETT, DECEASED, AND BURRELL ROWE, AS ADMINISTRATOR
OF THE ESTATE OF ERIC A. HULETT, DECEASED v. HOME STATE
COUNTY MUTUAL INSURANCE COMPANY; from Sabine County; 12th
district (12-07-00094-CV, ___ SW3d ___, 06-25-08)
as amended

**THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS
RULE OF APPELLATE PROCEDURE 9.4(i):**

- 08-0889 NELL YELDELL v. MR. JOE ROGERS, CHIEF OF THE DENTON
CENTRAL APPRAISAL DISTRICT; from Denton County; 2nd district
(02-07-00313-CV, ___ SW3d ___, 08-29-08)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(d) and (f) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed November 17, 2008."

ORDERS ON MOTIONS FOR REHEARING

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

- 07-0822 IN THE MATTER OF THE ESTATE OF MARY ELLEN LOGAN
BENDTSEN; from Dallas County; 5th district
(05-05-01531-CV, 230 SW3d 823, 07-12-07)
- 07-0925 NOBLE DRILLING (U.S.), INC. AND NOBLE DRILLING (PAUL
ROMANO), INC. v. KELLY FOUNTAIN; from Harris County; 1st district
(01-06-00426-CV, 238 SW3d 432, 07-12-07)
- 07-0954 CASE FUNDING NETWORK, L.P., ET AL. v. ANGLO-DUTCH

PETROLEUM INTERNATIONAL, INC., ANGLO-DUTCH (TENGE) LLC,
AND SCOTT VAN DYKE; from Harris County; 1st district
(01-06-00960-CV, 264 SW3d 38, 08-09-07)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

08-0936 IN RE GUIDEONE LLOYDS INSURANCE COMPANY, CHRIS JOHN
AND PAUL ANDERSON; from Jefferson County; 9th district
(09-08-00472-CV, ___ SW3d ___, 11-05-08)
relator's motion to stay denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

08-0905 IN RE ANNE M. HUDAK; from Dallas County; 5th district
(05-08-01350-CV, ___ SW3d ___, 10-16-08)
relator's motion to dismiss for mootness granted
relator's motion for emergency stay dismissed as moot

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

08-0906 IN RE TEXAS BEST STAFF LEASING, INC. D/B/A ALT-SOURCE; from
Harris County; 1st district (01-08-00296-CV, ___ SW3d ___, 10-09-08)
motion for emergency relief granted
stay order issued

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

THE MOTION IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS GRANTED:

08-0858 IN RE HONORABLE JAN P. PATTERSON, JUSTICE, THIRD DISTRICT
COURT OF APPEALS, IN HER OFFICIAL CAPACITY; from Travis
County; 3rd district
(03-05-00585-CR&03-05-00586-CR, ___ SW3d ___, 08-22-08)
relator's motion to seal granted

[**Note:** The petition for writ of mandamus and relator's emergency motion for
temporary relief remain pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced November 14, 2008

ORDERS ON CAUSES

05-0721 SSP PARTNERS AND METRO NOVELTIES, INC. v. GLADSTRONG INVESTMENTS (USA) CORPORATION; from Hidalgo County; 13th district (13-02-00671-CV, 169 SW3d 27, 04-07-05)
2 petitions

The Court affirms the court of appeals' judgment.

Justice Hecht delivered the opinion of the Court.

06-0097 GILBERT KERLIN, INDIVIDUALLY, GILBERT KERLIN, TRUSTEE, WINDWARD OIL & GAS CORP., AND PI CORP v. GLORIA SOTO ARIAS, ET AL.; from Cameron County; 13th district (13-03-00364-CV, ___ SW3d ___, 01-05-06)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and renders judgment.

Per Curiam Opinion

07-0301 EMORY B. PERRY, ET AL. v. DARRYL R. COHEN, ET AL.; from Travis County; 3rd district (03-05-00786-CV, ___ SW3d ___, 01-05-07)
as amended

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

07-0608 IN RE TRANSCONTINENTAL REALTY INVESTORS, INC.; from Kaufman County; 5th district (05-07-00726-CV, ___ SW3d ___, 07-25-07)

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

Per Curiam Opinion

07-0987 IN RE UNION CARBIDE CORPORATION; from Galveston County; 1st district (01-07-00707-CV, ___ SW3d ___, 10-25-07)

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

Per Curiam Opinion

08-0125 IN RE SHONDRA BUSTER, PERSONAL REPRESENTATIVE OF THE ESTATE OF JAMES BREWER; from Nacogdoches County; 12th district (12-06-00349-CV, 243 SW3d 848, 01-16-08)

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

Per Curiam Opinion

08-0192 IN RE NEXT FINANCIAL GROUP, INC.; from Harris County; 14th district (14-08-00005-CV, ___ SW3d ___, 03-06-08)
stay order issued March 28, 2008, lifted

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

Per Curiam Opinion

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

05-0466 COASTAL OIL & GAS CORPORATION AND COASTAL OIL & GAS USA, L.P. v. GARZA ENERGY TRUST, ET AL.; from Hidalgo County; 13th district (13-02-00136-CV, 166 SW3d 301, 05-05-05)

(Judge Tracy Christopher and Justice Robert Pemberton sitting by appointment pursuant to section 22.005 of the Texas Government Code)

(Justice O'Neill and Justice Wainwright not sitting)

06-0178 FOREST OIL CORPORATION AND DANIEL B. WORDEN v. JAMES ARGYLE MCALLEN, EL RUCIO LAND AND CATTLE COMPANY, INC., SAN JUANITO LAND PARTNERSHIP, AND MCALLEN TRUST PARTNERSHIP; from Hidalgo County; 13th district

(13-05-00419-CV, ___ SW3d ___, 12-15-05)
as supplemented

07-0091 TRAMMELL CROW CENTRAL TEXAS, LTD. v. MARIA GUTIERREZ, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF LUIS GUTIERREZ; AND KAROL FERMAN AS NATURAL PARENT AND AS NEXT FRIEND OF LUIS ANGEL GUTIERREZ; from Bexar County; 4th district (04-05-00056-CV, 220 SW3d 33, 12-20-06)

07-0147 IN RE CALLA DAVIS, MELVIN HURST III, AND ANN B. HEARN; 5th district (05-07-00198-CV, ___ SW3d ___, 02-22-07)

07-0639 DON'S BUILDING SUPPLY, INC. v. ONEBEACON INSURANCE COMPANY, AS ASSIGNEE OF POTOMAC INSURANCE COMPANY OF ILLINOIS

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

08-0061 THE STATE OF TEXAS v. CENTRAL EXPRESSWAY SIGN ASSOCIATES, ET AL.; from Dallas County; 5th district (05-06-00003-CV, 238 SW3d 800, 08-31-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 13, 2009.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

07-0718 SAFETY NATIONAL CASUALTY CORPORATION (AGENT FERNANDO RODRIGUEZ D/B/A AMERICA III BAIL BONDS) v. JAIME ESPARZA, DISTRICT ATTORNEY FOR THE 34TH JUDICIAL DISTRICT, AND JOSE R. RODRIGUEZ, COUNTY ATTORNEY FOR EL PASO COUNTY, TEXAS; from El Paso County; 8th district (08-06-00217-CV, 247 SW3d 288, 08-09-07)
as amended
respondent's plea to jurisdiction, being treated as motion to dismiss for want of

jurisdiction, denied

- 07-0858 DEEP WATER SLENDER WELLS, LTD., JAMES G. WOOD & PREDA CONSULTANTS, INC. v. SHELL INTERNATIONAL EXPLORATION & PRODUCTION, INC., JIM ADAM, GRAHAM BRANDER, & MARK LEONARD; from Harris County; 14th district (14-06-00165-CV, 234 SW3d 679)
motion to strike exhibit dismissed as moot
- 07-0945 TEXAS PARKS AND WILDLIFE DEPARTMENT v. THE SAWYER TRUST; from Donley County; 7th district (07-06-00487-CV, ___ SW3d ___, 08-22-07)
- 07-0992 GRIFFIN, L.L.C. v. ADOBE LAND CORPORATION, ADOBE CATTLE COMPANY (A GENERAL PARTNERSHIP), CHERRY CREEK FARMS (A GENERAL PARTNERSHIP), VANGUARD AG SERVICES, INC., AND ADOBE IRRIGATION AND AG SERVICES, L.L.C.; from Tarrant County; 2nd district (02-06-00097-CV, 236 SW3d 351, 07-12-07)
- 07-1003 IN THE INTEREST OF P.R., J.R., B.R., AND V.R., CHILDREN; from Wilson County; 4th district (04-05-00509-CV, ___ SW3d ___, 09-06-06)
- 08-0160 NORTHWEST INDEPENDENT SCHOOL DISTRICT v. CARROLL INDEPENDENT SCHOOL DISTRICT; from Tarrant County; 2nd district (02-06-00242-CV, 245 SW3d 620, 01-17-08)
- 08-0300 MARCUS JOHNSON, ON BEHALF OF MAII HOLDINGS, INC. v. JACKSON WALKER, L.L.P., RICHARD F. DAHLSON, CHRISTIE S. TYLER, THOMAS A. MONTGOMERY, JOHN J. MCDONALD, JR., ANTHONY J. LEVECCHIO, JAMES "JIM" SILCOCK, DAVID A. KALLENBERGER, AND GARY B. GILL; from Collin County; 5th district (05-06-00121-CV, 247 SW3d 765, 03-06-08)
- (Justice Hecht not sitting)
- 08-0333 TEXAS BANK v. HOMER FEARS, LOUISE FEARS, TERRY FEARS, AND TERESA FEARS; from Rusk County; 6th district (06-07-00080-CV, 247 SW3d 729, 02-06-08)
- 08-0373 TRANSCONTINENTAL REALTY INVESTORS, INC. AND RT REALTY, L.P. v. MCGUIRE, CRADDOCK, STROTHER & HALE, P.C.; from Dallas County; 5th district (05-07-00050-CV, 251 SW3d 890, 04-08-08)

- 08-0381 IN RE RAY ELLISON GRANDCHILDREN TRUST DATED MARCH 9, 1982; from Bexar County; 4th district (04-06-00704-CV, 261 SW3d 111, 04-02-08)
- 08-0396 CITY OF DALLAS v. KEISHA HEARD, ET AL.; from Dallas County; 5th district (05-07-00762-CV, 252 SW3d 98, 04-22-08)
- 08-0481 ENRIQUE CARDENAS GONZALEZ v. KARL R. LEHTINEN AND NATIONWIDE SERVICES, INC.; from Hidalgo County; 13th district (13-06-00441-CV, ___ SW3d ___, 03-13-08)
- 08-0517 LIBERTY INSURANCE COMPANY v. SHELLY FRANK, AS BENEFICIARY OF ERIC FRANK, DECEASED; from Travis County; 3rd district (03-06-00208-CV, 255 SW3d 314, 04-11-08)
- 08-0547 JOI M. FINDLEY-SMITH, M.D., AND PEGGY TAYLOR, M.D., P.A. v. HOLLY SMITH AND HUSBAND, CHRISTOPHER SMITH, INDIVIDUALLY AND A/N/F/ OF CAMERON SMITH, A MINOR; from Harris County; 1st district (01-07-00360-CV, ___ SW3d ___, 02-28-08)
- 08-0552 CARRIE COOPER, M.D. v. RAUL ARIZPE, INDIVIDUALLY AND ALVERA D. ARIZPE, INDIVIDUALLY AND AS GUARDIAN OF LINDA DIANE ARIZPE; from Bexar County; 4th district (04-07-00734-CV, ___ SW3d ___, 04-09-08)
- 08-0574 THOMAS G. CHASE, JR. v. PARRISH TODD DORTON; from McLennan County; 10th district (10-07-00098-CV, 262 SW3d 396, 07-02-08)
- 08-0577 RENETTA POOLE & WALTER POOLE v. TEXAS WINDSTORM INSURANCE ASSOCIATION; from Travis County; 7th district (07-07-00061-CV, 255 SW3d 775, 05-15-08)
- 08-0675 PERCY LOFTON, JR., CONAL LOFTON, JAMES LOFTON, LONNIE E. TURNER, CAROL S. LOFTON FOWLER, DELILAH A. LOFTON AND HORACE LOFTON v. J. EDDIE DYER; from Grimes County; 1st district (01-07-00184-CV, ___ SW3d ___, 05-15-08)
- 08-0757 BLITZ HOLDINGS CORP. AND GCM CORPORATION, LTD. v. GRANT THORNTON, LLP AND DELOITTE & TOUCHE, LLP; from Harris County; 1st district (01-04-00627-CV, ___ SW3d ___, 05-08-08)
- 08-0759 MCALLEN WORK REHABILITATION CENTER D/B/A MCALLEN WELLNESS CENTER v. RICARDO GOMEZ; from Hidalgo County; 13th

district (13-07-00466-CV, ___ SW3d ___, 07-31-08)

ORDERS ON MOTIONS FOR REHEARING

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

- 07-0503 ZENITH INSURANCE COMPANY v. ROSAURA O. LOPEZ; from Midland County; 11th district (11-06-00086-CV, 229SW3d 775, 05-17-07)
- 08-0434 DONALD M. SHANNON, ET UX. AND DOUGLAS L. SHANNON v. PAUL PEYTON BARBEE D/B/A BARBEE & COMPANY; from Leon County; 10th district (10-06-00414-CV, ___ SW3d ___, 03-26-08)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-0554 IN RE NORTH EAST INDEPENDENT SCHOOL DISTRICT; from Travis County; 3rd district (03-07-00603-CV, ___ SW3d ___, 12-11-07)
- 08-0615 IN RE FOUR SEVENS OIL COMPANY, LTD., HUNTER PRODUCTIONS CO., PARROT GAS CO., LTD., DALE RESOURCES, L.L.C. AND SINCLAIR OIL CORP.; from Dallas County; 5th district (05-08-00768-CV, ___ SW3d ___, 07-17-08)
- 08-0756 IN RE SHAMOUN & NORMAN, LLP F/K/A SHAMOUN KLATSKY NORMAN, A REGISTERED LIMITED LIABILITY PARTNERSHIP; from Dallas County; 5th district (05-08-00978-CV, ___ SW3d ___, 08-12-08)
- 08-0764 IN RE HAN NARA ENTERPRISES, L.P.; from Midland County; 11th district (11-08-00147-CV, ___ SW3d ___, 07-31-08)

THE SUPREME COURT OF TEXAS

Orders Pronounced November 21, 2008

ORDERS ON CAUSES

06-0845 WAGNER & BROWN, LTD. ET AL. v. JANE TURNER SHEPPARD, INDIVIDUALLY AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF SYBIL TURNER, DECEASED; from Upshur County; 6th district (06-05-00023-CV, 198 SW3d 369, 07-14-06)

The Court reverses the court of appeals' judgment, renders judgment in part, and remands the case to the trial court.

Justice Brister delivered the opinion of the Court.

(Justice Willett not sitting)

06-0979 SONAT EXPLORATION COMPANY v. CUDD PRESSURE CONTROL, INC.; from Harrison County; 6th district (06-03-00077-CV, 202 SW3d 901, 09-26-06)
2 petitions

The Court affirms the court of appeals' judgment.

Justice Brister delivered the opinion of the Court.

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

07-1026 LOUIS M. DITTA, GUARDIAN OF THE ESTATE OF DORIS L. CONTE, AN INCAPACITATED PERSON v. SUSAN C. CONTE AND JOSEPH P. CONTE, JR.; from Harris County; 1st district (01-05-00603-CV, ___ SW3d ___, 08-31-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 13, 2009.]

Time allotted to argue: 20/20 minutes

08-0121 CITY OF WACO v. DEBRA KIRWAN, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF BRAD MCGEHEE, DECEASED; from McLennan County; 10th district (10-07-00123-CV, 249 SW3d 544, 01-09-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 13, 2009.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 07-0864 SYLVIA CASAS, INDIVIDUALLY, SUBSTANTIVELY CONSOLIDATED BANKRUPTCY ESTATES OF FOUNTAIN VIEW, INC., AS SUCCESSOR TO SUMMIT CARE CORPORATION, SUMMIT CARE TEXAS, L.P. D/B/A COMANCHE TRAIL NURSING CENTER AND ROBERT GUNDLING, INDIVIDUALLY v. ROSAMARIE PARADEZ, AS THE ADMINISTRATOR AND HEIR AT LAW OF THE ESTATE OF TRANQUILINO MENDOZA, DECEASED; from Bexar County; 4th district (04-06-00417-CV, ___ SW3d ___, 06-25-08)
- 07-0956 BARBARA BEHRINGER, ET AL. v. ALCOA INC., (SUED INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO REYNOLDS METAL COMPANY); from Dallas County; 5th district (05-06-00136-CV, 235 SW3d 456, 10-11-07)
- 08-0143 CITY OF GRANBURY v. CITY OF CRESSON; from Hood County; 2nd district (02-06-00227-CV, 245 SW3d 61, 01-10-08)
- 08-0352 TRACY NIXON v. GMAC MORTGAGE CORPORATION; from Dallas County; 5th district (05-07-00894-CV, ___ SW3d ___, 01-31-08)
appellant motion for emergency stay dismissed as moot
second emergency motion for stay dismissed as moot
- 08-0417 HOWETH INVESTMENTS, INC. AND JACK HOWETH, AS TRUSTEE FOR THE 881 DEVELOPMENT TRUST AND THE 901 DEVELOPMENT TRUST-ASSIGNEES FOR HOWETH INVESTMENTS, INC. v. THE CITY OF HEDWIG VILLAGE, CITY OF HEDWIG VILLAGE PLANNING AND

ZONING COMMISSION, S. FRANK WHITE, ROBERT A. WEINER,
NORMAN A. WARD AND KATHERINE VAZQUEZ; from Harris County;
1st district (01-05-00904-CV, 259 SW3d 877, 04-17-08)

08-0641 URI COHEN v. DELORES HAWKINS; from Harris County; 14th district
(14-07-00043-CV, ___ SW3d ___, 04-15-08)
respondent's motion to compel petitioner to serve petition for review on
respondent dismissed as moot

08-0655 DIAMOND OFFSHORE (BERMUDA), LTD. v. SUZANNE ELISABETH
HAAKSMAN (AS BENEFICIARY OF ROBERT DUNCAN BURN
QUINN) AND THOMAS JOSEPH MCCARTNEY; from Harris County;
14th district (14-06-00477-CV, 260 SW3d 476, 04-24-08)

(Justice Medina not sitting)

08-0691 ESTATE OF CHARLEY G. MARTIN, DECEASED, ALICE
LONGFELLOW, INDEPENDENT EXECUTRIX FOR THE ESTATE v.
RACETRAC PETROLEUM, INC. AND WALMART STORES EAST, INC.;
from Tarrant County; 2nd district
(02-06-00124-CV, ___ SW3d ___, 06-12-08)
as redrafted

08-0718 CONRAD G. DEOCARIZA v. CENTRAL TEXAS COLLEGE DISTRICT;
from Bell County; 3rd district (03-06-00653-CV, ___ SW3d ___, 06-19-08)

08-0728 ELIZABETH W. BUFKIN v. EDWARD O. BUFKIN, JR.; from Dallas
County; 5th district (05-06-01719-CV, 259 SW3d 343, 07-01-08)
2 petitions

08-0758 WALTER WEST, P.E. v. TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY AND ABITIBI-CONSOLIDATED CORP.; from Travis County;
3rd district (03-07-00455-CV, 260 SW3d 256, 07-31-08)

08-0768 WALTER WEST, P.E. AND THE LONE STAR CHAPTER OF THE
SIERRA CLUB v. TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY AND ABITIBI-CONSOLIDATED CORP.; from Travis County;
3rd district (03-07-00456-CV, 260 SW3d 256, 07-31-08)

08-0770 JOHN THOMAS v. JOHN GOODMAN D/B/A JOHN GOODMAN'S TREE
SERVICE; from Gillespie County; 4th district
(04-07-00531-CV, ___ SW3d ___, 07-02-08)

- 08-0811 AMERICAN SOUTHWEST INSURANCE MANAGERS, INC. v. EMPLOYERS REINSURANCE CORPORATION; from Collin County; 5th district (05-06-01284-CV, 261 SW3d 432, 08-14-08)
- 08-0837 JAMES L. SUPKIS v. MADISON PLACE HOMEOWNERS ASSOCIATION, INC.; from Harris County; 1st district (01-07-00573-CV, ___ SW3d ___, 06-19-08)
- 08-0841 WELDON W. WEEKS v. FIREMAN'S FUND INSURANCE COMPANY; from Dallas County; 8th district (08-06-00170-CV, 259 SW3d 335, 06-30-08)
- 08-0870 THE W.L. PICKENS GRANDCHILDREN'S JOINT VENTURE v. DOH OIL COMPANY, DAVID HILL AND ORVEL HILL; from Loving County; 8th district (08-06-00314-CV, ___ SW3d ___, 08-07-08)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 08-0549 RAY M. BOWEN, ET AL. v. JACQUELYNN KAY SELF, INDIVIDUALLY AND AS ADMINISTRATIX OF THE ESTATE OF JERRY DON SELF, DECEASED; ET. AL.; from Brazos County; 10th district (10-05-00295-CV, ___ SW3d ___, 05-28-08)
petitioner's motion to dismiss granted

(Justice Willett not sitting)

ORDERS ON MOTIONS FOR REHEARING

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

- 08-0348 GENERAL MOTORS CORPORATION v. STACEY BURRY; from Wise County; 2nd district (02-05-00216-CV, 203 SW3d 514, 09-21-06)
abatement order issued May 9, 2008, lifted
joint motion to lift abatement and dismiss motion for rehearing granted

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

- 07-0863 IHOR GEORGE KUPCHYNSKY, MELISSA TWOMEY KUPCHYNSKY, AND FGH HOMEBUILDERS, INC. v. WILLIAM V. NARDIELLO AND

LAREE CAMELLA; from Dallas County; 5th district
(05-05-01134-CV, 230 SW3d 685, 06-06-07)

- 08-0141 MARY C. ACOSTA v. HEMLATA CHHEDA, D.D.S.; from Harris County;
1st district (01-07-00398-CV, ___ SW3d ___, 11-01-07)
- 08-0284 ERNEST BUSTOS v. SCHWABE, WILLIAMSON & WYATT, P.C.; from
Bexar County; 4th district (04-07-00081-CV, ___ SW3d ___, 01-23-08)
- 08-0326 KEN E. MACKEY v. GREAT LAKES INVESTMENT, INC. AND GREAT
LAKES INTERESTS, INC.; from Zapata County; 4th district
(04-06-00277-CV, 255 SW3d 243, 03-12-08)
- 08-0349 HECTOR HINOJOSA, JR. v. CITIBANK (SOUTH DAKOTA), N.A.; from
Dallas County; 5th district (05-07-00059-CV, ___ SW3d ___, 03-04-08)
- 08-0424 WAYNE ERNEST BARKER v. STEVEN R. HALBERT, ET AL.; from
Cherokee County; 6th district (06-08-00045-CV, ___ SW3d ___, 05-06-08)
- 08-0545 LAURANCE KRIEGEL v. PARMER COUNTY SHERIFF'S OFFICE, ET
AL.; from Parmer County
2 motions for rehearing

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

- 08-0519 IN RE JANICE M. WILKERSON; from Harris County; 14th district
(14-08-00376-CV, ___ SW3d ___, 06-06-08)
relator's motion for immediate temporary relief dismissed as moot
- 08-0791 IN RE LANAYE JULIAN; from Cameron County; 13th district
(13-08-00363-CV, ___ SW3d ___, 06-19-08)
as supplemented

THE MOTION FOR REHEARING OF THE FOLLOWING DISCIPLINARY APPEAL
IS DENIED:

- 08-0306 WILLIAM J. SAMES, III v. COMMISSION FOR LAWYER DISCIPLINE

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-0590 IN RE WYATT NORMAN; from Rusk County; 12th district
(12-08-00126-CV, 257 SW3d 452, 06-11-08)
- 08-0596 IN RE BRIAN ARMSTRONG AND SHAWNDI LYNN HATFIELD; from
Tarrant County; 2nd district (02-08-00166-CV, ___ SW3d ___, 04-25-08)
- 08-0798 IN RE RUBIO ROBERTO MONTENEGRO; from Potter County; 7th district
(07-08-00350-CV, ___ SW3d ___, 09-11-08)
- 08-0815 IN RE PIONEER NATURAL RESOURCES COMPANY AND PIONEER
NATURAL RESOURCES USA, INC.; from Harris County; 14th district
(14-08-00655-CV, ___ SW3d ___, 09-25-08)
relator's motion to stay underlying proceedings denied
- 08-0854 IN RE KEVIN LYNN REVELS; from Houston County; 12th district
(12-93-00325-CR, ___ SW3d ___, 06-29-95)
- 08-0856 IN RE SAN JUANITA SANDOVAL MORAN; from Hidalgo County; 13th
district (13-08-00517-CV, ___ SW3d ___, 09-03-08)
- 08-0869 IN RE DEREK M. BAILEY; from Guadalupe County; 4th district
(04-07-00593-CV, ___ SW3d ___, 05-14-08)

THE SUPREME COURT OF TEXAS

Orders Pronounced November 25, 2008

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

08-0942 IN RE NL EMS, ET AL.; from Dallas County; 5th district
(05-08-01180-CV, ___ SW3d ___, 09-17-08)
motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced December 4, 2008

ORDERS ON CAUSES

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS DENIED:

07-0871 IN RE UNITED SERVICES AUTOMOBILE ASSOCIATION; from Bexar County; 4th district (04-07-00464-CV, ___ SW3d ___, 10-17-07)
motion to expand argument time denied
motion to participate in oral argument denied

Pursuant to Texas Rule of Appellate Procedure 59.6, upon motion to the Court and with a party's consent, the Court will grant amicus curiae leave to share up to five minutes of the twenty minutes allotted to that party for oral argument.

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS GRANTED:

07-0572 GAIL ASHLEY v. DORIS D. HAWKINS; from Montgomery County; 9th district (09-06-00359-CV, ___ SW3d ___, 06-07-07)
State of Texas' unopposed motion to participate in oral argument as amicus curiae granted

Time allotted to argue: 20/15/5 minutes

THE SUPREME COURT OF TEXAS

Orders Pronounced December 5, 2008

ORDERS ON CAUSES

07-0040 IN RE GLOBALSANTAFE CORPORATION; from Harris County; 14th district (14-06-00625-CV, ___ SW3d ___, 12-19-06)

The Court conditionally grants the petition for writ of mandamus.

Justice Willett delivered the opinion of the Court.

07-0195 IN RE GENERAL ELECTRIC COMPANY, ET AL.; from Harris County; 1st district (01-06-01105-CV, ___ SW3d ___, 03-02-07)
stay order issued March 20, 2007, lifted

The Court conditionally grants the petition for writ of mandamus.

Justice Johnson delivered the opinion of the Court.

(Justice O'Neill not sitting)

07-0743 TEXAS DEPARTMENT OF TRANSPORTATION v. JIMMY DON YORK, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF REBECCA YORK, DECEASED AND JAMES R. BODIFORD, JR., INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF REBECCA YORK, TONYA BODIFORD, AND SHIRLEY FOWLER; from Robertson County; 10th district (10-06-00210-CV, 234 SW3d 212, 08-08-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

07-0773 AUTOZONE, INC. v. SALVADOR REYES; from Cameron County; 13th district (13-03-00338-CV, ___ SW3d ___, 12-29-06)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and renders judgment.

Per Curiam Opinion

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS GRANTED:

07-0871 IN RE UNITED SERVICES AUTOMOBILE ASSOCIATION; from Bexar County; 4th district (04-07-00464-CV, ___ SW3d ___, 10-17-07)
State of Texas' motion to participate in oral argument as amicus curiae granted
unopposed motion to sit three at counsel table granted

Time allotted to argue: 15/20/5 minutes

THE FOLLOWING CAUSE IS RESET FOR ORAL ARGUMENT:

08-0121 CITY OF WACO v. DEBRA KIRWAN, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF BRAD MCGEHEE, DECEASED; from McLennan County; 10th district (10-07-00123-CV, 249 SW3d 544, 01-09-08)
agreed motion to postpone oral argument date granted

[**Note:** This cause has been reset for oral argument at 9:00 a.m., February 3, 2009.]

Time allotted to argue: 20/20 minutes

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

06-0162 DONALD DAVIS v. FISK ELECTRIC COMPANY, FISK TECHNOLOGIES & FISK MANAGEMENT, INC.; from Harris County; 14th district (14-04-00790-CV, 187 SW3d 570, 01-12-06)

06-1030 ZURICH AMERICAN INSURANCE COMPANY, FEDERAL INSURANCE COMPANY, AND NATIONAL UNION FIRE INSURANCE COMPANY v. NOKIA, INCORPORATED; from Dallas County; 5th district (05-04-01729-CV, 202 SW3d 384, 08-21-06)
3 motions for rehearing

07-0140 TRINITY UNIVERSAL INSURANCE COMPANY v. CELLULAR ONE GROUP; from Dallas County; 5th district

(05-04-01641-CV, ___ SW3d ___, 01-09-07)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

07-0784 HARRY HOLMES, II, INDEPENDENT EXECUTOR OF THE ESTATE OF THOMAS J. HOLMES, SR., DECEASED AND AS TRUSTEE OF ANY TRUST NAMED AS A LEGATEE IN THE WILL OF THOMAS J. HOLMES, SR., DECEASED v. DOUGLAS G. BEATTY, INDEPENDENT EXECUTOR OF THE ESTATE OF KATHRYN V. HOLMES, DECEASED; from Harris County; 14th district (14-03-00663-CV, 233 SW3d 475, 08-14-07)

- consolidated for oral argument with -

07-0785 HARRY HOLMES, II, INDEPENDENT EXECUTOR OF THE ESTATE OF THOMAS J. HOLMES, SR., DECEASED AND AS TRUSTEE OF ANY TRUST NAMED AS A LEGATEE IN THE WILL OF THOMAS J. HOLMES, SR., DECEASED v. DOUGLAS G. BEATTY, INDEPENDENT EXECUTOR OF THE ESTATE OF KATHRYN V. HOLMES, DECEASED; from Harris County; 14th district (14-05-00474-CV, 233 SW3d 494, 08-14-07)
2 petitions

[**Note:** These cases have been set for oral argument at 9:00 a.m., January 14, 2009.]

Time allotted to argue: 20/20 minutes

08-0518 SAN ANTONIO PROPERTIES, L.P., THOMAS MCCALLEY, AND DANIEL B. BRUNETTE v. PSRA INVESTMENTS, INC. A/K/A PSRA, INC. AND AS ASSIGNEE OF RICHARD C. GANO, III; from Bexar County; 4th district (04-07-00075-CV, 255 SW3d 255, 03-12-08)
joint motion to grant review, vacate, and remand, granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, without hearing oral argument or considering the merits, the Court vacates the judgments of the court of appeals and the trial court, and remands the case to the trial court for rendition of judgment pursuant to the parties' settlement agreement.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

07-0836 GREG ABBOTT, ATTORNEY GENERAL OF TEXAS v. STATE BAR OF TEXAS; from Travis County; 3rd district (03-06-00592-CV, 241 SW3d 604, 08-31-07)

(Justice Willett not sitting)

08-0202 GULF INSURANCE CO. v. CHAD HENNINGS; from Denton County; 10th district (10-06-00192-CV, ___ SW3d ___, 01-30-08)

08-0295 RUBY MANGUM, AS EXECUTRIX OF THE ESTATE OF LAVADA OAKES AND AS BENEFICIARY OF THE WILL OF LAVADA OAKES v. TRENT TURNER AND DONNY TURNER; from Freestone County; 10th district (10-07-00004-CV, 255 SW3d 223, 02-27-08)

08-0311 PAULA MATHEWS v. PORT ARTHUR INDEPENDENT SCHOOL DISTRICT; from Jefferson County; 9th district (09-07-00162-CV, ___ SW3d ___, 01-31-08)

08-0487 AUGUST MEDUNA, JR. AND GARY MEDUNA, SR. v. RUTH HOLDER; from Bastrop County; 3rd district (03-06-00484-CV, ___ SW3d ___, 04-30-08)

08-0533 ANDERSON MARTIN WHITEHEAD v. CEDYCO CORPORATION; from Jasper County; 9th district (09-07-00090-CV, 253 SW3d 877, 05-01-08)

08-0567 BRUCE WAYNE HOUSER v. KENNY K. ALLEN, ET AL.; from Jefferson County; 9th district (09-07-00106-CV, ___ SW3d ___, 05-15-08)

08-0572 ALLAN A. CROCKETT AND GULF COAST CONTRACTORS, INC. v. TEXAS DEPARTMENT OF TRANSPORTATION; from Cameron County; 13th district (13-07-00640-CV, 257 SW3d 412, 06-05-08)

08-0575 FRANK SEMBERA v. PETROFAC TYLER, INC. AND PETROFAC LIMITED; from Smith County; 12th district (12-06-00373-CV, 253 SW3d 815, 03-26-08)

08-0586 PATRICK REINHARDT v. JOE WALKER; from Brazoria County; 14th district (14-07-00304-CV, ___ SW3d ___, 06-12-08)

08-0609 BRENDA MITCHELL v. BETTY DOMINGO; from Lubbock County; 7th district (07-07-00038-CV, 257 SW3d 34, 05-21-08)

- 08-0617 LEWIS TURNER v. LINDA TURNER; from Montgomery County; 9th district (09-06-00570-CV, ___ SW3d ___, 06-26-08)
- 08-0686 CAROLYN REININGER v. TEXAS BUILDING AND PROCUREMENT COMMISSION; from Travis County; 3rd district (03-06-00363-CV, 259 SW3d 364, 07-03-08)
- 08-0690 RUTH PRESTWOOD, KATE WILSON AND THE ESTATE OF CLYDE L. PRESTWOOD v. STEPHEN SETTLE, M.D.; from Travis County; 3rd district (03-07-00111-CV, ___ SW3d ___, 02-28-08)
- 08-0698 ANN D. WALRATH v. VICTORIA GARDENS OF FRISCO; from Collin County; 5th district (05-07-00578-CV, 257 SW3d 284, 04-24-08)
- 08-0748 FRANK F. STARR v. HENRY DART; from Harris County; 14th district (14-07-00673-CV, ___ SW3d ___, 07-24-08)
- 08-0776 JEFF MOORE D/B/A T&M PRODUCTION v. JET STREAM INVESTMENTS, LTD., SARA P. RUDD, EXECUTRIX OF THE ESTATE OF J.B. RUDD AND YOUNGBLOOD PROPERTIES, L.P.; from Harrison County; 6th district (06-07-00106-CV, 261 SW3d 412, 08-08-08)
- 08-0802 EULA MCGREGOR, TOMMIE JAMES, CHARLES JAMES AND ERMA RUTH ERVIN, AS HEIRS OF THE ESTATE OF LOUIS D. JAMES, DECEASED, AND LACHUNDA JAMES v. SALIH YILMAZ, M.D.; from Grimes County; 1st district (01-07-01116-CV, 265 SW3d 631, 07-17-08)
- 08-0806 S & J INVESTMENTS v. AMERICAN STAR ENERGY AND MINERALS CORPORATION; from Hutchinson County; 7th district (07-07-00357-CV, ___ SW3d ___, 07-08-08)
- 08-0810 CHIU MOON CHAN AND ELLA Y. CHAN v. MONTEBELLO DEVELOPMENT COMPANY, LP AND STEWART TITLE COMPANY; from Harris County; 14th district (14-06-00936-CV, ___ SW3d ___, 07-31-08)
- 08-0828 EMERALD COAST EXCHANGE AND ABELARDO JASSO v. STATE OF TEXAS; from Harris County; 14th district (14-06-01092-CV, 261 SW3d 439, 08-19-08)
- 08-0834 ANGELA MARIE ARNETT v. MARY ARNETT; from Lampasas County; 3rd district (03-05-00056-CV, ___ SW3d ___, 05-02-08)

- 08-0835 HARTFORD ACCIDENT AND INDEMNITY COMPANY, HARTFORD CASUALTY INSURANCE COMPANY, AND WHITE-SPUNNER CONSTRUCTION, INC. v. MUSTANG TRACTOR & EQUIPMENT COMPANY, AND MUSTANG RENTAL SERVICES, INC.; from Travis County; 3rd district (03-07-00468-CV, 263 SW3d 437, 07-02-08)
- 08-0843 BEVERLY A. TEMPLE AND RODLAROC TEMPLE v. MILITARY COMMUNICATIONS CENTERS, INC.; from Bell County; 3rd district (03-07-00377-CV, ___ SW3d ___, 08-20-08)
- 08-0853 GRACE MEMORIAL BAPTIST CHURCH A/K/A GRACE BAPTIST CHURCH N/K/A CHURCH OF THE LORD JESUS CHRIST v. HARRIS COUNTY, ET AL.; from Harris County; 14th district (14-07-00447-CV, ___ SW3d ___, 08-28-08)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 08-0717 BILLY SMITH ENTERPRISES, INC. v. HUTCHISON CONSTRUCTION, INC., AND MID-CONTINENT COMPANY; from Travis County; 3rd district (03-06-00689-CV, 261 SW3d 370, 07-24-08)
joint motion to dismiss appeal granted

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED FOR WANT OF JURISDICTION:

- 08-0738 LOUIS A. OLIVAREZ v. RAELA JOHNSON OLIVAREZ; 13th district
motion requesting transferring court reporter's record with cost denied
- 08-0767 LAURANCE KRIEGEL v. PARMER COUNTY SHERIFF'S OFFICE, ET AL.; from Parmer County
motion to set hearing denied

ORDERS ON MOTIONS FOR REHEARING

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

- 06-0384 CELOTEX CORPORATION, LECIL M. COLBURN, AND DAVID MURRY v. WAREHOUSE ASSOCIATES CORPORATE CENTRE II, INC., WAREHOUSE ASSOCIATES CORPORATE CENTRE POST OAK, LTD., AND WAREHOUSE ASSOCIATES DEVELOPMENT, INC.; from Harris

County; 14th district (14-03-01444-CV, 192 SW3d 225, 03-30-06)

- 07-0467 7979 AIRPORT GARAGE, LLC v. DOLLAR RENT A CAR SYSTEMS, INC.; from Harris County; 14th district (14-05-00484-CV, ___ SW3d ___, 04-27-07)
2 motions for rehearing
- 07-0558 STEPHEN L. RUSH, M.D. AND H. ZIS WEISBERG, M.D. v. MICHAEL HONEYCUTT AND LISA MARIE HONEYCUTT; from Nueces County; 13th district (13-05-00579-CV, ___ SW3d ___, 06-14-07)
- 08-0225 D'JUANA FORSTER PARR v. BRIAN K. PARR; from Montgomery County; 11th district (11-06-00150-CV, ___ SW3d ___, 12-20-07)
- 08-0292 CITY OF FORT WORTH, TEXAS v. ARNOLDO DOMINGUEZ, ET AL.; from Tarrant County; 2nd district (02-06-00196-CV, ___ SW3d ___, 03-06-08)
- 08-0361 PAUL MARTIN CLARK AND BLACK CITIZENS FOR JUSTICE, LAW AND ORDER, INC. v. GLADYS ELAINE BLANTON JENKINS; from Henderson County; 7th district (07-06-00385-CV, 248 SW3d 418, 02-22-08)
- 08-0568 HAROLD GRANЕК, M.D. v. TEXAS STATE BOARD OF MEDICAL EXAMINERS AND DONALD W. PATRICK, M.D.; from Travis County; 3rd district (03-07-00380-CV, ___ SW3d ___, 03-19-08)
- 08-0650 KIRK WAYNE MCBRIDE, SR. v. MAIL SYSTEM COORDINATOR'S PANEL & DIRECTOR'S REVIEW COMMITTEE; from Bee County; 13th district (13-05-00560-CV, ___ SW3d ___, 05-22-08)
- 08-0661 MARY STEPHENS, LIFE ESTATE AND EXECUTOR, CHARLES M. STEPHENS FARM v. LCRA TRANSMISSION SERVICES CORPORATION; from Lampasas County; 3rd district (03-06-00604-CV, ___ SW3d ___, 07-17-08)
motion to supplement rehearing granted
- 08-0693 ENRIQUE BENAVIDES, JR., M.D. v. NANCY ORTEGON; from Webb County; 4th district (04-05-00768-CV, ___ SW3d ___, 03-05-08)
- 08-0708 BERNARD DOLENZ v. DALLAS CENTRAL APPRAISAL DISTRICT AND DALLAS COUNTY APPRAISAL REVIEW BOARD; from Dallas County; 5th district (05-07-00885-CV, 259 SW3d 331, 06-30-08)

08-0730 LAURANCE KRIEDEL v. CLERK'S OFFICE OF THE STATE OFFICE OF ADMINISTRATIVE HEARING, ET AL.

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-0353 IN RE BOB E. CARPENTER; from Jack County; 5th district
(05-08-00083-CV, ___ SW3d ___, 02-14-08)
- 08-0620 IN RE LINDA HERNANDEZ, JOSE HERNANDEZ, JAVIER VASQUEZ, CLAUDIA GIL, RAUL VASQUEZ AND VIRGINA VASQUEZ; from Galveston County; 1st district (01-08-00478-CV, ___ SW3d ___, 07-31-08)
- 08-0694 IN RE WEST FORK PARTNERS, L.P.; from Tarrant County; 2nd district
(02-08-00307-CV, ___ SW3d ___, 07-30-08)
- 08-0795 IN RE NICHOLAS SANCHEZ
- 08-0796 IN RE VINCE ALLEN LYNCH; from Smith County; 12th district
(12-08-00337-CV, ___ SW3d ___, 09-03-08)
- 08-0847 IN RE WILLIAM J. SAMES, III; from Angelina County; 12th district
(12-08-00242-CV, ___ SW3d ___, 06-18-08)
- 08-0858 IN RE HONORABLE JAN P. PATTERSON, JUSTICE, THIRD DISTRICT COURT OF APPEALS, IN HER OFFICIAL CAPACITY; from Travis County; 3rd district
(03-05-00585-CR&03-05-00586-CR, ___ SW3d ___, 08-22-08)
relator's emergency motion for temporary relief dismissed as moot
- 08-0892 IN RE STEVEN C. COGGINS; from Harris County; 1st district
(01-08-00728-CV, ___ SW3d ___, 10-09-08)
- 08-0913 IN RE D'JUANA FORSTER PARR; from Montgomery County; 11th district
(11-06-00150-CV, ___ SW3d ___, 12-20-07)
- 08-0919 IN RE LONNIE JAMES SANDERS
- 08-0923 IN RE DELORES PRESTON, ET AL.
relator's emergency motion for stay denied

08-0948 IN RE AZHAR SAID; from Hidalgo County; 13th district (13-08-00438-CV)
relator's motion to stay denied

08-0982 IN RE CITIZENS NATIONAL BANK; from Rusk County; 12th district
(12-07-00103-CV, ___ SW3d ___, 11-05-08)
motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced December 12, 2008

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

08-1012 IN THE INTEREST OF K.P. AND E.B., CHILDREN; from Dallas County; 5th district (05-07-01572-CV, ___ SW3d ___, 10-15-08)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.8(b)(1)(A) and (C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed December 22, 2008."

08-1019 IN THE INTEREST OF J.J.S., D.D.S. AND L.S. CHILDREN; from Brazos County; 10th district (10-08-00209-CV, ___ SW3d ___, 10-22-08)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.8(b)(1)(A) and (C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed December 22, 2008."

08-1029 RAY C. HILL v. JO ELLEN JARVIS, NEWELL S. JARVIS, JOHN R. JARVIS, SARA ANN JARVIS THOMPSON; from Smith County; 12th district (12-07-00091-CV, ___ SW3d ___, 06-30-08)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(d) and (f) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed December 22, 2008."

ORDERS ON MOTIONS FOR REHEARING

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

08-0716 IN RE EDMUND B. HEIMLICH; from Travis County; 3rd district (03-05-00827-CV, ___ SW3d ___, 07-31-08)

motion to request the petition for review filed in case 08-0911 as a supplement denied

08-0756 IN RE SHAMOUN & NORMAN, LLP F/K/A SHAMOUN KLATSKY NORMAN, A REGISTERED LIMITED LIABILITY PARTNERSHIP; from Dallas County; 5th district (05-08-00978-CV, ___ SW3d ___, 08-12-08) motion to stay dismissed as moot

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

08-0973 WALTER LEE HALL, JR. v. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES NC 2005-HE4, ALL OTHER OCCUPANTS, SUCCESSORS IN INTEREST AND/OR TRANSFEREES motion for emergency and other temporary relief pending appeal dismissed as moot

THE FOLLOWING CASE IS REINSTATED:

08-0738 LOUIS A. OLIVAREZ v. RAELA JOHNSON OLIVAREZ; from San Patricio County; 13th district (13-07-00348-CV, ___ SW3d ___, 08-18-08) dismissal for want of jurisdiction of petition for review issued December 5, 2008, withdrawn petition reinstated

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

08-1000 IN RE MICHAEL C. SCALLY, M.D.; from Harris County; 1st district (01-08-00475-CV, ___ SW3d ___, 09-04-08) motion for emergency stay denied

THE MOTION IN THE FOLLOWING CASE IS DENIED:

08-0639 BARBARA MOSS SCHULZE v. EMC MORTGAGE CORPORATION; from Bexar County; 8th district (08-07-00098-CV, ___ SW3d ___, 05-22-08) motion to stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced December 15, 2008

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

08-1034 IN RE CARL POSTON AND SHEREA POSTON; from Harris County; 1st district (01-08-00980-CV, ___ SW3d ___, 12-11-08)
relator's motion for emergency stay denied

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

08-0988 IN RE STEPHEN E. MEIWES; from Castro County; 7th district (07-08-00239-CV, ___ SW3d ___, 09-05-08)
relator's motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced December 19, 2008

ORDERS ON CAUSES

05-0171 SOUTHWESTERN BELL TELEPHONE COMPANY, L.P., D/B/A SBC TEXAS v. WILLIAM C. MITCHELL, BENEFICIARY OF LOUISE MITCHELL, DECEDENT; from Bexar County; 4th district (04-04-00466-CV, ___ SW3d ___, 01-26-05)

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

Justice Hecht delivered the opinion of the Court, in which Justice Wainwright, Justice Brister, Justice Johnson, and Justice Willett joined.

Chief Justice Jefferson delivered a dissenting opinion, in which Justice O'Neill and Justice Medina joined.

(Justice Green not sitting)

06-0034 DALLAS AREA RAPID TRANSIT v. AMALGAMATED TRANSIT UNION LOCAL NO. 1338; from Dallas County; 5th district (05-05-00241-CV, 173 SW3d 896, 10-14-05)

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

Justice Hecht delivered the opinion of the Court.

06-0987 UNITED STATES FIDELITY AND GUARANTY COMPANY v. LOUIS GOUDEAU; from Harris County; 1st district (01-04-01168-CV, 243 SW3d 1, 08-31-06)

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

Justice Brister delivered the opinion of the Court, in which Justice Hecht, Justice O'Neill, Justice Wainwright, Justice Medina, and Justice Willett joined.

Justice Green delivered a dissenting opinion, in which Chief Justice Jefferson

and Justice Johnson joined.

07-0484 IN THE MATTER OF ROLANDO CABALLERO

The Court affirms the judgment of disbarment.

Justice Green delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice O'Neill, Justice Wainwright, Justice Brister, and Justice Johnson joined.

Justice Willett delivered a dissenting opinion, in which Justice Medina joined.

08-0268 CRAIG GARDNER AND THELMA GARDNER v. U.S. IMAGING INC. D/B/A SADI PAIN MANAGEMENT AND BERNEY KESZLER, M.D.; from Bexar County; 4th district (04-07-00340-CV, ___ SW3d ___, 12-28-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

04-0641 NICK DIGIUSEPPE D/B/A SOUTHBROOK DEVELOPMENT CO. AND FRISCO MASTER PLAN v. ROGER LAWLER; from Collin County; 5th district (05-03-00468-CV, ___ SW3d ___, 06-03-04)

(Justice Medina not sitting)

07-0919 IN RE REZA ZANDI; from Denton County; 2nd district (02-07-00348-CV, ___ SW3d ___, 10-18-07)

Supplemental Opinion on Rehearing

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

07-1065 RAOUL HAGEN v. DORIS J. HAGEN; from Bexar County; 4th district (04-06-00705-CV, ___ SW3d ___, 08-01-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 14, 2009.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

SOLICITOR GENERAL INVITED TO FILE BRIEF:

08-0465 THE STATE OF TEXAS v. \$281,420.00 IN UNITED STATES CURRENCY; from Hidalgo County; 13th district (13-06-00158-CV, ___ SW3d ___, 04-03-08)

The Solicitor General is invited to file a brief in this case expressing the views of the State.

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

07-0612 ROY SEGER, ET AL. v. YORKSHIRE INSURANCE CO., LTD. AND OCEAN MARINE INSURANCE CO., LTD.; from Hutchinson County; 7th district (07-05-00188-CV, ___ SW3d ___, 06-20-07)
2 petitions
motion to consolidate dismissed as moot

07-0782 DIATOM DRILLING CO., ET AL. v. YORKSHIRE INSURANCE CO., LTD., ET AL.; from Hutchinson County; 7th district (07-05-00386-CV, ___ SW3d ___, 08-17-07)

08-0516 CHARLES BARNES, ET AL. v. CITY OF ARLINGTON, TEXAS; from Tarrant County; 2nd district (02-07-00249-CV, ___ SW3d ___, 03-27-08)
as redrafted

08-0595 INTEGRATED APPLICATIONS ENGINEERING, INC. AND DAVID HOWE v. MAGGIE FENG HONG, BO HONG, IAE, SUPPLY, INC. AND IAE ENERGY & SUPPLIES, INC.; from Fort Bend County; 14th district (14-06-00579-CV, ___ SW3d ___, 03-11-08)

08-0624 IN THE INTEREST OF S.L.M.; from Bexar County; 4th district (04-07-00566-CV, ___ SW3d ___, 06-18-08)
as redrafted

- 08-0632 MARGARET PLEASANT AND MARK BOWLES D/B/A PRUDENTIAL SYNERGY REALTORS v. JASON BRADFORD AND ASHLEY BRADFORD; from Bell County; 3rd district (03-07-00167-CV, 260 SW3d 546, 06-26-08)
- 08-0637 NEW WAVE TECHNOLOGIES, INC. v. LEGACY BANK OF TEXAS; from Collin County; 8th district (08-07-00046-CV, ___ SW3d ___, 06-26-08)
- 08-0695 ATP OIL & GAS CORPORATION AND ATP OIL & GAS (UK) LTD. v. FIRST OIL, PLC; from Harris County; 1st district (01-07-00703-CV, 264 SW3d 767, 05-22-08)
- 08-0726 BAIR CHASE PROPERTY COMPANY, LLC, KENNETH A. BARFIELD AND WESTERN PROPERTY DEVELOPMENT COMPANY, LLC v. S&K DEVELOPMENT COMPANY, INC.; from Travis County; 3rd district (03-07-00461-CV, 260 SW3d 133, 06-05-08)
- 08-0737 DONALD RAY MCCRAY v. DOUGLAS D. MULDER; from Dallas County; 5th district (05-08-00420-CV, ___ SW3d ___, 07-02-08)
- 08-0743 THE UNKNOWN STOCKHOLDERS OF THE K.M. VAN ZANDT LAND COMPANY AND THE UNKNOWN HEIRS, SUCCESSORS, AND ASSIGNS OF THE UNKNOWN STOCKHOLDERS OF THE K.M. VAN ZANDT LAND COMPANY AND EDMUND P. CRANZ AND NEIL L. VAN ZANDT v. WHITEHEAD EQUITIES, JV., JAGEE REAL PROPERTIES, L.P., GARVIEW PARTNERS, L.P., SPOKANE VENTURES, LTD., INC., NONA, INC. WILL ED WADLEY AND FPA FOUNDATION; from Tarrant County; 2nd district (02-06-00294-CV, ___ SW3d ___, 06-19-08)
2 petitions
- 08-0838 FITZHUGH 25 PARTNERS, L.P. v. KILN SYNDICATE KLN 501, CHAUCER SYNDICATE RAS 1096, BRIT SYNDICATE BRT 2987; from Dallas County; 5th district (05-07-01334-CV, 261 SW3d 861, 08-20-08)
- 08-0859 IN THE INTEREST OF A.S., D.S. AND L.A.S.; from Harris County; 14th district (14-07-00140-CV, 261 SW3d 76, 03-04-08)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 08-0536 CLEAR LAKE CITY WATER AUTHORITY v. FRIENDSWOOD

DEVELOPMENT COMPANY, LTD.; from Harris County; 14th district
(14-07-00096-CV, 256 SW3d 735, 05-22-08)
unopposed motion to dismiss petition for review granted

**THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF
JURISDICTION:**

08-0779 TURNER MACK GERMANY, JR. AND ALL OCCUPANTS v. THE
HOUSING AUTHORITY OF THE CITY OF DALLAS; from Dallas County;
5th district (05-07-00747-CV, ___ SW3d ___, 05-15-08)

ORDERS ON MOTIONS FOR REHEARING

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

05-0028 ADMIRAL INSURANCE COMPANY v. WESTCHESTER FIRE
INSURANCE COMPANY; from Tarrant County; 2nd district
(02-01-00227-CV, 152 SW3d 172, 12-02-04)

07-0482 STP NUCLEAR OPERATING COMPANY v. SUSAN COMBS,
COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS,
AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF
TEXAS; from Travis County; 3rd district
(03-06-00428-CV, 239 SW3d 264, 05-01-07)

07-1019 SOLAR SOCCER CLUB v. PRINCE OF PEACE LUTHERAN CHURCH OF
CARROLLTON, TEXAS; from Collin County; 5th district
(05-06-00130-CV, 234 SW3d 814, 09-19-07)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

08-0210 IN RE CHARLES ALLAN DOBBINS; from Dallas County; 5th district
(05-07-01175-CV, 247 SW3d 394, 02-29-08)

08-0277 IN RE LIBERTY MUTUAL INSURANCE COMPANY, LIBERTY
INSURANCE CORPORATION, LIBERTY MUTUAL FIRE INSURANCE
COMPANY, LM INSURANCE CORPORATION, AND FIRST LIBERTY
INSURANCE CORPORATION; from Travis County; 3rd district

(03-03-00646-CV, 150 SW3d 640, 08-26-04)

08-0375 IN RE ALLSTATE INSURANCE COMPANY, ALLSTATE INDEMNITY COMPANY, AND ALLSTATE PROPERTY & CASUALTY INSURANCE COMPANY; from Travis County; 3rd district
(03-04-00621-CV, ___ SW3d ___, 06-29-05)
motion for temporary relief, as supplemented, dismissed as moot

08-0692 IN RE RAUL PACHECO AND ISRAEL PACHECO, AS GUARDIAN OF THE ESTATE OF RAUL PACHECO; from Travis County; 3rd district
(03-08-00484-CV, ___ SW3d ___, 08-15-08)

THE SUPREME COURT OF TEXAS

Orders Pronounced January 8, 2009

ORDERS ON CAUSES

THE MOTION TO RESET ORAL ARGUMENT IN THE FOLLOWING CAUSE IS
DENIED:

07-1065 RAOUL HAGEN v. DORIS J. HAGEN; from Bexar County; 4th district
(04-06-00705-CV, ___ SW3d ___, 08-01-07)
first motion for continuance on oral arguments denied

[**Note:** This case remains set for oral argument at 9:00 a.m., January 14, 2009.]

Time allotted to argue: 20/20 minutes

THE SUPREME COURT OF TEXAS

Orders Pronounced January 9, 2009

ORDERS ON CAUSES

05-0303 THOMAS GRABER AND HOPKINS & SUTTER v. RICHARD L. FUQUA; from Hidalgo County; 13th district (13-03-00135-CV, 158 SW3d 635, 03-03-05)

The Court affirms the court of appeals' judgment.

Justice Green delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice O'Neill, and Justice Johnson joined.

Justice Wainwright delivered a dissenting opinion, in which Justice Brister, Justice Medina, and Justice Willett joined.

05-0801 S. MURTHY BADIGA, M.D. v. MARICRUZ LOPEZ; from Hidalgo County; 13th district (13-04-00452-CV, ___ SW3d ___, 07-07-05)

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

Chief Justice Jefferson delivered the opinion of the Court, in which Justice Hecht, Justice O'Neill, Justice Wainwright, Justice Green, Justice Johnson, and Justice Willett joined.

Justice Brister delivered a dissenting opinion, in which Justice Medina joined.

08-0238 IN RE INTERNATIONAL PROFIT ASSOCIATES, INC.; INTERNATIONAL TAX ADVISORS, INC.; AND IPA ADVISORY AND INTERMEDIARY SERVICES, LLC; from Hidalgo County; 13th district (13-08-00052-CV, ___ SW3d ___, 02-21-08)

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

Per Curiam Opinion

08-0524 IN RE DEPARTMENT OF FAMILY & PROTECTIVE SERVICES; from Harris County; 1st district (01-08-00348-CV, 265 SW3d 545, 06-30-08)

stay order issued July 3, 2008, lifted

The petition for writ of mandamus is denied.

Justice Johnson delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Wainwright, Justice Green, and Justice Willett joined.

Justice Hecht delivered a dissenting opinion, in which Justice Brister joined.

Justice Brister delivered a dissenting opinion, in which Justice Hecht, Justice O'Neill, and Justice Medina joined.

THE MOTION IN THE FOLLOWING CAUSE IS DISMISSED:

07-0773 AUTOZONE, INC. v. SALVADOR REYES; from Cameron County; 13th district (13-03-00338-CV, ___ SW3d ___, 12-29-06)
petitioner's motion to modify judgment dismissed as moot

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

08-0272 DEALERS ELECTRICAL SUPPLY CO. v. SCOGGINS CONSTRUCTION COMPANY, INC. AND BILL R. SCOGGINS; from Hidalgo County; 13th district (13-06-00368-CV, ___ SW3d ___, 12-20-07)
denial of petition for review on June 20, 2008, withdrawn
motion for rehearing granted

[**Note:** This case has been set for oral argument at 9:00 a.m., February 3, 2009.]

Time allotted to argue: 20/20 minutes

08-0831 ARCO CONSTRUCTION COMPANY, INC. v. AMERICON SERVICES COMPANY, INC.; from Harris County; 1st district (01-06-00846-CV, ___ SW3d ___, 05-15-08)
joint motion to dismiss appeal granted

Pursuant to Texas Rule of Appellate Procedure 56.3, without hearing oral argument or considering the merits, the Court vacates the judgments of the court of appeals and the trial court, and dismisses the case.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

08-0335 KIRK WAYNE MCBRIDE, SR. v. TEXAS BOARD OF PARDONS AND PAROLES, AND RESSIE OWENS, CHAIRMAN; from Bee County; 13th district (13-05-00559-CV, ___ SW3d ___, 02-21-08)
order abating this appeal under TEX. R. APP. P. 27.2

[**Note:** This premature appeal is abated under TEX. R. APP. P. 27.2, to allow the trial court to consider rendering an order making the judgment final.]

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

07-1050 ZACHRY CONSTRUCTION CORPORATION, ET AL. v. TEXAS A&M UNIVERSITY; from Brazos County; 10th district (10-05-00139-CV, 236 SW3d 801, 11-14-07)
2 petitions
joint motion to dismiss petition for review dismissed as moot
motion for leave to file amended petition for review dismissed as moot

(Justice Willett not sitting)

08-0337 FIRST SOURCE TEXAS, INC., ET AL. v. NAVASOTA RESOURCES, L.P.; from Leon County; 10th district (10-06-00236-CV, 249 SW3d 526, 01-09-08)

08-0452 EDD HENDEE, INDIVIDUALLY AND AS EXECUTIVE DIRECTOR OF C.L.O.U.T. v. DAVID DEWHURST, TOM CRADDICK, STATE OF TEXAS, AND THE LEGISLATIVE BUDGET BOARD; from Travis County; 3rd district (03-07-00462-CV, 253 SW3d 320, 04-02-08)
as redrafted

08-0648 ANN BARTOSH v. SAM HOUSTON STATE UNIVERSITY; from Walker County; 6th district (06-07-00086-CV, 259 SW3d 317, 06-30-08)

08-0687 ABRAHAM MATHEW, ET AL. v. SHEELA CHACKO, ET AL.; from Fort Bend County; 14th district (14-07-00613-CV, ___ SW3d ___, 06-12-08)

08-0704 WAYNE FOWLER v. RICHARD LITMAN, INDIVIDUALLY, AND LITMAN LAW OFFICES, LTD.; from Dallas County; 5th district (05-07-01056-CV, ___ SW3d ___, 07-23-08)

08-0753 KEITH THOMAS v. KATRINA L. DANIELS, ET AL.; from Brazos County;

10th district (10-07-00108-CV, ___ SW3d ___, 05-14-08)
as supplemented

08-0785 MARVIN HARRY DACE, JR. v. TOMMY DACE, INDEPENDENT
EXECUTOR OF THE ESTATE OF MARVIN DACE, SR., DECEASED;
from Brazoria County; 1st district
(01-05-00832-CV, ___ SW3d ___, 07-31-08)
2 petitions
unopposed motion to extend length of petition for review dismissed as moot

08-0803 GORE DESIGN COMPLETIONS, LTD. v. SAN ANTONIO AEROSPACE,
L.P.; from Bexar County; 7th district
(07-06-00309-CV, ___ SW3d ___, 05-28-08)

08-0812 DONALD C. JACKSON v. TEXAS DEPARTMENT OF CRIMINAL
JUSTICE; from Brazoria County; 1st district
(01-07-00477-CV, ___ SW3d ___, 05-29-08)

08-0821 THE DANESHJOU COMPANY, INC. v. LOREDO TRUSS COMPANY,
INC.; from Travis County; 3rd district
(03-04-00737-CV, ___ SW3d ___, 08-08-08)

(Justice O'Neill not sitting)

08-0825 THE DANESHJOU COMPANY, INC. v. MODERN DESIGN &
CONSTRUCTION, INC.; from Travis County; 3rd district
(03-04-00735-CV, ___ SW3d ___, 08-08-08)

(Justice O'Neill not sitting)

08-0826 THE DANESHJOU COMPANY, INC. v. G.P. EQUIPMENT COMPANY;
from Travis County; 3rd district
(03-04-00739-CV, ___ SW3d ___, 08-08-08)

(Justice O'Neill not sitting)

08-0830 IN THE INTEREST OF A.A.A.; from Harris County; 1st district
(01-07-00160-CV, 265 SW3d 507, 06-26-08)

08-0844 MADHAVAN PISHARODI v. WATTS LAW FIRM, LLP; WATTS &
HEARD, LLP; RAY R. MARCHAN; CARMEN D. ROCCO AND JAMES R.
GOZA; from Cameron County; 13th district
(13-07-00665-CV, ___ SW3d ___, 08-14-08)

- 08-0845 ROBERT F. DUNCAN, JR. AND INTERAMERICA PROPERTY COMPANY v. F-STAR MANAGEMENT L.L.C., F-STAR PROPERTIES, INC., F-STAR SOCORRO, L.P., FIVE-STAR INTERNATIONAL HOLDINGS INC., NINE-STAR INVESTMENTS INC., GERALD C. "JERRY" AYOUB, FIVE ON SITE INTERNATIONAL, INC., AND PENTA ESTRELLA S. DE R.L. D C.V.; from El Paso County; 8th district (08-06-00007-CV, ___ SW3d ___, 08-21-08)
- 08-0848 MICHAEL CANCEL v. CITY OF SAN ANTONIO; from Bexar County; 7th district (07-07-00285-CV, 261 SW3d 778, 07-28-08)
- 08-0849 KIRK WAYNE MCBRIDE, SR. v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE - CORRECTIONAL INSTITUTIONAL DIVISION; from Bee County; 13th district (13-05-00328-CV, ___ SW3d ___, 03-13-08)
- 08-0851 MEDISTAR CORPORATION v. SPORTS MEDICINE ASSOCIATES OF SAN ANTONIO, P.A.; SPORTS SA HOLDINGS, L.P.; SAN ANTONIO PHYSICIAN PARTNERS, L.L.P.; DR. DAVID R. SCHMIDT, M.D.; DON RYAN AND SPORTS SA, L.L.C.; from Bexar County; 4th district (04-07-00369-CV, 267 SW3d 150, 06-25-08)
2 petitions
- 08-0866 MICHAEL MURPHY A/K/A AND F/K/A JOHN MICHAEL MURPHY v. ERNEST REYNOLDS III; from Tarrant County; 2nd district (02-07-00358-CV, 266 SW3d 141, 08-29-08)
- 08-0868 BROWNSVILLE IRRIGATION DISTRICT; BAYVIEW IRRIGATION DISTRICT; CAMERON COUNTY IRRIGATION DISTRICT NO. 6; HIDALGO AND CAMERON COUNTIES IRRIGATION DISTRICT NO. 9; AND VALLEY ACRES IRRIGATION DISTRICT v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PRESIDIO VALLEY FARMS, INC.; MAVERICK COUNTY; CITY OF LAREDO; AND CITY OF EAGLE PASS WATER WORKS SYSTEM; from Travis County; 3rd district (03-06-00690-CV, 264 SW3d 458, 08-28-08)
- 08-0873 KELLY WOOD v. TEXAS CHIROPRACTIC COLLEGE; from Harris County; 1st district (01-07-00952-CV, ___ SW3d ___, 07-24-08)
- 08-0876 RODOLFO GUERRERO, M.D. v. JUAN LIMON, ELIDA LIMON AND HARTLEY HAMPTON; from Hidalgo County; 13th district (13-07-00679-CV, ___ SW3d ___, 08-28-08)
- 08-0897 IN THE MATTER OF THE ESTATE OF JOHN A. TEINERT DECEASED,

LAURANCE KRIEGEL, DESCENDENT, HEIR TO THE ESTATE; from Coryell County; 10th district (10-07-00297-CV, 251 SW3d 66, 01-09-08) petitioner's motion to recall mandate denied

- 08-0909 SAMUEL MAYO v. SUEMAUR EXPLORATION AND PRODUCTION, LLC AND WILFRED L. PELTIER; from Brazoria County; 14th district (14-07-00491-CV, ___ SW3d ___, 08-26-08) as supplemented
- 08-0918 ELIAS CAMACHO CARRILLO v. DUKE PENDERGRAFT AND MACHELLE PENDERGRAFT, INDIVIDUALLY AND D/B/A PENDERGRAFT STONE; from Jones County; 11th district (11-06-00337-CV, ___ SW3d ___, 09-11-08)
- 08-0920 JAMES O'DELL WALTON v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL.; from Bee County; 13th district (13-07-00656-CV, ___ SW3d ___, 08-21-08)
- 08-0921 TERRY K. MICKENS AND TAMELA A. MICKENS v. LONGHORN DFW MOVING, INC.; from Dallas County; 5th district (05-07-00887-CV, 264 SW3d 875, 08-06-08)
- 08-0925 CONSTABLE GARY GRIFFIN, WILLIAMSON COUNTY PRECINCT 1 v. LISA BIRKMAN, COUNTY COMMISSIONER PRECINCT 1, CYNTHIA LONG, COUNTY COMMISSIONER PRECINCT 2, VALERIE COVEY, COUNTY COMMISSIONER PRECINCT 3, RON MORRISON, COUNTY COMMISSIONER PRECINCT 4, AND DAN A. GATTIS, COUNTY JUDGE; from Williamson County; 3rd district (03-06-00412-CV, 266 SW3d 189, 09-17-08)
- (Justice Brister not sitting)
- 08-0928 DAVID SCOT LYND v. LEA ALIENE COX; from Denton County; 2nd district (02-08-00155-CV, ___ SW3d ___, 10-09-08)
- 08-0933 DAVID W. NOELL, INDIVIDUALLY AND AS LIMITED PARTNER IN CROW-BILLINGSLEY AIR PARK LIMITED PARTNERSHIP v. AIR PARK HOMEOWNERS ASSOCIATION, INC., ET AL.; from Collin County; 5th district (05-06-00132-CV, 246 SW3d 827, 02-29-08)
- 08-0935 LAWRENCE R. GELMAN, M.D. AND RAYMOND BARRIE WALKER, C.R.N.A. v. RICARDO CUELLAR, INDIVIDUALLY AND AS HUSBAND AND NEXT FRIEND OF ESMELDA CUELLAR AND THEIR MINOR

CHILDREN RICARDO A. CUELLAR, CELINA MARIE CUELLAR AND RUBEN CUELLAR AND JOE CISNEROS; from Hidalgo County; 13th district (13-07-00651-CV, 268 SW3d 123, 08-14-08)

- 08-0944 MARSHA CHAMBERS AND 122 DOGS v. STATE OF TEXAS; from Kaufman County; 5th district (05-07-00796-CV, 261 SW3d 755, 07-24-08)
- 08-0951 W.M. KLEIN v. N.J. KLEIN; from Lubbock County; 7th district (07-06-00222-CV, ___ SW3d ___, 07-31-08)
- 08-0991 LORI LEIGH MAYLES NOONAN v. THOMAS A. NOONAN, JR.; from McCulloch County; 7th district (07-07-00294-CV, ___ SW3d ___, 08-04-08)
- 08-0992 JACI JOHNSON AND JEFFREY JOHNSON v. LEONARD POUNDS; from Midland County; 11th district (11-07-00073-CV, ___ SW3d ___, 08-14-08)
- 08-0993 JOHN MICHAEL ENGLISH v. ANTHONY L. MARTINEZ; from Comal County; 3rd district (03-06-00705-CV, 267 SW3d 521, 08-29-08)
- 08-1006 DAVIE HARRISON, SR. v. WILLARD KIPER, ET AL.; from Gray County; 7th district (07-07-00322-CV, ___ SW3d ___, 09-25-08)
- 08-1019 IN THE INTEREST OF J.J.S., D.D.S. AND L.S., CHILDREN; from Brazos County; 10th district (10-08-00209-CV, ___ SW3d ___, 10-22-08)
as redrafted

**THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS
RULE OF APPELLATE PROCEDURE 9.4(i):**

- 08-1033 ALFREDO FLORES, SAM LAJZEROWICZ AND DEBRA TRAPHAGAN v. STAR CAB COOPERATIVE ASSOCIATION, INC., ET AL.; from Bexar County; 7th district (07-06-00306-CV, ___ SW3d ___, 08-28-08)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed January 20, 2009."

ORDERS ON MOTIONS FOR REHEARING

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

- 07-0758 LEONARD M. MCCOLLUM v. STEPHEN M. SMITH, SUBSTITUTE TRUSTEE, JLE INVESTORS, INC. D/B/A ASSOCIATED MORTGAGE INVESTORS AND HOUSTON SAVINGS BANK; from Harris County; 1st district (01-05-00472-CV, ___ SW3d ___, 08-09-07)
- 07-1001 BASIL BROWN AND YVONNE BROWN v. TEXAS BOARD OF NURSE EXAMINERS, ET AL.; from Travis County; 3rd district (03-05-00508-CV, ___ SW3d ___, 10-18-07)
- 07-1040 ANGLO-DUTCH PETROLEUM INTERNATIONAL, INC., ANGLO-DUTCH (TENGE) LLC, AND SCOTT VAN DYKE v. FOREST HUNTER SMITH; from Harris County; 14th district (14-06-00580-CV, 243 SW3d 776, 11-20-07)
- 08-0118 MELODY ALLISON, INDIVIDUALLY AND A/N/F OF DOROTHY MUELLER, ET AL. v. CHRIS UCHE, M.D.; from Galveston County; 1st district (01-06-00546-CV, 264 SW3d 90, 10-11-07)
- 08-0154 ANGLO-DUTCH PETROLEUM INTERNATIONAL, INC., AND ANGLO-DUTCH (TENGE) LLC v. LITTLEMILL LIMITED; from Harris County; 14th district (14-06-00921-CV, ___ SW3d ___, 10-02-07)
- 08-0330 DALLAS COUNTY, TEXAS v. BRAD ERNEST NADEAU; from Dallas County; 5th district (05-07-00236-CV, ___ SW3d ___, 02-05-08)
- 08-0381 IN RE RAY ELLISON GRANDCHILDREN TRUST DATED MARCH 9, 1982; from Bexar County; 4th district (04-06-00704-CV, 261 SW3d 111, 04-02-08)
- 08-0385 NANCY SAINT-PAUL v. THE CITY OF GALVESTON, TEXAS; BOARD OF TRUSTEES OF GALVESTON WHARVES; AND BP ENERGY COMPANY; from Galveston County; 1st district (01-06-00580-CV, ___ SW3d ___, 02-14-08)
- 08-0458 JASON MARIS v. TADD HENDRICKS, AS INDEPENDENT EXECUTOR OF THE ESTATE OF MELISSA HENDRICKS, DECEASED, TADD HENDRICKS, INDIVIDUALLY AND AS NEXT FRIEND OF JOSHUA AND DANIEL HENDRICKS, MINORS, AND CHARLIE MORELLO; from Denton County; 2nd district (02-07-00300-CV, 262 SW3d 379, 05-01-08)
- 08-0475 ARMANDO RAMOS, SR. v. DR. IAN RICHARDSON AND VALLEY BAPTIST MEDICAL CENTER; from Cameron County; 13th district (13-05-00204-CV&13-05-00205-CV, ___ SW3d ___, 04-24-08)

08-0574 THOMAS G. CHASE, JR. v. PARRISH TODD DORTON; from McLennan County; 10th district (10-07-00098-CV, 262 SW3d 396, 07-02-08)

08-0655 DIAMOND OFFSHORE (BERMUDA), LTD. v. SUZANNE ELISABETH HAAKSMAN (AS BENEFICIARY OF ROBERT DUNCAN BURN QUINN) AND THOMAS JOSEPH MCCARTNEY; from Harris County; 14th district (14-06-00477-CV, 260 SW3d 476, 04-24-08)

(Justice Medina not sitting)

08-0656 CHARLES HALL v. JAMES H. DIEFFENWIERTH, II D/B/A TCI AND ROBERT DALE MORE; from Tarrant County; 2nd district (02-07-00058-CV, ___ SW3d ___, 06-12-08)

08-0688 TERRY SIMMONS v. ELMOW HOLDINGS, INC., F/K/A RIO PUMPING SERVICES, INC.; from Tarrant County; 2nd district (02-08-00027-CV, ___ SW3d ___, 07-10-08)

08-0757 BLITZ HOLDINGS CORP. AND GCM CORPORATION, LTD. v. GRANT THORNTON, LLP AND DELOITTE & TOUCHE, LLP; from Harris County; 1st district (01-04-00627-CV, ___ SW3d ___, 05-08-08)

08-0818 GEORGE HORN, JR., INDIVIDUALLY AND AS ASSIGNEE OF BURRELL ROWE, AS ADMINISTRATOR OF THE ESTATE OF ERIC A. HULETT, DECEASED, AND BURRELL ROWE, AS ADMINISTRATOR OF THE ESTATE OF ERIC A. HULETT, DECEASED v. HOME STATE COUNTY MUTUAL INSURANCE COMPANY; from Sabine County; 12th district (12-07-00094-CV, ___ SW3d ___, 06-25-08)

08-0841 WELDON W. WEEKS v. FIREMAN'S FUND INSURANCE COMPANY; from Dallas County; 8th district (08-06-00170-CV, 259 SW3d 335, 06-30-08)

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

08-0615 IN RE FOUR SEVENS OIL COMPANY, LTD., HUNTER PRODUCTIONS CO., PARROT GAS CO., LTD., DALE RESOURCES, L.L.C. AND SINCLAIR OIL CORP.; from Dallas County; 5th district (05-08-00768-CV, ___ SW3d ___, 07-17-08)

08-0769 IN RE DAVID ANDREW DOUGLAS; from Bee County

08-0788 IN RE ROBERT F. CALDWELL

08-0903 IN RE FOREVER ENTERPRISES, INC.; from Jefferson County; 9th district
(09-08-00442-CV, ___ SW3d ___, 10-16-08)
as supplemented

MISCELLANEOUS

THE FOLLOWING CASE IS REINSTATED:

08-0804 IN RE MILLENNIUM MULTIPLE EMPLOYER WELFARE BENEFIT
PLAN, MILLENNIUM MARKETING GROUP, INC., NORMAN BEVAN,
AND INNOVUS FINANCIAL SOLUTIONS, INC.; from Dallas County; 5th
district (05-08-01338-CV, ___ SW3d ___, 01-07-09)
relator's motion to reinstate abated mandamus proceeding granted
abatement order issued October 17, 2008, lifted
petition reinstated

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

08-0511 IN RE AHRENS & DEANGELI, P.L.L.C., FWP TECHNOLOGIES, INC.,
EDWARD D. AHRENS, AND DARIN DEANGELI; from Dallas County; 5th
district (05-08-00793-CV, ___ SW3d ___, 06-19-08)
motion to abate petition for writ of mandamus dismissed as moot

08-0720 IN RE LIBERTY INSURANCE CORPORATION; from Guadalupe County;
4th district (04-08-00464-CV, ___ SW3d ___, 08-27-08)

08-0931 IN RE RUDY APOLINAR; from Harris County; 14th district
(14-08-00785-CV, ___ SW3d ___, 09-02-08)

08-0955 IN RE TED LAWRENCE ROBERTSON; from Harris County

08-0972 IN RE KRISTINE FERNANDEZ AS NEXT FRIEND OF JULIAN DANIEL
TREVINO; from Hidalgo County; 13th district
(13-08-00608-CV, ___ SW3d ___, 11-06-08)

08-0984 IN RE LAWRENCE W. FEW; from El Paso County; 8th district
(08-06-00234-CV, ___ SW3d ___, 08-28-08)

- 08-0987 IN RE BARRY WAYNE MINNFEE; 13th district
(13-05-00561-CV, ___ SW3d ___, 10-15-08)
- 08-0999 IN RE MICHAEL C. SCALLY, M.D.; from Travis County; 3rd district
(03-08-00524-CV, ___ SW3d ___, 09-10-08)
- 08-1007 IN RE BILLY HOLMES A/K/A BILLY RICHARDS; from Harris County;
14th district (14-08-00884-CV, ___ SW3d ___, 10-07-08)
- 08-1020 IN RE LAURANCE KRIEGEL

(Chief Justice Jefferson not sitting)

- 08-1030 IN RE MICHELLE ANN FUENTES; from Nueces County; 13th district
(13-08-00430-CV, ___ SW3d ___, 08-04-08)
motion for emergency relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 07-0219 IN RE ASHLEY, HUMPHRIES & SANCHEZ; J. TOM ASHLEY, III;
JAMES L. HUMPHRIES; AND JUAN H. SANCHEZ; from Jim Wells
County; 4th district (04-06-00810-CV, 225 SW3d 329, 02-07-07)
unopposed motion to dismiss petition for writ of mandamus granted
Premont's motion to strike Ashley, Humphries & Sanchez's reply to response
dismissed as moot
Premont's motion for sanctions dismissed as moot
Ashley, Humphries & Sanchez's counter-motion for sanctions dismissed as
moot
Premont's motion to strike motion for temporary relief dismissed as moot

The Court dismisses the petition for writ of mandamus on behalf of *Ashley, Humphries, & Sanchez*. The petition for writ of mandamus on behalf of *Braselton Construction Company* remains pending before this Court. The case has been restyled as *In re Braselton Construction Company*.

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK
PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 08-1064 IN RE POLYMERICA, LLC D/B/A GLOBAL ENTERPRISES, INC.; from El
Paso County; 8th district (08-08-00070-CV, ___ SW3d ___, 11-25-08)

The Court strikes the petition for writ of mandamus with the following

notation: "The petition violates Texas Rules of Appellate Procedure 9.4(d) and is struck."

THE SUPREME COURT OF TEXAS

Orders Pronounced January 14, 2009

MISCELLANEOUS

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

08-1076 IN RE DEERE & COMPANY D/B/A JOHN DEERE COMPANY AND
JOHN DEERE CONSTRUCTION & FORESTRY COMPANY; from Johnson
County; 10th district (10-08-00436-CV, ___ SW3d ___, 12-22-08)
emergency motion for temporary relief granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced January 15, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0033 IN RE ALLIED CHEMICAL CORPORATION, ET AL.; from Hidalgo
County; 13th district (13-08-00678-CV)
emergency motion to stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced January 16, 2009

ORDERS ON CAUSES

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

08-0524 IN RE DEPARTMENT OF FAMILY & PROTECTIVE SERVICES; from Harris County; 1st district (01-08-00348-CV, 265 SW3d 545, 06-30-08) relator's emergency motion to reinstate stay granted stay order issued July 3, 2008, reinstated

[**Note:** The motion for rehearing remains pending before this Court.]

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS GRANTED:

08-0121 CITY OF WACO v. DEBRA KIRWAN, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF BRAD MCGEHEE, DECEASED; from McLennan County; 10th district (10-07-00123-CV, 249 SW3d 544, 01-09-08) unopposed motion of the State of Texas to participate in oral argument as amicus curiae granted

Time allotted to argue: 20/15/5 minutes

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

04-0575 COLUMBIA MEDICAL CENTER OF LAS COLINAS, INC. D/B/A LAS COLINAS MEDICAL CENTER v. ATHENA HOGUE, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF ROBERT HOGUE, JR., DECEASED, CHRISTOPHER HOGUE, AND ROBERT HOGUE, III; from Dallas County; 5th district (05-03-00279-CV, 132 SW3d 671, 04-13-04) corrected opinion issued

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0824 THE DANESHJOU COMPANY, INC. v. JOE GOERGEN; from Travis County; 3rd district (03-04-00730-CV, ___ SW3d ___, 08-08-08)
- 08-0962 DARYL L. BONNIN v. WICHITA COUNTY AND WICHITA COUNTY COMMISSIONERS COURT; from Wichita County; 2nd district (02-07-00156-CV, 268 SW3d 811, 10-02-08)
- 08-0963 IN THE ESTATE OF BOBBY WAYNE DILLARD, DECEASED; from Rusk County; 6th district (06-08-00015-CV, ___ SW3d ___, 09-30-08) as amended
- 08-0978 PACIWEST, INC. v. WARNER ALAN PROPERTIES, LLC AND WARNER ALAN/WESTCLIFF, LTD.; from Tarrant County; 2nd district (02-07-00443-CV, 266 SW3d 559, 09-11-08)
- 08-0981 KIRK WAYNE MCBRIDE, SR. v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE - CORRECTIONAL INSTITUTIONS DIVISION, ET AL.; from Bee County; 13th district (13-07-00130-CV&13-07-00305-CV, ___ SW3d ___, 08-28-08)
- 08-1014 IN THE MATTER OF THE EXPUNCTION OF E.R.W.; from Pecos County; 8th district (08-07-00067-CV, ___ SW3d ___, 10-23-08)

THE MOTION IN THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

- 08-0665 JERRY DOWDY, SHIRLEY DOWDY, LEO SANDOVAL, BEATRICE SANDOVAL AND KAY MORRIS v. UNION CARBIDE CORPORATION, ET AL.; from Orange County; 9th district (09-08-00061-CV, 256 SW3d 869, 06-12-08)
respondent's motion to dismiss appeal as to Larry Cameron petitioner only granted

ORDERS ON MOTIONS FOR REHEARING

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

- 08-0768 WALTER WEST, P.E. AND THE LONE STAR CHAPTER OF THE SIERRA CLUB v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND ABITIBI-CONSOLIDATED CORP.; from Travis County; 3rd district (03-07-00456-CV, 260 SW3d 256, 07-31-08)

08-0870 THE W.L. PICKENS GRANDCHILDREN'S JOINT VENTURE v. DOH OIL COMPANY, DAVID HILL AND ORVEL HILL; from Loving County; 8th district (08-06-00314-CV, ___ SW3d ___, 08-07-08)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

08-1021 IN RE LAURANCE KRIEGEL; from Parmer County

08-1023 IN RE ESTATE OF WALTER ARTHUR KRIEGEL, DECEASED; from Parmer County

08-1024 IN RE LAURANCE KRIEGEL; from Parmer County

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

08-1046 IN RE MEMORIAL HERMANN HEALTHCARE SYSTEM AND MEMORIAL HERMANN HOSPITAL SYSTEM; from Harris County; 14th district (14-08-00204-CV, ___ SW3d ___, 10-09-08)
motion to abate petition for writ of mandamus granted
abatement order issued

[**Note:** The case is abated under TEX. R. APP. P. 7.2(b).]

THE MOTION IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS GRANTED:

08-0922 IN RE JACK LOFTIN, GLENDA LOFTIN, JERRY DOWDY, SHIRLEY DOWDY, LEO SANDOVAL, BEATRICE SANDOVAL, GERALD DIAZ, DEBORAH DIAZ AND KAY MORRIS; from Orange County; 9th district (09-08-00061-CV, ___ SW3d ___, 06-12-08)
motion to dismiss appeal as to Larry Cameron relator only granted

THE SUPREME COURT OF TEXAS

Orders Pronounced January 20, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE ABATED:

08-0485 TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS, TEXAS PODIATRIC MEDICAL ASSOCIATION AND BRUCE A. SCUDDAY, D.P.M. v. TEXAS ORTHOPEDIC ASSOCIATION, TEXAS MEDICAL ASSOCIATION, AND ANDREW M. KANT, M.D.; from Travis County; 3rd district (03-05-00620-CV, 254 SW3d 714, 05-23-08)
3 petitions
petitioners' joint motion to abate the appeal granted
abatement order issued

[**Note:** The case is removed from the Court's active docket until March 23, 2009, by which time the parties must file a status report or motion to dismiss.]

(Justice Willett not sitting)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

08-1075 IN RE C.F. JORDAN, L.P. D/B/A JORDAN CONSTRUCTION SERVICES; from Bexar County; 4th district (04-08-00894-CV, ___ SW3d ___, 12-17-08)
emergency motion for temporary relief denied

(Justice Green not sitting)

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

09-0020 IN RE WILMER CUTLER PICKERING HALE AND DORR LLP; from Collin County; 5th district (05-08-01395-CV, ___ SW3d ___, 12-31-08)
relator's emergency motion for temporary relief to stay proceedings granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced January 23, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

06-0653 IN RE MARY LOUISE WATKINS, M.D.; from Cameron County; 13th district (13-05-00765-CV&13-06-00080-CV, 192 SW3d 672, 05-04-06)

The petition for writ of mandamus is denied.

Justice Brister delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice O'Neill, Justice Wainwright, Justice Medina, and Justice Green joined.

Chief Justice Jefferson delivered a concurring opinion, in which Justice O'Neill joined.

Justice Johnson delivered a concurring opinion.

Justice Willett delivered a concurring opinion.

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

09-0038 IN RE HA T.N. FRASIER; from Tarrant County; 2nd district (02-08-00439-CV, ___ SW3d ___, 12-02-08)

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rules of Appellate Procedure 52.3(a) and 52.6 and is struck."

THE SUPREME COURT OF TEXAS

Orders Pronounced January 29, 2009

ORDERS ON CAUSES

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS
GRANTED:

08-0272 DEALERS ELECTRICAL SUPPLY CO. v. SCOGGINS CONSTRUCTION COMPANY, INC. AND BILL R. SCOGGINS; from Hidalgo County; 13th district (13-06-00368-CV, ___ SW3d ___, 12-20-07)
motion of amici curiae to share five minutes of petitioner's oral argument
granted

Time allotted to argue: 15/5/20 minutes

THE SUPREME COURT OF TEXAS

Orders Pronounced January 30, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0643 SAMUEL R. MARES, SR. v. VICTOR R. BLAINE; from Harris County; 1st district (01-07-00620-CV, ___ SW3d ___, 07-24-08)
- 08-0738 LOUIS A. OLIVAREZ v. RAELA JOHNSON OLIVAREZ; from San Patricio County; 13th district (13-07-00348-CV, ___ SW3d ___, 08-18-08)
as reinstated
- 08-0823 THE DANESHJOU COMPANY, INC. v. CNA CONSTRUCTION, INC.;
from Travis County; 3rd district
(03-04-00734-CV, ___ SW3d ___, 08-08-08)
- (Justice O'Neill not sitting)
- 08-0827 THE DANESHJOU COMPANY, INC. v. LOMA EXCAVATION, INC.;
from Travis County; 3rd district
(03-04-00738-CV, ___ SW3d ___, 08-08-08)
- (Justice O'Neill not sitting)
- 08-0907 \$43,774.00 U.S. CURRENCY AND 1997 MODEL PONTIAC GRAND
PRIX, VIN #1G2WP12K7V323349 v. THE STATE OF TEXAS; from Gregg
County; 6th district (06-07-00126-CV, 266 SW3d 178, 09-12-08)
- 08-0926 DOUGLAS K. BROCAIL v. DETROIT TIGERS, INC.; from Harris County;
14th district (14-06-00557-CV, 268 SW3d 90, 04-03-08)
- 08-0974 IN RE THE ESTATE OF SARAH E. BOREN, DECEASED; from Lamar
County; 6th district (06-07-00104-CV, 268 SW3d 841, 10-03-08)
- 08-0983 ROSA SCHWARTZ v. THE INSURANCE COMPANY OF THE STATE OF
PENNSYLVANIA, GALLAGHER BASSETT SERVICES, INC. AND

BELINDA YBARRA; from Harris County; 1st district
(01-07-00193-CV, ___ SW3d ___, 10-23-08)

08-1012 IN THE INTEREST OF K.P. AND E.B., CHILDREN; from Dallas County;
5th district (05-07-01572-CV, ___ SW3d ___, 10-15-08)
as redrafted

08-1022 IN THE MATTER OF J.C.L., A JUVENILE; from Aransas County; 13th
district (13-08-00379-CV, ___ SW3d ___, 10-30-08)

08-1047 MAX DUNCAN FAMILY INVESTMENTS, LTD. v. NTFN, INC. AND
MORNINGSIDE PROPERTY CO.; from Dallas County; 5th district
(05-07-00430-CV, 267 SW3d 447, 08-26-08)

08-1051 JACQUELYN ELMORE, INDIVIDUALLY AND AS REPRESENTATIVE
OF THE ESTATE OF RON ELMORE, DECEASED, AND INTERVENOR,
RONNIE ELMORE v. E. SULLIVAN ADVERTISING & DESIGN, INC.,
HEATH CHANNING HEBERT AND ASPEN HEBERT; from Jefferson
County; 11th district (11-07-00118-CV, ___ SW3d ___, 09-25-08)

THE FOLLOWING PETITIONS FOR REVIEW ARE ABATED:

08-0033 JAMES ANDERSON, PATRICIA ANDERSON, JACK CROWDER,
CATHY CROWDER, GARY DZYAK, GEORGE ROSEMEIER, EVELYN
ROSEMEIER, TOBY SIMMONS, AND PEGGY SIMMONS v. CROWN
CENTRAL LLC, ET AL.; from Orange County; 9th district
(09-07-00308-CV, 239 SW3d 385, 10-11-07)
abatement order issued

[**Note:** Effective as of January 7, 2009, the case is abated pursuant to TEX. R.
APP. P. 8.2 until further order of this Court and is removed from the Court's
active docket, subject to reinstatement upon proper motion. TEX. R. APP. P.
8.3. All motions and other documents pending or filed are abated subject to
being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3.
It is the parties' responsibility to immediately notify this Court once the
automatic bankruptcy stay is lifted.]

08-0665 JERRY DOWDY, SHIRLEY DOWDY, LEO SANDOVAL, BEATRICE
SANDOVAL AND KAY MORRIS v. UNION CARBIDE CORPORATION,
ET AL.; from Orange County; 9th district
(09-08-00061-CV, 256 SW3d 869, 06-12-08)
abatement order issued

[**Note:** Effective as of January 7, 2009, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

08-0671 PAWEL BARAN, NINA BARAN, ELIZABETH GOOD, JOHN BARKER, CAROL ANN BARKER, MICHAEL ROWELL, JEANNETTE ROWELL, ROGER JACKSON, LINDA JACKSON AND RAYMOND FISHER, II v. SHELL OIL COMPANY, ET AL.; from Orange County; 9th district (09-08-00062-CV, 258 SW3d 719, 06-12-08)
abatement order issued

[**Note:** Effective as of January 7, 2009, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS
RULE OF APPELLATE PROCEDURE 9.4(i):

09-0059 HECTOR ISRAEL LOPEZ v. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Harris County; 1st district (01-08-00111-CV, ___ SW3d ___, 09-25-08)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.8(b)(1)(A) and (C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed February 9, 2009."

ORDERS ON MOTIONS FOR REHEARING

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

07-0864 SYLVIA CASAS, INDIVIDUALLY, SUBSTANTIVELY CONSOLIDATED BANKRUPTCY ESTATES OF FOUNTAIN VIEW, INC., AS SUCCESSOR

TO SUMMIT CARE CORPORATION, SUMMIT CARE TEXAS, L.P.
D/B/A COMANCHE TRAIL NURSING CENTER AND ROBERT
GUNDLING, INDIVIDUALLY v. ROSAMARIE PARADEZ, AS THE
ADMINISTRATOR AND HEIR AT LAW OF THE ESTATE OF
TRANQUILINO MENDOZA, DECEASED; from Bexar County; 4th district
(04-06-00417-CV, 267 SW3d 170, 06-25-08)

08-0202 GULF INSURANCE CO. v. CHAD HENNINGS; from Denton County; 10th
district (10-06-00192-CV, ___ SW3d ___, 01-30-08)

08-0295 RUBY MANGUM, AS EXECUTRIX OF THE ESTATE OF LAVADA
OAKES AND AS BENEFICIARY OF THE WILL OF LAVADA OAKES v.
TRENT TURNER AND DONNY TURNER; from Freestone County; 10th
district (10-07-00004-CV, 255 SW3d 223, 02-27-08)

08-0373 TRANSCONTINENTAL REALTY INVESTORS, INC. AND RT REALTY,
L.P. v. MCGUIRE, CRADDOCK, STROTHER & HALE, P.C.; from Dallas
County; 5th district (05-07-00050-CV, 251 SW3d 890, 04-08-08)

08-0547 JOI M. FINDLEY-SMITH, M.D., AND PEGGY TAYLOR, M.D., P.A. v.
HOLLY SMITH AND HUSBAND, CHRISTOPHER SMITH,
INDIVIDUALLY AND A/N/F/ OF CAMERON SMITH, A MINOR; from
Harris County; 1st district (01-07-00360-CV, ___ SW3d ___, 02-28-08)

08-0772 ROSE KABBE v. BUDGET STORAGE USA, ET AL.; from Dallas County;
5th district (05-07-01646-CV, ___ SW3d ___, 06-17-08)

08-0802 EULA MCGREGOR, TOMMIE JAMES, CHARLES JAMES AND ERMA
RUTH ERVIN, AS HEIRS OF THE ESTATE OF LOUIS D. JAMES,
DECEASED, AND LACHUNDA JAMES v. SALIH YILMAZ, M.D.; from
Grimes County; 1st district (01-07-01116-CV, 265 SW3d 631, 07-17-08)

08-0830 IN THE INTEREST OF A.A.A.; from Harris County; 1st district
(01-07-00160-CV, 265 SW3d 507, 06-26-08)

08-0835 HARTFORD ACCIDENT AND INDEMNITY COMPANY, HARTFORD
CASUALTY INSURANCE COMPANY, AND WHITE-SPUNNER
CONSTRUCTION, INC. v. MUSTANG TRACTOR & EQUIPMENT
COMPANY, AND MUSTANG RENTAL SERVICES, INC.; from Travis
County; 3rd district (03-07-00468-CV, 263 SW3d 437, 07-02-08)

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

08-0847 IN RE WILLIAM J. SAMES, III; from Angelina County; 12th district
(12-08-00242-CV, ___ SW3d ___, 06-18-08)

08-1034 IN RE CARL POSTON AND SHEREA POSTON; from Harris County; 1st
district (01-08-00980-CV, ___ SW3d ___, 12-11-08)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE ABATED:

08-0198 IN RE JAMES ANDERSON, PATRICIA ANDERSON, JACK CROWDER,
CATHY CROWDER, GARY DZYAK, GEORGE ROSEMEIER, EVELYN
ROSEMEIER, TOBY SIMMONS, AND PEGGY SIMMONS; from Orange
County; 9th district (09-07-00308-CV, 239 SW3d 385, 10-11-07)
abatement order issued

[**Note:** Effective as of January 7, 2009, the case is abated pursuant to TEX. R.
APP. P. 8.2 until further order of this Court and is removed from the Court's
active docket, subject to reinstatement upon proper motion. TEX. R. APP. P.
8.3. All motions and other documents pending or filed are abated subject to
being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3.
It is the parties' responsibility to immediately notify this Court once the
automatic bankruptcy stay is lifted.]

08-0915 IN RE PAWEL BARAN, NINA BARAN, ELIZABETH GOOD, JOHN
BARKER, CAROL ANN BARKER, MICHAEL ROWELL, JEANNETTE
ROWELL, ROGER JACKSON, LINDA JACKSON AND RAYMOND
FISHER, II; from Orange County; 9th district
(09-08-00062-CV, ___ SW3d ___, 06-12-08)
abatement order issued

[**Note:** Effective as of January 7, 2009, the case is abated pursuant to TEX. R.
APP. P. 8.2 until further order of this Court and is removed from the Court's
active docket, subject to reinstatement upon proper motion. TEX. R. APP. P.
8.3. All motions and other documents pending or filed are abated subject to
being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3.
It is the parties' responsibility to immediately notify this Court once the
automatic bankruptcy stay is lifted.]

08-0922 IN RE JACK LOFTIN, GLENDA LOFTIN, JERRY DOWDY, SHIRLEY
DOWDY, LEO SANDOVAL, BEATRICE SANDOVAL, GERALD DIAZ,
DEBORAH DIAZ AND KAY MORRIS; from Orange County; 9th district
(09-08-00061-CV, ___ SW3d ___, 06-12-08)
abatement order issued

[**Note:** Effective as of January 7, 2009, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

08-1058 IN RE DAMON BANKHEAD

08-1059 IN RE DAVIE HARRISON, SR.; from Bowie County; 6th district
(06-08-00098-CV, ___ SW3d ___, 09-10-08)

08-1061 IN RE LAURANCE KRIEGEL

THE SUPREME COURT OF TEXAS

Orders Pronounced February 3, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0088 IN RE MEMORIAL HERMANN SURGERY CENTER-THE
WOODLANDS, L.L.P.; from Dallas County; 5th district
(05-09-00068-CV, ___ SW3d ___, 01-29-09)
relator's motion for emergency stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced February 6, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-1029 RAY C. HILL v. JO ELLEN JARVIS, NEWELL S. JARVIS, JOHN R. JARVIS, SARA ANN JARVIS THOMPSON; from Smith County; 12th district (12-07-00091-CV, ___ SW3d ___, 06-30-08)
as redrafted
- 08-1063 BLUEBONNET PETROLEUM, INC. v. KOLKHORST PETROLEUM COMPANY, INC.; from Washington County; 14th district (14-07-00380-CV, ___ SW3d ___, 10-09-08)
- 08-1074 JACK A. COLMENERO D/B/A COASTAL HOME DESIGNERS, A.K.A. JACK A. COLMENERO, DESIGNER-BUILDER, INC. v. RODOLFO R. MARTINEZ AND OLIVIA L. MARTINEZ; from Nueces County; 13th district (13-08-00246-CV, ___ SW3d ___, 11-20-08)
- 09-0042 IN THE INTEREST OF J.W. AND N.W., CHILDREN; from Tarrant County; 2nd district (02-08-00145-CV, ___ SW3d ___, 11-26-08)

THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 09-0008 JAMES AND DOROTHY ADAMS v. WMC MORTGAGE CORP., EMMANUEL D. GAINES AND DARRELL TURNER; from Harris County; 14th district (14-06-00671-CV, ___ SW3d ___, 07-03-08)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed February 17, 2009."

- 09-0095 CINDY SCHLAPPER v. RAND FOREST, BUCK CHILDERS, ROBERT LEONARD STEWART D/B/A ROBERT LEONARD, MIKE KEUHL, SHORELINE DEVELOPMENT, FLAGSHIP MARINE, DOROTHY STEWART UZZELL, BETTY STEWART HANSON; from Travis County;

3rd district (03-06-00315-CV, ___ SW3d ___, 11-07-08)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(c), (d) and 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed February 17, 2009."

ORDERS ON MOTIONS FOR REHEARING

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

- 08-0396 CITY OF DALLAS v. KEISHA HEARD, ET AL.; from Dallas County; 5th district (05-07-00762-CV, 252 SW3d 98, 04-22-08)
- 08-0691 ESTATE OF CHARLEY G. MARTIN, DECEASED, ALICE LONGFELLOW, INDEPENDENT EXECUTRIX FOR THE ESTATE v. RACETRAC PETROLEUM, INC. AND WALMART STORES EAST, INC.; from Tarrant County; 2nd district (02-06-00124-CV, ___ SW3d ___, 06-12-08)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE ABATED:

- 08-0977 IN RE RUBEN S. MARTIN III; from Harris County; 1st district (01-08-00782-CV, ___ SW3d ___, 11-14-08)
abatement order issued

[**Note:** The case is abated under TEX. R. APP. P. 7.2(b) for thirty days.]

- 09-0051 IN RE MILTON M. SMITH; from Dallas County; 5th district (05-08-01150-CV, ___ SW3d ___, 09-12-08)
abatement order issued

[**Note:** Effective as of January 30, 2009, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-1086 IN RE BILLY HOLMES A/K/A BILLY RIHCARDS; from Bee County; 13th district (13-08-00578-CV, ___ SW3d ___, 10-09-08)
- 09-0056 IN RE PAUL JAMES KOUMJIAN; from Walker County; 10th district
motion for leave to file interlocutory appeal, being treated as a petition for writ of mandamus, denied
emergency motion for relief denied
motion for access to photocopier denied
motion to forward record denied

THE SUPREME COURT OF TEXAS

Orders Pronounced February 9, 2009

MISCELLANEOUS

THE MOTION FOR TEMPORARY RELIEF IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0002 IN RE MID-CONTINENT PREFERRED LIFE INSURANCE CO.; from El Paso County; 8th district (08-08-00298-CV, ___ SW3d ___, 12-11-08) emergency motion for temporary relief denied

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

THE SUPREME COURT OF TEXAS

Orders Pronounced February 10, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0117 IN RE C.S.; from Lubbock County; 7th district
(07-08-00370-CV, ___ SW3d ___, 01-09-09)
relator's motion for emergency stay of genetic testing denied

THE SUPREME COURT OF TEXAS

Orders Pronounced February 13, 2009

ORDERS ON CAUSES

06-0867 PINE OAK BUILDERS, INC. v. GREAT AMERICAN LLOYDS
INSURANCE COMPANY; from Harris County; 14th district
(14-05-00487-CV, ___ SW3d ___, 07-06-06)
2 petitions

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

Justice Willett delivered the opinion of the Court.

07-0419 IN RE LABATT FOOD SERVICE, L.P.; from Bexar County; 4th district
(04-07-00312-CV, ___ SW3d ___, 05-16-07)

The Court conditionally grants the petition for writ of mandamus.

Justice Johnson delivered the opinion of the Court.

07-0924 OLD FARMS OWNERS ASSOCIATION, INC. AND SUSAN C. LEE,
TRUSTEE OF THE TRUST CREATED UNDER ARTICLE IV OF THE
WILL OF KATHERINE P. BARNHART, DECEASED v. HOUSTON
INDEPENDENT SCHOOL DISTRICT, ET AL.; from Harris County; 1st
district (01-04-00538-CV, 236 SW3d 375, 07-26-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the
petition for review and without hearing oral argument, the Court reverses the
court of appeals' judgment and reinstates the trial court's judgment.

Per Curiam Opinion

08-0093 IN RE GAYLE E. COPPOCK; from Denton County; 2nd district
(02-07-00427-CV, ___ SW3d ___, 01-04-08)

The Court grants the petition for writ of habeas corpus and sets aside the
order of contempt.

Justice O'Neill delivered the opinion of the Court.

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 06-0097 GILBERT KERLIN, INDIVIDUALLY, GILBERT KERLIN, TRUSTEE, WINDWARD OIL & GAS CORP., AND PI CORP v. GLORIA SOTO ARIAS, ET AL.; from Cameron County; 13th district (13-03-00364-CV, ___ SW3d ___, 01-05-06)
- 08-0524 IN RE DEPARTMENT OF FAMILY & PROTECTIVE SERVICES; from Harris County; 1st district (01-08-00348-CV, 265 SW3d 545, 06-30-08) stay order issued July 3, 2008, as reinstated, lifted

ORDERS ON CASES GRANTED

THE FOLLOWING DISCIPLINARY APPEAL IS SET FOR ORAL ARGUMENT:

- 08-0705 BOMA O. ALLISON v. COMMISSION FOR LAWYER DISCIPLINE

[**Note:** This case has been set for oral argument at 9:00 a.m., March 11, 2009.]

Time allotted to argue: 20/20 minutes

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 07-0205 WAFFLE HOUSE, INC. v. CATHIE WILLIAMS; from Tarrant County; 2nd district (02-05-00373-CV, ___ SW3d ___, 02-01-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 12, 2009.]

Time allotted to argue: 20/20 minutes

- 07-0815 INTERCONTINENTAL GROUP PARTNERSHIP v. KB HOME LONE STAR L.P.; from Hidalgo County; 13th district (13-06-00617-CV, ___ SW3d ___, 08-23-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 12, 2009.]

Time allotted to argue: 20/20 minutes

08-0043 TIMPTE INDUSTRIES, INC. AND TIMPTE, INC. v. ROBERT GISH AND PINNACOL ASSURANCE; from Hale County; 7th district (07-06-00215-CV, ___ SW3d ___, 11-30-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 11, 2009.]

Time allotted to argue: 20/20 minutes

08-0175 WHIRLPOOL CORPORATION v. MARGARITA CAMACHO, ET AL.; from Hidalgo County; 13th district (13-05-00361-CV, 251 SW3d 88, 01-17-08)

[**Note:** Oral argument of this case will be conducted on Tuesday, March 10, 2009 at 9:00 a.m. at South Texas College of Law, Houston, Texas. *See* TEX. CONST. ART. V, § 3(a).]

Time allotted to argue: 20/20 minutes

(Justice O'Neill not sitting)

08-0262 ROY KENJI YAMADA, M.D. v. LAURA FRIEND, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SARAH ELIZABETH FRIEND, DECEASED, AND LUTHER FRIEND, INDIVIDUALLY; from Tarrant County; 2nd district (02-07-00177-CV, ___ SW3d ___, 02-28-08)

[**Note:** Oral argument of this case will be conducted on Tuesday, March 10, 2009 at 9:00 a.m. at South Texas College of Law, Houston, Texas. *See* TEX. CONST. ART. V, § 3(a).]

Time allotted to argue: 20/20 minutes

08-0363 STATE OFFICE OF RISK MANAGEMENT v. MARY LAWTON; from Brazos County; 10th district (10-07-00072-CV, 256 SW3d 436, 04-16-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 11, 2009.]

Time allotted to argue: 20/20 minutes

08-0390 MBM FINANCIAL CORPORATION N/K/A MBM FINANCIAL

INTERESTS, L.P. AND MARIMON BUSINESS SYSTEMS, INC. v. THE WOODLANDS OPERATING COMPANY, L.P.; from Montgomery County; 9th district (09-07-00060-CV, 251 SW3d 174, 04-10-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 12, 2009.]

Time allotted to argue: 20/20 minutes

(Justice O'Neill not sitting)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS SET FOR ORAL ARGUMENT:

08-0836 IN RE WEEKLEY HOMES, L.P.; from Dallas County; 5th district (05-08-01249-CV, ___ SW3d ___, 09-24-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 31, 2009.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

06-1018 D.R. HORTON-TEXAS, LTD. v. MARKEL INTERNATIONAL INSURANCE COMPANY, LTD.; from Harris County; 14th district (14-05-00486-CV, ___ SW3d ___, 10-26-06)

07-1046 SHWURONG C. HSU v. BOBBY YU-CHEN LIU; from Montgomery County; 9th district (09-06-00423-CV, ___ SW3d ___, 11-15-07)

08-0205 BAYLOR COLLEGE OF MEDICINE v. ROY A. CAMBERG, ADMINISTRATOR OF THE ESTATE OF ANA JULIA ORTIZ, DECEASED; AND TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES, AS NEXT FRIEND OF ANA DELIA MEJIA ORTIZ, A MINOR, ENID VALENTINA MEJIA ORTIZ, A MINOR, AND RIGOBERTO MEJIA ORITZ, A MINOR; from Harris County; 14th district (14-06-00500-CV, 247 SW3d 342, 01-29-08)

- 08-0351 IN THE INTEREST OF J.C., A CHILD; from Tarrant County; 2nd district (02-07-00081-CV, 250 SW3d 486, 03-13-08)
- 08-0399 POKORNE PRIVATE CAPITAL GROUP, LLC v. 21ST MORTGAGE CORP. & NELLA INVESTMENTS, INC.; from Williamson County; 13th district (13-06-00575-CV, ___ SW3d ___, 04-10-08)
- 08-0451 IHS ACQUISITION NO. 140, INC. D/B/A HARBOR VIEW CARE CENTER; LYRIC HEALTH CARE HOLDINGS III, INC.; AND LYRIC HEALTH CARE, LLC v. RUDY G. TRAVIS, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF CHRISTINA APUSEN, DECEASED; DAVID K. TRAVIS, JR.; AND MANUEL K. APUSEN, JR.; from Nueces County; 13th district (13-07-00481-CV, ___ SW3d ___, 04-24-08)
- 08-0520 IFC CREDIT CORPORATION v. SPECIALTY OPTICAL SYSTEMS, INC.; from Dallas County; 5th district (05-06-01082-CV, 252 SW3d 761, 04-24-08)
- 08-0639 BARBARA MOSS SCHULZE v. EMC MORTGAGE CORPORATION; from Bexar County; 8th district (08-07-00098-CV, ___ SW3d ___, 05-22-08)
- 08-0657 STATE OFFICE OF RISK MANAGEMENT v. CAROL SIMPSON; from El Paso County; 8th district (08-06-00124-CV, ___ SW3d ___, 05-22-08)
- 08-0662 DANNY VAUGHAN AND KATHLEEN VAUGHAN v. ROSS PHILLIPS, D/B/A READY-BUILT HOMES AND ON-SITE CONSTRUCTION; from Briscoe County; 7th district (07-06-00208-CV, ___ SW3d ___, 04-30-08)
- 08-0697 ALESA KELLY v. DALLAS, GARLAND & NORTHEASTERN RAILROAD, INCORPORATED AND UNION PACIFIC RAILROAD COMPANY; from Grayson County; 5th district (05-06-00456-CV, 260 SW3d 212, 07-17-08)
as redrafted
- 08-0707 IN THE INTEREST OF A.G.G., A CHILD; from Bexar County; 4th district (04-07-00165-CV, 267 SW3d 165, 06-25-08)
- 08-0724 CUATRO PETRO CORP. v. MCGILL REAL ESTATE, LLC; from Dimmit County; 4th district (04-07-00648-CV, ___ SW3d ___, 06-04-08)
- 08-0731 DAN DAWSON, WILLIAM W. DAWSON, JR., (DAN DAWSON'S DAD), RUDY BRINER, STEVEN CLARK HAYS AND JAMES K. ASHLOCK v. R.M. DUDLEY CONSTRUCTION COMPANY, INC.; from Brazos County;

10th district (10-06-00228-CV, 258 SW3d 694, 05-28-08)

- 08-0739 SUSAN MCLENDON, JOANN BOWSHOT AND PATRICIA PONDOFF v. LANDY HUMPHREY AND J. SCOTT KILLOUGH; from Smith County; 12th district (12-06-00222-CV, ___ SW3d ___, 06-18-08)
- 08-0746 CARITA ELIZABETH WARD AND DUSTIN WARD v. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER AND UNIVERSITY MEDICAL CENTER; from Lubbock County; 7th district (07-07-00451-CV, ___ SW3d ___, 08-06-08)
- 08-0749 KARAN R. MOSELEY, M.D. v. OMEGA OB-GYN ASSOCIATES OF SOUTH ARLINGTON; from Tarrant County; 2nd district (02-06-00291-CV, ___ SW3d ___, 06-19-08)
- 08-0750 CAROLYN LEE AND KEITH E. CUMMINGS v. TIMOTHY J. DANIELS & ASSOCIATES, P.C.; from Bexar County; 4th district (04-07-00096-CV, 264 SW3d 273, 05-14-08)
- 08-0754 EVEREST NATIONAL INSURANCE COMPANY v. FEDERAL INSURANCE COMPANY; from Dallas County; 5th district (05-06-01144-CV, 257 SW3d 771, 04-15-08)
- 08-0771 DALLAS COUNTY MEDICAL SOCIETY AND TEXAS MEDICAL ASSOCIATION v. EMMANUEL E. UBIÑAS-BRACHE, M.D.; from Dallas County; 5th district (05-07-00129-CV, 261 SW3d 800, 08-05-08)
- 08-0787 PENHOLLOW CUSTOM HOMES, LLC AND STEVEN J. PENHOLLOW v. LATROY HAWKINS, ANITA HAWKINS AND JOSE GOMEZ; from Collin County; 5th district (05-07-01101-CV, ___ SW3d ___, 08-06-08)
- 08-0816 BARBARA ALLEN AND ANDREW SIDNEY ALLEN III v. THOMAS EVERETT ALLEN; from Llano County; 7th district (07-06-00150-CV, ___ SW3d ___, 08-21-08)
- 08-0863 RYAN SERVICES, INCORPORATED AND TIMOTHY RYAN v. PHILLIP SPENRATH, ED ERWIN, KENNY MARTIN, ROBERT BOONE, ANTHONY COLLINS, GLORIA HARRIS, CINDY CERNY AND CITY OF EL CAMPO, TEXAS; from Wharton County; 13th district (13-08-00105-CV, ___ SW3d ___, 08-28-08)
- 08-0874 SONNY ELLEN D/B/A SONNY ELLEN BAIL BONDS v. GRIMES COUNTY BAIL BOND BOARD; from Grimes County; 14th district

(14-06-00906-CV& 14-06-00907-CV, 267 SW3d 310, 07-22-08)

- 08-0877 DANNY'S SERVICE CO., INC., DANNY'S SERVICE CO. OF DENVER CITY, L.L.C. AND ROBERTO VILLEGAS v. MIKEAL TORRES, INDIVIDUALLY AND AS NEXT FRIEND OF DAYLON TORRES, RANDON TORRES, DUSTIN TORRES, COLLYN TORRES, ZACHERY TORRES, AND KOBY TORRES, MINOR CHILDREN AND REPRESENTATIVE OF THE ESTATE OF CENCI TORRES; from Gaines County; 11th district (11-07-00104-CV, 266 SW3d 485, 07-17-08)
- 08-0885 CURTIS R. SELLERS, HARVEY DEVELOPMENT CO. INC., TONY AGUILAR v. MARCELO GOMEZ, INDIVIDUALLY AND AS PURPORTED TRUSTEE, MICHAEL AINSA AND AINSA HUTSON, LLP; from El Paso County; 8th district (08-05-00308-CV, ___ SW3d ___, 07-31-08)
- 08-0888 DENNIS HOLT AND ANN HOLT, INDIVIDUALLY AND DENNIS HOLT REAL ESTATE v. DARYL ROBERTSON AND SELENA ROBERTSON; from Hutchinson County; 7th district (07-06-00220-CV, ___ SW3d ___, 05-21-08)
- 08-0911 EDMUND BRYAN HEIMLICH v. THE STATE OF TEXAS; from Travis County; 3rd district (03-05-00827-CV, ___ SW3d ___, 07-31-08) as redrafted
- 08-0954 KENNETH L. CASTEEL v. RAYMOND A. SINGLETON, WALTER A. HAMMANN, IV, THE CITY OF LEAGUE CITY, TEXAS AND THE LEAGUE CITY POLICE DEPARTMENT; from Galveston County; 14th district (14-07-00932-CV, 267 SW3d 547, 09-25-08)
- 08-0997 THE MEGA LIFE AND HEALTH INSURANCE COMPANY AND DOLLY COLBERT v. LUCINDA J. MYERS, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BARRY A. LONG; from Potter County; 7th district (07-06-00233-CV, ___ SW3d ___, 04-17-08)
- 08-1002 PHILIP A. MOORE, M.D. v. KRISTY GATICA; from Tarrant County; 2nd district (02-06-00442-CV, 269 SW3d 134, 10-09-08)
- 08-1037 VERONICA MONTES v. JORGE VILLAREAL, M.D.; from El Paso County; 8th district (08-06-00326-CV, ___ SW3d ___, 10-23-08)
- 08-1048 DANIEL GOLDBERG v. COMMISSION FOR LAWYER DISCIPLINE AND STATE BAR OF TEXAS; from Harris County; 1st district (01-07-01104-CV, ___ SW3d ___, 07-03-08)

- 08-1067 MICHAEL S. ROGERS AND AUDREY DIANE ROGERS v. TOMMY PEELER, ET AL.; from Gregg County; 6th district (06-08-00081-CV, 271 SW3d 372, 11-12-08)
- 08-1077 MAURICE AMIDEI AND SIERRA LAND & MINERALS, INC. v. PRESTO TIERRA, LTD.; from Bexar County; 4th district (04-07-00886-CV, ___ SW3d ___, 10-29-08)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 08-1031 KAREN C. REYNOLDS v. NEAL NAGELY D/B/A LAW FIRM OF NEAL NAGELY; from Collin County; 5th district (05-06-00856-CV, ___ SW3d ___, 08-21-08)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed February 23, 2009."

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

- 08-1016 VERONICA ELWELL v. COUNTRYWIDE HOME LOANS, INC. F/B/O WARBURG REAL ESTATE SECURITIES, INC.; from Dallas County; 5th district (05-07-01753-CV, 267 SW3d 566, 10-15-08)

ORDERS ON MOTIONS FOR REHEARING

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

- 07-0992 GRIFFIN, L.L.C. v. ADOBE LAND CORPORATION, ADOBE CATTLE COMPANY (A GENERAL PARTNERSHIP), CHERRY CREEK FARMS (A GENERAL PARTNERSHIP), VANGUARD AG SERVICES, INC., AND ADOBE IRRIGATION AND AG SERVICES, L.L.C.; from Tarrant County; 2nd district (02-06-00097-CV, 236 SW3d 351, 07-12-07)
- 08-0178 IN THE INTEREST OF C.A.M.M., A MINOR CHILD; from Harris County; 14th district (14-06-00279-CV, 243 SW3d 211, 10-30-07)

08-0552 CARRIE COOPER, M.D. v. RAUL ARIZPE, INDIVIDUALLY AND ALVERA D. ARIZPE, INDIVIDUALLY AND AS GUARDIAN OF LINDA DIANE ARIZPE; from Bexar County; 4th district (04-07-00734-CV, ___ SW3d ___, 04-09-08)

08-0567 BRUCE WAYNE HOUSER v. KENNY K. ALLEN, ET AL.; from Jefferson County; 9th district (09-07-00106-CV, ___ SW3d ___, 05-15-08)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

08-0976 IN RE ELVERA M. JOHNSON, IN HER OFFICIAL CAPACITY AS DISTRICT CLERK OF PARKER COUNTY, TEXAS; from Parker County; 2nd district (02-08-00063-CV, ___ SW3d ___, 04-18-08)

08-1025 IN RE AXEL MICHAEL SIGMAR; from Walker County; 10th district (10-08-00328-CV, 270 SW3d 289, 11-05-08)

08-1084 IN RE LAURANCE KRIEGEL; from Parmer County; 7th district (07-08-00391-CV, ___ SW3d ___, 10-31-08)

08-1085 IN RE LAURANCE KRIEGEL; from Parmer County

09-0017 IN RE EDDIE EDINGTON; from Shackelford County; 2nd district (02-08-00415-CV, ___ SW3d ___, 11-26-08)
motion to dismiss for lack of subject matter jurisdiction and request for sanctions denied

09-0018 IN RE JOSE LUIS PENA; from Cameron County; 13th district (13-94-00303-CV, ___ SW3d ___, 03-20-97)

09-0074 IN RE JOHN THOMAS IZZO; from Williamson County; 3rd district (03-08-00740-CV, ___ SW3d ___, 01-08-09)
motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced February 17, 2009

MISCELLANEOUS

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

09-0131 IN RE SCI TEXAS FUNERAL SERVICES, INC. DBA HIGHLAND
MEMORIAL PARK; AND SERVICE CORPORATION INTERNATIONAL;
from Hidalgo County; 13th district
(13-09-00054-CV, ___ SW3d ___, 02-12-09)
relators' motion for temporary relief and for expedited consideration thereof
granted
stay order issued
requested response due by 3:00 p.m., February 27, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced February 20, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0957 IN THE INTEREST OF M.C., N.H. AND D.C., CHILDREN; from Tarrant County; 2nd district (02-08-00125-CV, ___ SW3d ___, 10-09-08)
- 08-0967 WESTON ADAMS v. STATE FARM MUTUAL AUTOMOBILE INSURANCE CO.; from Dallas County; 5th district (05-06-00006-CV, 264 SW3d 424, 08-25-08)
- 08-0979 SANDRA FITZPATRICK v. LEASECOMM CORPORATION AND EAST TEXAS PROFESSIONAL CREDIT UNION, LONGVIEW; from Gregg County; 12th district (12-07-00487-CV, ___ SW3d ___, 09-17-08)
- 09-0011 IN THE INTEREST OF C.M.J.S., A CHILD; from Dallas County; 5th district (05-07-01029-CV, 269 SW3d 206, 10-22-08)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 09-0126 CORDELL MOODY v. KYLE JAMES; from Harrison County; 6th district (06-08-00132-CV, ___ SW3d ___, 01-21-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.3(b) and 53 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed March 2, 2009."

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-0804 IN RE MILLENNIUM MULTIPLE EMPLOYER WELFARE BENEFIT PLAN, MILLENNIUM MARKETING GROUP, INC., NORMAN BEVAN,

AND INNOVUS FINANCIAL SOLUTIONS, INC.; from Dallas County; 5th district (05-08-01025-CV, ___ SW3d ___, 08-11-08)
as reinstated
motion to stay proceedings in the trial court denied

08-1053 IN RE DELFINO GONZALEZ; from Comal County; 3rd district (03-08-00674-CV, ___ SW3d ___, 11-20-08)

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR REVIEW:

08-0938 HOUSTON WINDCREST WEST ROAD I, L.P. v. FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER FOR WASHINGTON MUTUAL BANK; from Dallas County; 5th district (05-07-01261-CV, 262 SW3d 856, 08-25-08)
unopposed motion for stay pending exhaustion of the mandatory administrative claim process granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced February 24, 2009

MISCELLANEOUS

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

08-1064 IN RE POLYMERICA, LLC D/B/A GLOBAL ENTERPRISES, INC.; from El Paso County; 8th district (08-08-00070-CV, 271 SW3d 442, 11-25-08)
relator's emergency motion to stay granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced February 27, 2009

ORDERS ON CAUSES

05-0030 TXI OPERATIONS, L.P. v. DAVID PERRY; from Liberty County; 9th district (09-04-00070-CV, ___ SW3d ___, 11-18-04)

The Court affirms the court of appeals' judgment.

Justice Green delivered the opinion of the Court, in which Chief Justice Jefferson, Justice O'Neill, Justice Wainwright, Justice Brister, and Justice Johnson joined.

Justice Hecht delivered a dissenting opinion, in which Justice Medina and Justice Willett joined.

07-0599 RETAMCO OPERATING, INC. v. REPUBLIC DRILLING COMPANY; from Bexar County; 4th district (04-06-00727-CV, ___ SW3d ___, 03-28-07)

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

Justice Green delivered the opinion of the Court.

07-0901 IN RE BANK OF AMERICA, N.A.; from Tarrant County; 2nd district (02-05-00397-CV, 232 SW3d 145, 05-03-07)

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

Per Curiam Opinion

(Justice Johnson not sitting)

08-0405 RETAMCO OPERATING, INC. v. DOUGLAS B. MCCALLUM, LLC; from Bexar County; 4th district (04-07-00482-CV, ___ SW3d ___, 04-09-08)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

08-0482 IN RE JOANNE LOVITO-NELSON; from Tarrant County

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

Per Curiam Opinion

08-0805 IN RE JINDAL SAW LIMITED, JINDAL ENTERPRISES LLC, AND SAW PIPES USA; from Harris County; 1st district (01-07-01068-CV, 264 SW3d 755, 05-22-08) stay order issued October 24, 2008, lifted

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

Per Curiam Opinion

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

05-0171 SOUTHWESTERN BELL TELEPHONE COMPANY, L.P., D/B/A SBC TEXAS v. WILLIAM C. MITCHELL, BENEFICIARY OF LOUISE MITCHELL, DECEDENT; from Bexar County; 4th district (04-04-00466-CV, ___ SW3d ___, 01-26-05)

(Justice Green not sitting)

05-0721 SSP PARTNERS AND METRO NOVELTIES, INC. v. GLADSTRONG INVESTMENTS (USA) CORPORATION; from Hidalgo County; 13th district (13-02-00671-CV, 169 SW3d 27, 04-07-05)

07-0040 IN RE GLOBALSANTAFE CORPORATION; from Harris County; 14th district (14-06-00625-CV, ___ SW3d ___, 12-19-06)

08-0125 IN RE SHONDRA BUSTER, PERSONAL REPRESENTATIVE OF THE ESTATE OF JAMES BREWER; from Nacogdoches County; 12th district (12-06-00349-CV, 243 SW3d 848, 01-16-08)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

08-0110 AMERICAN GENERAL FINANCE, INC. v. KYLE ALLEN; from Bexar County; 4th district (04-06-00273-CV, 251 SW3d 676, 11-28-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 31, 2009.]

Time allotted to argue: 20/20 minutes

08-0172 TEXAS COMPTROLLER OF PUBLIC ACCOUNTS v. ATTORNEY GENERAL OF TEXAS AND THE DALLAS MORNING NEWS, LTD.; from Travis County; 3rd district (03-07-00102-CV, 244 SW3d 629, 01-17-08)

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

(Justice Hecht not sitting)

08-0444 MYRAD PROPERTIES, INC. v. LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE REGISTERED HOLDERS OF GMAC COMMERCIAL MORTGAGE SECURITIES, INC., COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 1997-C1, ROBIN GREEN, AND MELISSA COBB; from Bell County; 3rd district (03-07-00240-CV, 252 SW3d 605, 03-28-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 31, 2009.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0398 JERRY GURKOFF, D.O. v. ROSEMARY JERSAK; from Tarrant County; 2nd district (02-07-00101-CV, ___ SW3d ___, 04-10-08)

Justice Brister, joined by Justice Hecht, delivered an opinion dissenting from the denial

08-0526 CITY OF HOUSTON v. ALAN HILDEBRANDT; from Harris County; 1st

district (01-06-00936-CV, 265 SW3d 22, 02-28-08)

- 08-0807 CENTER FOR NEUROLOGICAL DISORDERS, P.A. v. ROGER P. GEORGE AND JULIET A. GEORGE; from Tarrant County; 2nd district (02-06-00105-CV, 261 SW3d 285, 07-10-08)
- 08-0822 THE DANESHJOU COMPANY, INC. v. W. LEE BROWN & SONS, INC.; from Travis County; 3rd district (03-04-00740-CV, ___ SW3d ___, 08-08-08)
- (Justice O'Neill not sitting)
- 08-0850 FOR KIDS ONLY CHILD DEVELOPMENT CENTER, INC. v. PHILADELPHIA INDEMNITY INSURANCE COMPANY; from Dallas County; 5th district (05-07-00546-CV, 260 SW3d 652, 07-25-08)
- 08-0901 SSHG, LLC D/B/A SUPPORT SERVICES HOLDINGS GROUP AND LEGACY SUPPORT SERVICES, LTD. v. ERIC IAN LEWIS; from McLennan County; 10th district (10-07-00064-CV, ___ SW3d ___, 09-10-08)
- 08-0916 LARRY RAMSEY v. JEFFREY L. DAVIS AND TAMARA M. DAVIS; from Collin County; 5th district (05-07-00327-CV, 261 SW3d 811, 08-11-08)
- 08-0930 SIMMONS THEODORE YLIYAH NA'BI v. LYNWOOD COOK, SUZZAN FLEMING, KEN KUYKENDALL AND CHARLOTTE WEST; from Anderson County; 6th district (06-08-00044-CV, ___ SW3d ___, 08-28-08)
- 08-0953 IN RE THE COMMITMENT OF WESLEY MILLER; from Montgomery County; 9th district (09-07-00062-CV, 262 SW3d 877, 08-28-08)
- 08-0986 LUIS S. LAGAITE, JR. v. BRAD LIVINGSTON, ET AL.; from Travis County; 3rd district (03-07-00067-CV, ___ SW3d ___, 08-27-08)
- 08-0994 KELLY FOSTER HENDON v. BEVERLY FOSTER TURNER; from Dallas County; 8th district (08-07-00234-CV, 269 SW3d 243, 10-30-08)
- 08-0998 STEVEN TAYLOR v. CITY OF TEMPLE, TEXAS; from Bell County; 3rd district (03-07-00630-CV, 268 SW3d 852, 10-16-08)
- 08-1040 CARLOS JAVIER ECHEVERRY v. STATE OF TEXAS; from Victoria County; 13th district (13-07-00406-CV, 267 SW3d 423, 08-21-08)

- 08-1062 CURTIS R. FRANCIS v. TDCJ-CID, ET AL.; from Anderson County; 6th district (06-08-00035-CV, ___ SW3d ___, 10-17-08)
- 08-1065 LAMB COUNTY ELECTRIC COOPERATIVE, INC. v. PUBLIC UTILITY COMMISSION OF TEXAS; from Travis County; 3rd district (03-04-00593-CV, 269 SW3d 260, 11-07-08)
- 08-1088 GEORGE SMITH v. THE STATE OF TEXAS; from Dallas County; 5th district (05-08-00991-CV, ___ SW3d ___, 12-03-08)
- 09-0028 CLAUDIA IVONNE MARIE v. DAVID R. VELASQUEZ; from Bexar County; 4th district (04-08-00271-CV, ___ SW3d ___, 12-03-08)
- 09-0030 FRED L. PEREZ, M.D. v. SANTOS SALINAS, ARGELIA SALINAS AND JOE CISNEROS; from Hidalgo County; 13th district (13-08-00192-CV, ___ SW3d ___, 11-25-08)
- 09-0036 SAMUEL MUGENYI KADYEBO v. TEXAS DEPARTMENT OF PUBLIC SAFETY; from Tarrant County; 2nd district (02-08-00398-CV, ___ SW3d ___, 12-18-08)
- 09-0059 HECTOR ISRAEL LOPEZ v. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Harris County; 1st district (01-08-00111-CV, ___ SW3d ___, 09-25-08)
as redrafted

ORDERS ON MOTIONS FOR REHEARING

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

- 08-0993 JOHN MICHAEL ENGLISH v. ANTHONY L. MARTINEZ; from Comal County; 3rd district (03-06-00705-CV, 267 SW3d 521, 08-29-08)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 08-0375 IN RE ALLSTATE INSURANCE COMPANY, ALLSTATE INDEMNITY COMPANY, AND ALLSTATE PROPERTY & CASUALTY INSURANCE COMPANY; from Travis County; 3rd district (03-04-00621-CV, ___ SW3d ___, 06-29-05)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-0934 IN RE NAKITA RUIZ; from Harris County; 4th district
(04-08-00803-CV, ___ SW3d ___, 10-31-08)
motion to dismiss for mootness dismissed as moot
- 08-1008 IN RE DANNA LEE WATSON; from Montgomery County; 9th district
(09-08-00463-CV, ___ SW3d ___, 10-30-08)
- 09-0007 IN RE KENNETH HOLMES AND HELEN HOLMES; from Jefferson
County; 9th district (09-08-00409-CV, ___ SW3d ___, 10-02-08)
- 09-0040 IN RE AMANDA SOTO; from Lubbock County; 7th district
(07-08-00380-CV, 270 SW3d 732, 10-31-08)
- 09-0055 IN RE PATRICIA ANN POWERS; from Montgomery County; 9th district
(09-08-00466-CV, ___ SW3d ___, 11-20-08)
- 09-0110 IN RE BRIAN FREEMAN BARKLEY; from Potter County; 7th district
(07-08-00491-CV, ___ SW3d ___, 01-29-09)
relator's motion for emergency relief denied
- 09-0168 IN RE JOSEPH ONWUTEAKA
relator's motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced March 2, 2009

MISCELLANEOUS

THE MOTION TO STAY IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0158 IN RE WALEED KHAN AND WYTHE II CORPORATION; from Jefferson County; 9th district (09-08-00539-CV, ___ SW3d ___, 02-12-09)
relator's motion for emergency stay in trial court denied

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

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

09-0178 IN RE LINDA DARLENE HALFORD; from Dallas County; 5th district
(05-09-00146-CV, ___ SW3d ___, 02-24-09)

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rules of Appellate Procedure 52.6 and is struck."

THE SUPREME COURT OF TEXAS

Orders Pronounced March 3, 2009

ORDERS ON CAUSES

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

08-0363 STATE OFFICE OF RISK MANAGEMENT v. MARY LAWTON; from Brazos County; 10th district (10-07-00072-CV, 256 SW3d 436, 04-16-08) motion to share allotted time of oral argument with amicus curiae granted

Time allotted to argue: 20/15/5 minutes

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

09-0183 IN RE ROBERT E. PHILLIPS, JR.; from Harris County; 1st district (01-08-00670-CV, ___ SW3d ___, 12-11-08) motion to extend the length of application for discretionary review denied

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.3(b), 52.1, 52.2, 52.3, 52.3(j)(1), and 52.6 and is struck."

THE SUPREME COURT OF TEXAS

Orders Pronounced March 6, 2009

ORDERS ON CAUSES

07-0522 BENNY P. PHILLIPS, M.D. v. DALE BRAMLETT, INDIVIDUALLY AND AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF VICKI BRAMLETT, DECEASED, SHANE FULLER AND MICHAEL FULLER; from Lubbock County; 7th district (07-05-00456-CV, 258 SW3d 158, 03-19-07)

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

Justice Medina delivered the opinion of the Court, in which Justice Wainwright, Justice Brister, Justice Johnson, and Justice Willett joined.

Justice O'Neill delivered a dissenting opinion, in which Chief Justice Jefferson, Justice Hecht, and Justice Green joined.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0968 JOSE JORGE MORENO AND ANALISA MORENO v. BP AMERICA PRODUCTION COMPANY; BP AMERICA, INC.; BP PRODUCTS NORTH AMERICA, INC.; BP PIPELINES (NORTH AMERICA), INC.; BP NORTH AMERICAN PETROLEUM, INC.; AND PAT AUBE; from McMullen County; 4th district (04-08-00036-CV, ___ SW3d ___, 09-10-08)

08-0969 ROGER AND LINDA HOOPER v. BOBBY SMALLWOOD, INDIVIDUALLY AND DBA BOBBY SMALLWOOD CONSTRUCTION COMPANY, INC., ROBERT SKINNER, INDIVIDUALLY AND DBA ROBERT SKINNER CONCRETE CONTRACTORS; from Lamar County; 6th district (06-07-00075-CV, 270 SW3d 234, 10-22-08)

08-1082 GAIL SMITH v. DR. ALAN HENSON, D.C.; from Tarrant County; 2nd district (02-07-00151-CV, 270 SW3d 673, 10-02-08)

- 08-1083 SOUTHWEST AVIATION SPECIALTIES, LLC AND DAVID C. GUZMAN, AN INDIVIDUAL v. WILMINGTON AIR VENTURES IV, INC. AND DELISA AIRCRAFT MANAGEMENT, INC.; from Tarrant County; 2nd district (02-08-00062-CV, ___ SW3d ___, 11-20-08)
- 09-0010 STEPHANIE L. TROEGER, D.D.S. v. MARGARET MYKLEBUST; from Harris County; 14th district (14-07-00884-CV, 274 SW3d 104, 08-28-08)

ORDERS ON MOTIONS FOR REHEARING

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

- 08-0374 ROSA SERRANO v. RYAN'S CROSSING APARTMENTS; from El Paso County; 8th district (08-05-00325-CV, 241 SW3d 560, 05-31-07)
- 08-0737 DONALD RAY MCCRAY v. DOUGLAS D. MULDER; from Dallas County; 5th district (05-08-00420-CV, ___ SW3d ___, 07-02-08)
- 08-0812 DONALD C. JACKSON v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE; from Brazoria County; 1st district (01-07-00477-CV, ___ SW3d ___, 05-29-08)
- 08-0909 SAMUEL MAYO v. SUEMAUR EXPLORATION AND PRODUCTION, LLC AND WILFRED L. PELTIER; from Brazoria County; 14th district (14-07-00491-CV, ___ SW3d ___, 08-26-08)
- 08-0928 DAVID SCOT LYND v. LEA ALIENE COX; from Denton County; 2nd district (02-08-00155-CV, ___ SW3d ___, 10-09-08)

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

- 08-0955 IN RE TED LAWRENCE ROBERTSON; from Harris County
- 08-0987 IN RE BARRY WAYNE MINNFEE; 13th district (13-05-00561-CV, ___ SW3d ___, 10-15-08)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 09-0046 IN RE MR. G. JACKSON
as amended
motion for oral arguments denied
- 09-0076 IN RE LAURANCE KRIEGEL
- 09-0083 IN RE DONNA MURRAY; from Navarro County; 10th district
(10-08-00259-CV, ___ SW3d ___, 11-05-08)
- 09-0132 IN RE WALTER LEE HALL, JR., IN ALL NECESSARY CAPACITY; from
Travis County; 3rd district
petition for writ of mandamus or, alternatively, habeas petition, denied
relator's verified motion for temporary relief denied
- 09-0178 IN RE LINDA DARLENE HALFORD; from Dallas County; 5th district
(05-09-00146-CV, ___ SW3d ___, 02-24-09)
emergency motion to stay underlying proceeding denied

(Justice Johnson not sitting)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED AS
MOOT:

- 09-0002 IN RE MID-CONTINENT PREFERRED LIFE INSURANCE CO.; from El
Paso County; 8th district (08-08-00298-CV, ___ SW3d ___, 12-11-08)
relator's motion for withdrawal of petition for writ of mandamus granted

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

- 09-0109 IN RE THE HONORABLE GUY HERMAN; from Harris County; 1st district
(01-08-00804-CV, ___ SW3d ___, 12-04-08)
motion for temporary relief granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced March 11, 2009

MISCELLANEOUS

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

08-0531 IN RE INTERNATIONAL PROFIT ASSOCIATES, INC., INTERGRATED BUSINESS ANALYSIS, INC., ACCOUNTANCY ASSOCIATES, LLC., INTERNATIONAL TAX ADVISORS, INC., AND HUEY MITCHELL, JR.; from Dallas County; 5th district (05-08-00809-CV, ___ SW3d ___, 06-30-08) emergency motion for temporary relief granted stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced March 12, 2009

MISCELLANEOUS

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

09-0187 IN RE MERRILL LYNCH, PIERCE, FENNER & SMITH, INC.; FIXED INCOME SECURITIES, INC. F/K/A FIXED INCOME SECURITIES, L.P.; STERLING RESOURCES, INC.; STERLING MANAGEMENT, L.L.C.; SCOTT COLYER; AND LISA COLYER; from Dallas County; 5th district (05-09-00104-CV, ___ SW3d ___, 02-24-09)
relators' motion for temporary relief from order compelling discovery granted stay order issued
requested response due by 3:00 p.m., March 23, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced March 13, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-1009 RICHARD LUNA, INDIVIDUALLY AND D/B/A RICHARD'S MACHINE SERVICES v. DANIEL C. RUNYON AND AUTO, BUS & TRUCK, LP; from Travis County; 3rd district (03-06-00615-CV, ___ SW3d ___, 07-03-08)
- 09-0004 JOHN S. MARTIN v. SHERMAN A. BROWN; from Matagorda County; 13th district (13-07-00112-CV, ___ SW3d ___, 08-25-08)
- 09-0019 REGINALD I. BAILEY A/K/A RAY HILL v. THE STATE OF TEXAS; from Travis County; 3rd district (03-08-00367-CV, ___ SW3d ___, 12-12-08)
- 09-0022 MARK A. METZGER, JR. v. PATRICIA F. WESTBO; from Tyler County; 9th district (09-08-00241-CV, ___ SW3d ___, 11-26-08)
- 09-0045 PETE ROZELLE, JR. v. BARBARA K. FELLOWS AND DAVID BROCK; E. EDD PRITCHETT, INDIVIDUALLY AND AS TRUSTEE OF THE ROZELLE FAMILY TRUST; from Kendall County; 4th district (04-07-00600-CV, ___ SW3d ___, 11-05-08)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

- 08-0778 CMI LLOYDS v. NEAL LAIRD; from Harrison County; 6th district (06-07-00091-CV, 261 SW3d 322, 07-17-08)
joint motion to dismiss granted

ORDERS ON MOTIONS FOR REHEARING

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

- 08-0957 IN THE INTEREST OF M.C., N.H. AND D.C., CHILDREN; from Tarrant

County; 2nd district (02-08-00125-CV, ___ SW3d ___, 10-09-08)

08-0978 PACIWEST, INC. v. WARNER ALAN PROPERTIES, LLC AND WARNER ALAN/WESTCLIFF, LTD.; from Tarrant County; 2nd district (02-07-00443-CV, 266 SW3d 559, 09-11-08)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0114 IN RE MARGIE RITTENHOUSE, ET AL.; from Uvalde County; 4th district (04-08-00900-CV, ___ SW3d ___, 01-07-09)

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

09-0185 IN RE MINTER ELECTRIC COMPANY, INC.; from Dallas County; 5th district (05-08-01475-CV, ___ SW3d ___, 02-02-09)
agreed motion for temporary relief granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced March 16, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

08-0846 PETER HARDSTEEN, ET AL. v. DEAN'S CAMPIN' CO.; from Grimes County; 13th district (13-05-00468-CV, ___ SW3d ___, 08-29-08) abatement order issued

[**Note:** Effective as of February 18, 2009, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0207 IN RE HAROLD R. NEWSOM; from Montgomery County; 9th district motion for temporary emergency relief denied

THE MOTION FOR TEMPORARY RELIEF IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0161 IN RE MERRILL LYNCH & CO., INC. AND MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED; from Dallas County; 5th district (05-09-00098-CV, ___ SW3d ___, 02-17-09) motion for temporary relief denied requested response due by 3:00 p.m., March 26, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced March 20, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS DENIED:

09-0086 CA PARTNERS AND RANDALL JOHNSON v. MARSHALL SPEARS AND CITIFINANCIAL, INC.; from Galveston County; 14th district (14-07-00057-CV, 274 SW3d 51, 08-21-08)

THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

08-0783 LAWRENCE W. FEW v. CATHERINE J. FEW; from El Paso County; 8th district (08-06-00234-CV, 271 SW3d 341, 08-28-08)

The Court strikes the redrafted petition for review with the following notations: "The petition violates Texas Rules of Appellate Procedure 9.4(d) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed March 30, 2009."

09-0217 IN THE INTEREST OF C.C.W., N.R.W., M.D.W. AND K.A.W., CHILDREN; from Parker County; 2nd district (02-07-00384-CV, ___ SW3d ___, 01-08-09)

The Court strikes the redrafted petition for review with the following notations: "The petition violates Texas Rules of Appellate Procedure 9.8(b)(1)(A)(C) and 53.2(k)(1)(C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed March 30, 2009."

ORDERS ON MOTIONS FOR REHEARING

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

08-1006 DAVIE HARRISON, SR. v. WILLARD KIPER, ET AL.; from Gray County; 7th district (07-07-00322-CV, ___ SW3d ___, 09-25-08)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0183 IN RE ROBERT E. PHILLIPS, JR.; from Harris County; 1st district
(01-08-00670-CV, ___ SW3d ___, 12-11-08)
emergency motion to stay the portion of the mandamus granting the Office of
the Attorney General's motion for protective order denied
emergency motion to stay the disbursement of withheld funds denied
motion to order district clerk to file sealed records with the Court dismissed as
moot

THE SUPREME COURT OF TEXAS

Orders Pronounced March 27, 2009

ORDERS ON CAUSES

05-0729 EXXON CORPORATION AND EXXON TEXAS, INC. v. EMERALD OIL & GAS COMPANY, L.C.; from Refugio County; 13th district (13-99-00757-CV, 228 SW3d 166, 01-27-05)

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

Justice Wainwright delivered the opinion of the Court.

(Justice O'Neill not sitting)

05-1076 EXXON CORPORATION AND EXXON TEXAS, INC. v. EMERALD OIL & GAS COMPANY, L.C. AND LAURIE T. MIESCH, ET AL.; from Refugio County; 13th district (13-00-00104-CV, 180 SW3d 299, 11-29-05)

The Court reverses and renders judgment, in part, and affirms, in part, the court of appeals' judgment, and remands the case to the trial court.

Justice Wainwright delivered the opinion of the Court.

(Justice O'Neill not sitting)

06-0598 PRODIGY COMMUNICATIONS CORP. v. AGRICULTURAL EXCESS & SURPLUS INSURANCE COMPANY, N/K/A GREAT AMERICAN E & S INSURANCE COMPANY AND GREAT AMERICAN INSURANCE COMPANY; from Dallas County; 5th district (05-05-00442-CV, 195 SW3d 764, 05-30-06)

The Court reverses the court of appeals' judgment, renders judgment in part, and remands the case to the trial court.

Chief Justice Jefferson delivered the opinion of the Court, in which Justice O'Neill, Justice Wainwright, Justice Brister, Justice Medina, and Justice Green joined.

Justice Wainwright delivered a concurring opinion.

Justice Johnson delivered a dissenting opinion, in which Justice Hecht and Justice Willett joined.

07-1059 FINANCIAL INDUSTRIES CORPORATION v. XL SPECIALTY INSURANCE COMPANY

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

Chief Justice Jefferson delivered the opinion of the Court.

08-0073 PROGRESSIVE COUNTY MUTUAL INSURANCE COMPANY v. REGAN KELLEY; from Brazos County; 10th district (10-06-00263-CV, ___ SW3d ___, 12-12-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

08-0163 EMMANUEL GINN, A&R TRANSPORT, INC., KEITH JACKSON, STEVE BRANTLEY v. JEFF FORRESTER AND KIM FORRESTER; from Harris County; 14th district (14-06-00549-CV, ___ SW3d ___, 01-10-08)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and renders judgment.

Per Curiam Opinion

THE FOLLOWING CAUSES ARE REINSTATED:

06-0416 IN RE COLUMBIA MEDICAL CENTER OF LAS COLINAS, SUBSIDIARY, L.P. D/B/A LAS COLINAS MEDICAL CENTER, ANTONETTE CONNER, AND ANNA MATHEW; from Dallas County; 5th district (05-06-00611-CV, ___ SW3d ___, 05-12-06)
relator's motion to lift abatement and reinstate original proceeding granted abatement order issued August 28, 2008, lifted stay order issued August 28, 2008, remains in place

06-0491 IN RE BAYLOR MEDICAL CENTER AT GARLAND; from Dallas County; 5th district (05-05-01663-CV, ___ SW3d ___, 01-04-06)

relator's motion to lift abatement and reinstate original proceeding granted abatement order issued August 28, 2008, lifted stay order issued August 28, 2008, remains in place

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

08-0148 REGAL FINANCE COMPANY, LTD. AND REGAL FINANCE COMPANY II, LTD. v. TEX STAR MOTORS, INC.; from Harris County; 14th district (14-05-00215-CV, 246 SW3d 745, 01-10-08)

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

08-0169 TANGIE WALTERS v. CLEVELAND REGIONAL MEDICAL CENTER, SHIRLEY KIEFER, AND KEITH SPOONER, M.D.; from Harris County; 1st district (01-06-01068-CV, 264 SW3d 154, 12-20-07)
as supplemented

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

08-0316 METHODIST HEALTHCARE SYSTEM OF SAN ANTONIO, LTD., L.L.P., W.C. SCHORLEMER, M.D. AND ROBERT SCHORLEMER, M.D. v. EMMALENE RANKIN; from Bexar County; 4th district (04-07-00305-CV, 261 SW3d 93, 03-05-08)
2 petitions

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

08-0613 NAFTA TRADERS, INC. v. MARGARET A. QUINN; from Dallas County; 5th district (05-07-00340-CV, 257 SW3d 795, 06-17-08)

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

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

08-0544 IN RE SCOGGINS CONSTRUCTION COMPANY, INC.; from Hidalgo County; 13th district (13-08-00317-CV, ___ SW3d ___, 06-30-08)

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

08-0660 IN RE SATTERFIELD & PONTIKES CONSTRUCTION, INC.; from Duval County; 4th district (04-08-00343-CV, ___ SW3d ___, 08-13-08)

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

ORDERS ON PETITIONS FOR REVIEW

SOLICITOR GENERAL INVITED TO FILE BRIEF:

08-0379 IN THE INTEREST OF J.O.A., T.J.A.M., T.J.M., AND C.T.M., CHILDREN; from Collingsworth County; 7th district (07-07-00042-CV, 262 SW3d 7, 02-25-08)

The Solicitor General is invited to file a brief in this case expressing the views of the State.

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0397 CITY OF DALLAS v. DAVID JONES AND VERONICA JONES; from Dallas County; 5th district (05-07-00831-CV, ___ SW3d ___, 03-05-08)

08-0448 DALLAS COUNTY, TEXAS v. ROBERT LINSON, JR., ET AL.; from Dallas County; 5th district (05-07-01219-CV, ___ SW3d ___, 04-24-08)

08-0467 DALLAS COUNTY, TEXAS v. REGINALD AUTRY; from Dallas County; 5th district (05-06-01436-CV, 251 SW3d 155, 03-26-08)

08-0600 GORDON STEWART v. MARIA SOTELO; from El Paso County; 8th district (08-06-00145-CV, ___ SW3d ___, 05-22-08)

08-0627 JIM TRANUM v. DAVID BROADWAY; from Coryell County; 10th district (10-06-00308-CV, ___ SW3d ___, 07-02-08)
2 petitions

08-0652 PETER LOVETT v. LOUIS LOVETT; from Navarro County; 10th district (10-06-00410-CV, ___ SW3d ___, 07-02-08)

08-0817 THE KANSAS CITY SOUTHERN RAILWAY COMPANY v. MISSOURI PACIFIC RAILROAD, INDIVIDUALLY AND D/B/A UNION PACIFIC RAILROAD COMPANY, UNION PACIFIC RAILROAD COMPANY,

UNION PACIFIC SYSTEM; from Orange County; 9th district
(09-06-00255-CV, ___ SW3d ___, 07-17-08)

08-0852 IN RE ESTATE OF GILBERT M. DENMAN, JR., DECEASED; from Bexar
County; 4th district (04-07-00851-CV, 270 SW3d 639, 08-27-08)
2 petitions

(Chief Justice Jefferson not sitting)

08-0855 CITY OF FORT WORTH, TEXAS AND FIRE CHIEF RUDOLPH
JACKSON, JR. v. KRIS CARR; from Tarrant County; 2nd district
(02-07-00375-CV, 266 SW3d 116, 08-26-08)

08-0857 SUSAN GAIL MESSINA v. LOUIS ANTHONY MESSINA; from Harris
County; 1st district (01-07-00277-CV, ___ SW3d ___, 07-24-08)

08-0883 THE STATE OF TEXAS v. \$130,510.00 IN LAWFUL CURRENCY; from
Titus County; 6th district (06-07-00132-CV, 266 SW3d 169, 09-12-08)

Justice Brister notes his dissent to the denial

08-0895 JIM H. HAMILTON, JR. v. RAYMOND E. THOMPSON, ET AL.; from
Anderson County; 12th district (12-07-00231-CV, ___ SW3d ___, 06-30-08)

08-0927 JUAN MARIO VILLAFANI, M.D. v. ADELA TREJO; from Cameron
County; 13th district (13-04-00449-CV, ___ SW3d ___, 09-18-08)

08-0950 ESTATE OF HARLEY D. WEBB, JR., DECEASED RICHARD L. PAGE,
TRUSTEE v. MARSHA WEBB, DAVID WEBB, HERSHEL R. PAYNE, AS
INDEPENDENT EXECUTOR AND CATHOLIC CHARITIES DIOCESE OF
FORT WORTH, INC.; from Tarrant County; 2nd district
(02-07-00304-CV, 266 SW3d 544, 08-29-08)

08-0952 GEORGE DAVID GORDON, JR. v. JAMES GREGORY GORDON AND
LISA KAYE GORDON; from Montgomery County; 9th district
(09-05-00330-CV, ___ SW3d ___, 07-31-08)

08-0971 CHRISTUS SPOHN HEALTH SYSTEM D/B/A CHRISTUS SPOHN
HOSPITAL MEMORIAL v. DAY CRUISES MARITIME, L.L.C. AND
CORPUS CHRISTI DAY CRUISE, L.L.C.; from Nueces County; 13th district
(13-06-00471-CV, 267 SW3d 42, 04-17-08)
2 petitions

- 08-0975 ESTATE OF ELIZABETH L. WEBB, DECEASED, RICHARD L. PAGE, TRUSTEE v. MARSHA WEBB, DAVID WEBB, HERSHEL R. PAYNE, AS INDEPENDENT EXECUTOR, AND CATHOLIC CHARITIES DIOCESE OF FORT WORTH, INC.; from Tarrant County; 2nd district (02-07-00302-CV, ___ SW3d ___, 08-29-08)
- 08-0980 HELEN WILEMS, THOMAS LEE, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF FELICIA MARIE LEE, DECEASED v. GST TRANSPORT SYSTEMS, L.P. AND HENRY DANEFORD; from Dallas County; 5th district (05-08-00118-CV, ___ SW3d ___, 10-01-08)
- 08-1031 KAREN C. REYNOLDS v. NEAL NAGELY D/B/A LAW FIRM OF NEAL NAGELY; from Collin County; 5th district (05-06-00856-CV, 262 SW3d 521, 08-21-08)
as redrafted
- 08-1033 ALFREDO FLORES, SAM LAJZEROWICZ AND DEBRA TRAPHAGAN v. STAR CAB COOPERATIVE ASSOCIATION, INC., ET AL.; from Bexar County; 7th district (07-06-00306-CV, ___ SW3d ___, 08-28-08)
as redrafted
- 08-1041 MARSHALL SCOTT TAYLOR v. STATE OF TEXAS; from Trinity County; 12th district (12-08-00040-CV, 266 SW3d 553, 09-03-08)
- 09-0035 THE CITY OF HOUSTON v. SOUTHERN ELECTRICAL SERVICES, INC., AS ASSIGNEE OF THE MORGANTI GROUP, INC. AND THE MORGANTI GROUP, INC.; from Harris County; 1st district (01-07-00808-CV, 273 SW3d 739, 11-20-08)
- (Justice Green not sitting)
- 09-0043 DAVID HENRY v. JAMES MCMICHAEL AND ELIZABETH ANN KOEHLER, CO-INDEPENDENT EXECUTORS OF THE ESTATE OF W.T. MCMICHAEL AND CATHERINE MCMICHAEL; from Brazoria County; 1st district (01-07-00622-CV, 274 SW3d 185, 10-02-08)
motion for stay denied
agreed motion to consolidate dismissed as moot
- 09-0067 JOHN S. MOORE v. PULMOSAN SAFETY EQUIPMENT CORPORATION; from Harris County; 14th district (14-07-00885-CV, ___ SW3d ___, 12-09-08)

- 09-0097 IN RE COMMITMENT OF JOSE SALAZAR; from Montgomery County; 9th district (09-07-00345-CV, ___ SW3d ___, 11-26-08)
as corrected
- 09-0120 CARLYN BAILEY-MASON v. RAE BLACK MASON; from Dallas County; 5th district (05-07-01257-CV, ___ SW3d ___, 12-10-08)
- 09-0133 AMERICAN BANK OF COMMERCE v. DANNY S. DAVIS; from Travis County; 3rd district (03-07-00264-CV, ___ SW3d ___, 12-31-08)
- 09-0147 DON D. JOHNSON, ET AL. v. LA MESA FARMS, INC.; from Yoakum County; 7th district (07-07-00241-CV, ___ SW3d ___, 01-07-09)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 08-0932 IN THE INTEREST OF I.D. AND A.E.Z.; from Bexar County; 4th district (04-07-00174-CV, ___ SW3d ___, 10-01-08)

See TEX. R. APP. P. 5

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED FOR WANT OF JURISDICTION:

- 08-0781 CARL ALLEN, ET AL. v. COUNTY OF DALLAS, ET AL.; from Dallas County; 5th district (05-07-01073-CV, ___ SW3d ___, 07-11-08)
fifth motion for extension of time to file petition for review denied
- 08-0947 ROY MITCHELL v. WELLS FARGO BANK; from Ellis County; 10th district (10-07-00296-CV, ___ SW3d ___, 09-03-08)

(Justice Johnson not sitting)

ORDERS ON MOTIONS FOR REHEARING

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

- 08-0452 EDD HENDEE, INDIVIDUALLY AND AS EXECUTIVE DIRECTOR OF C.L.O.U.T. v. DAVID DEWHURST, TOM CRADDICK, STATE OF TEXAS, AND THE LEGISLATIVE BUDGET BOARD; from Travis County;

3rd district (03-07-00462-CV, 253 SW3d 320, 04-02-08)

- 08-0575 FRANK SEMBERA v. PETROFAC TYLER, INC. AND PETROFAC LIMITED; from Smith County; 12th district (12-06-00373-CV, 253 SW3d 815, 03-26-08)
- 08-0726 BAIR CHASE PROPERTY COMPANY, LLC, KENNETH A. BARFIELD AND WESTERN PROPERTY DEVELOPMENT COMPANY, LLC v. S&K DEVELOPMENT COMPANY, INC.; from Travis County; 3rd district (03-07-00461-CV, 260 SW3d 133, 06-05-08)
- 08-0779 TURNER MACK GERMANY, JR. AND ALL OCCUPANTS v. THE HOUSING AUTHORITY OF THE CITY OF DALLAS; from Dallas County; 5th district (05-07-00747-CV, ___ SW3d ___, 05-15-08)
- 08-1047 MAX DUNCAN FAMILY INVESTMENTS, LTD. v. NTFN, INC. AND MORNINGSIDE PROPERTY CO.; from Dallas County; 5th district (05-07-00430-CV, 267 SW3d 447, 08-26-08)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 09-0110 IN RE BRIAN FREEMAN BARKLEY; from Potter County; 7th district (07-08-00491-CV, ___ SW3d ___, 01-29-09)
relator's emergency motion for temporary relief denied

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS TRANSFERRED TO THE COURT OF CRIMINAL APPEALS:

- 09-0103 IN RE RONNIE BAZILE A/K/A RONNIE AARON; from Harris County

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-0477 IN RE LAKOTA RESOURCES, INC., AND GILBERT BURCIAGA, INDIVIDUALLY AND AS PRESIDENT OF LAKOTA RESOURCES, INC.; from Harris County; 14th district (14-08-00405-CV, ___ SW3d ___, 03-27-08)
as supplemented
motion to strike petition for writ of mandamus denied

(Justice Hecht not sitting)

- 08-0937 IN RE MICHAEL HICKS AND JERRY FAZIO; from Austin County; 14th district (14-07-00590-CV, 267 SW3d 555, 04-24-08)
- 08-0959 IN RE MICHAEL D. GRAVES; from Washington County; 1st district (01-08-00696-CV, ___ SW3d ___, 10-16-08)
- 08-1036 IN RE CANDACE TONKENS, DEPENDENT ADMINISTRATOR OF THE ESTATE OF AMY ANN CONKEY, DECEASED; from Cameron County; 13th district (13-08-00460-CV, ___ SW3d ___, 09-30-08)
- 09-0003 IN RE CESAR ROEL PEREZ; from Cameron County; 13th district (13-08-00518-CV, ___ SW3d ___, 11-12-08)
as amended
- 09-0034 IN RE METHODIST HEALTHCARE SYSTEM OF SAN ANTONIO, LTD. D/B/A METROPOLITAN METHODIST HOSPITAL; from Bexar County; 4th district (04-05-00305-CV, ___ SW3d ___, 12-17-08)
- 09-0057 IN RE AHMED EL NAGGAR AND EL NAGGAR FINE ARTS FURNITURE, INC.; from Harris County; 14th district (14-07-00771-CV, 254 SW3d 670, 05-15-08)
- 09-0108 IN RE THOMAS J. ELLIS; from Dallas County; 5th district (05-09-00075-CV, ___ SW3d ___, 01-30-09)
- 09-0145 IN RE DAVID HENRY; from Brazoria County; 1st district (01-07-00601-CV, 274 SW3d 185, 10-02-08)
relator's motion for emergency stay denied
- 09-0158 IN RE WALEED KHAN AND WYTHE II CORPORATION; from Jefferson County; 9th district (09-08-00539-CV, ___ SW3d ___, 02-12-09)

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DISMISSED:

- 08-0792 IN RE U.S. HOME CORPORATION D/B/A LENNAR CORPORATION AND DONNY HENDRIX; from Tarrant County; 2nd district (02-08-00269-CV, ___ SW3d ___, 09-11-08)
agreed motion to dismiss petition for writ of mandamus granted

09-0235 IN RE SDI INDUSTRIES, INC.; from Hidalgo County; 13th district
(13-09-00128-CV, ___ SW3d ___, 03-23-09)
agreed motion to dismiss granted
motion for immediate temporary relief dismissed

THE SUPREME COURT OF TEXAS

Orders Pronounced March 30, 2009

MISCELLANEOUS

THE MOTION TO STAY IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0245 IN RE MICHAEL WAYNE JOHNSON, JR., INDIVIDUALLY, AS NEXT
FRIEND OF ALANNAH JOHNSON AND LISA JOHNSON, MINORS,
AND AS REPRESENTATIVE OF THE ESTATE OF LISA JOHNSON,
DECEASED; from Jones County; 11th district
(11-09-00049-CV, ___ SW3d ___, 03-05-09)
motion for emergency stay denied

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

THE SUPREME COURT OF TEXAS

Orders Pronounced April 3, 2009

ORDERS ON CAUSES

05-0272 ENTERGY GULF STATES, INC. v. JOHN SUMMERS; from Jefferson County; 9th district (09-04-00152-CV, ___ SW3d ___, 12-30-04)

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

Justice Green delivered the opinion of the Court, in which Justice Wainwright and Justice Brister joined, and in Parts I, II, III, IV, V, VI, VIII and IX of which Justice Hecht joined, and in Parts I, II, III, IV, V, VI, VII, and IX of which Justice Johnson joined, and in Parts I, II, III, VI, VII, and IX of which Justice Willett joined.

Justice Hecht delivered a concurring opinion.

Justice Willett delivered a concurring opinion.

Justice O'Neill delivered a dissenting opinion, in which Chief Justice Jefferson and Justice Medina joined.

06-0418 HCBECK, LTD. v. CHARLES RICE; from Tarrant County; 2nd district (02-05-00239-CV, ___ SW3d ___, 04-06-06)

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

Justice Green delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice Wainwright, and Justice Brister joined, and in Parts I, II, III, IV, V, and VII of which Justice Willett joined.

Justice Johnson delivered a dissenting opinion, in which Justice Medina joined.

(Justice O'Neill not sitting)

06-0875 FORD MOTOR COMPANY v. EZEQUIEL CASTILLO, ET AL.; from Cameron County; 13th district (13-04-00638-CV, 200 SW3d 217, 06-08-06)

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

trial court.

Justice Johnson delivered the opinion of the Court.

Justice Wainwright delivered a concurring opinion, in which Justice Medina joined.

06-0933 SOUTHWESTERN BELL TELEPHONE, L.P., D/B/A SBC TEXAS v. HARRIS COUNTY TOLL ROAD AUTHORITY AND HARRIS COUNTY; from Harris County; 1st district (01-05-00668-CV, 263 SW3d 48, 09-14-06)

The Court affirms the court of appeals' judgment.

Chief Justice Jefferson delivered the opinion of the Court.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0985 RIGDON MARINE CORPORATION v. BOBBY ROBERTS, JR.; from San Augustine County; 6th district (06-08-00008-CV, 270 SW3d 220, 10-07-08)

09-0081 SHEILA B. THURLOW v. THOMAS N. THURLOW; from Montgomery County; 9th district (09-06-00522-CV, ___ SW3d ___, 11-26-08)

09-0115 MARIE PFISTNER DELAHOUSSAYE v. LISA DELAHOUSSAYE KANA; from Chambers County; 1st district (01-07-00579-CV, ___ SW3d ___, 11-13-08)

09-0116 CLIFF AND LETICIA MCKELVY v. STATE FARM LLOYDS, KINGDOM ASSOCIATES, INC. D/B/A SERVICEMASTER BAY AREA AND ROBERT LLORENTE; from Matagorda County; 13th district (13-08-00270-CV, ___ SW3d ___, 11-06-08)
as amended
petitioner's motion to amend petition for review granted

09-0139 KLN STEEL PRODUCTS COMPANY, LTD. v. CNA INSURANCE COMPANIES, NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, CONTINENTAL CASUALTY COMPANY AND AMERICAN GUARANTEE AND LIABILITY INSURANCE COMPANY; from Bexar County; 4th district (04-07-00830-CV, ___ SW3d ___, 12-31-08)

09-0156 ROXANNE GIBSON v. HEB GROCERY COMPANY, L.P.; from Harris County; 1st district (01-08-00116-CV, ___ SW3d ___, 10-30-08)

ORDERS ON MOTIONS FOR REHEARING

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

08-0351 IN THE INTEREST OF J.C., A CHILD; from Tarrant County; 2nd district (02-07-00081-CV, 250 SW3d 486, 03-13-08)

08-0885 CURTIS R. SELLERS, HARVEY DEVELOPMENT CO. INC., TONY AGUILAR v. MARCELO GOMEZ, INDIVIDUALLY AND AS PURPORTED TRUSTEE, MICHAEL AINSA AND AINSA HUTSON, LLP; from El Paso County; 8th district (08-05-00308-CV, ___ SW3d ___, 07-31-08)

08-0888 DENNIS HOLT AND ANN HOLT, INDIVIDUALLY AND DENNIS HOLT REAL ESTATE v. DARYL ROBERTSON AND SELENA ROBERTSON; from Hutchinson County; 7th district (07-06-00220-CV, ___ SW3d ___, 05-21-08)

08-0911 EDMUND BRYAN HEIMLICH v. THE STATE OF TEXAS; from Travis County; 3rd district (03-05-00827-CV, ___ SW3d ___, 07-31-08)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

08-1025 IN RE AXEL MICHAEL SIGMAR; from Walker County; 10th district (10-08-00328-CV, 270 SW3d 289, 11-05-08)

THE SUPREME COURT OF TEXAS

Orders Pronounced April 9, 2009

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

09-0262 DAVID CARL GOAD v. STATE OF TEXAS FOR THE PROTECTION OF L.A.D.; from Comal County

THE ABATEMENT ORDER IN THE FOLLOWING CASE IS LIFTED:

08-1046 IN RE MEMORIAL HERMANN HEALTHCARE SYSTEM AND MEMORIAL HERMANN HOSPITAL SYSTEM; from Harris County; 14th district (14-08-00204-CV, 274 SW3d 195, 10-09-08)
unopposed motion to lift abatement granted
abatement order issued January 16, 2009, lifted
petition for writ of mandamus reinstated

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

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0174 IN RE ROY ROLLAND, LOIS ROLLAND; from Dallas County
petition for preliminary Injunction, being treated as motion for temporary injunction, denied

09-0245 IN RE MICHAEL WAYNE JOHNSON, JR., INDIVIDUALLY, AS NEXT FRIEND OF ALANNAH JOHNSON AND LISA JOHNSON, MINORS, AND AS REPRESENTATIVE OF THE ESTATE OF LISA JOHNSON, DECEASED; from Jones County; 11th district
(11-09-00049-CV, ___ SW3d ___, 03-05-09)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

09-0276 IN RE HOUSTON HELICOPTERS, INC.; from Dallas County; 5th district

(05-08-01031-CV, ___ SW3d ___, 08-21-08)

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rules of Appellate Procedure 52.6 and is struck."

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

09-0106 IN RE ALLIED CHEMICAL CORPORATION ET AL.; from Hidalgo County; 13th district (13-08-00678-CV, ___ SW3d ___, 01-27-09)
opposed motion to stay underlying case granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced April 17, 2009

ORDERS ON CAUSES

07-0055 IN RE GULF EXPLORATION, LLC, ET AL.; from Midland County; 11th district (11-06-00244-CV, 211 SW3d 828, 11-30-06)

The Court conditionally grants the petition for writ of mandamus.

Justice Brister delivered the opinion of the Court.

07-0490 MANN FRANKFORT STEIN & LIPP ADVISORS, INC., MFSL GP, L.L.C., AND MFSL EMPLOYEE INVESTMENTS, LTD. v. BRENDAN J. FIELDING; from Harris County; 1st district (01-05-01080-CV, 263 SW3d 232, 05-03-07)

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

Justice Johnson delivered the opinion of the Court.

Justice Hecht delivered a concurring opinion.

07-0760 GREG TANNER AND MARIBEL TANNER, INDIVIDUALLY AND AS NEXT FRIENDS OF K.T. AND R.T., MINOR CHILDREN v. NATIONWIDE MUTUAL FIRE INSURANCE COMPANY; from Caldwell County; 11th district (11-05-00371-CV, 232 SW3d 330, 08-09-07)

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

Justice Willett delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice O'Neill, Justice Wainwright, Justice Medina, Justice Green, and Justice Johnson joined.

Justice Brister delivered a dissenting opinion.

07-1028 FORT BROWN VILLAS III CONDOMINIUM ASSOCIATION, INC. D/B/A FORT BROWN CONDOSHARES AND LRI MANAGEMENT, INC. v. COY GILLENWATER; from Cameron County; 13th district (13-06-00478-CV, ___ SW3d ___, 11-01-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and renders judgment.

Per Curiam Opinion

(Justice Johnson not sitting)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

08-0244 BASIC CAPITAL MANAGEMENT, INC., AMERICAN REALTY TRUST, INC., TRANSCONTINENTAL REALTY INVESTORS, INC., CONTINENTAL POYDRAS CORP., CONTINENTAL COMMON, INC., AND CONTINENTAL BARONNE, INC. v. DYNEX COMMERCIAL, INC. AND DYNEX CAPITAL, INC.; from Dallas County; 5th district (05-04-01358-CV, 254 SW3d 508, 02-22-08)

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

08-0246 GILBERT TEXAS CONSTRUCTION, L.P. v. UNDERWRITERS AT LLOYD'S LONDON; from Dallas County; 5th district (05-05-01686-CV, 245 SW3d 29, 12-19-07)

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

08-0453 GEFREY KLEIN, M.D. AND BAYLOR COLLEGE OF MEDICINE v. CYNTHIA HERNANDEZ, AS THE PARENT AND NEXT FRIEND OF N.H., A MINOR; from Harris County; 1st district (01-06-00569-CV, 260 SW3d 1, 04-17-08)
2 petitions
motion for damages due to frivolous appeal denied

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

08-0465 THE STATE OF TEXAS v. \$281,420.00 IN UNITED STATES CURRENCY; from Hidalgo County; 13th district (13-06-00158-CV, ___ SW3d ___, 04-03-08)

[**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:

- 08-0215 UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS v. THE ESTATE OF IRENE ESTHER ARANCIBIA BY ITS BENEFICIARY VICTOR HUGO VASQUEZ-ARANCIBIA, VICTOR HUGO VASQUEZ-ARANCIBIA, INDIVIDUALLY, AND CECILIA VASQUEZ-ARANCIBIA, INDIVIDUALLY; from Dallas County; 5th district (05-07-00499-CV, 244 SW3d 455, 11-20-07)
- 08-0223 TIME WARNER ENTERTAINMENT COMPANY, L.P. v. OHIO CASUALTY INSURANCE COMPANY AND WEST AMERICAN INSURANCE COMPANY; from Dallas County; 5th district (05-06-01437-CV, 244 SW3d 885, 02-06-08)
- (Justice O'Neill not sitting)
- 08-0530 W.L. LINDEMANN OPERATING COMPANY, INC. v. JOYCE STRANGE, INDIVIDUALLY AND AS TRUSTEE FOR THE JOYCE STRANGE MARITAL TRUST; from Archer County; 2nd district (02-06-00433-CV, 256 SW3d 766, 05-29-08)
2 petitions
- 08-0700 TERA PESSARRA v. FRANK WAYNE SEIDLER, KIMBERLY MCMILLAN, FLOYD CHRISTIAN, JR., TERA HOLLIE STOWE, JANET DOUVAS CHAFIN; from Brazoria County; 1st district (01-06-01035-CV, ___ SW3d ___, 07-17-08)
- 08-0719 KERRY LYNN JOYCE v. TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES; from Henderson County; 12th district (12-07-00371-CV, ___ SW3d ___, 06-30-08)
as redrafted
petitioner's opposed motion to supplement petition for review denied
respondent's motion to strike petitioner's motion to supplement petition for review dismissed as moot
- 08-0723 ANTHONY JACKSON AND JAMES NUNEZ v. CITY OF TEXAS CITY AND DEBBIE LESCO, TEXAS CITY CIVIL SERVICE DIRECTOR; from Galveston County; 1st district (01-07-00026-CV, 265 SW3d 640, 07-24-08)
- 08-0839 DALE RANKIN, ET AL. v. FPL ENERGY, LLC, FPL ENERGY HORSE HOLLOW WIND, LP, FPL ENERGY HORSE HOLLOW WIND LP, LLC AND FPL ENERGY HORSE HOLLOW WIND GP, LLC; from Taylor

County; 11th district (11-07-00074-CV, 266 SW3d 506, 08-21-08)

08-0887 FRANK W. MCINTYRE v. THE COMMISSION FOR LAWYER
DISCIPLINE; from Dallas County; 5th district
(05-06-00580-CV, 247 SW3d 434, 03-06-08)

08-0904 GEORGINA OCHOA v. LYNN HULLINGER AND RUSSELL KORTH;
from Dallas County; 5th district (05-07-00665-CV, 262 SW3d 29, 06-13-08)

08-0939 UNION INSURANCE COMPANY AND UNION STANDARD LLOYDS v.
DON'S BUILDING SUPPLY, INC. N/K/A DON'S BUILDING SUPPLY,
L.P.; from Dallas County; 5th district
(05-06-00884-CV, 266 SW3d 592, 09-23-08)

08-0966 ANDREAS ASSHAUER, ET AL. v. WELLS FARGO FOOTHILL; from
Dallas County; 5th district (05-07-01284-CV, 263 SW3d 468, 07-30-08)

(Justice Johnson not sitting)

08-1028 CONTEMPORARY CONTRACTORS, INC. v. WACHOVIA BANK, N.A.;;
from Dallas County; 5th district (05-06-00458-CV, ___ SW3d ___, 11-19-08)

(Justice Johnson not sitting)

08-1042 TRUETT L. MADDOX, D.D.S. AND BERRY H. EDWARDS, TRUSTEE v.
THE CITY OF EL PASO, TEXAS, A MUNICIPAL CORPORATION; from
El Paso County; 8th district (08-06-00332-CV, 276 SW3d 66, 09-11-08)

09-0006 HUGO XAVIER DE LOS SANTOS v. DONNA JOHNSON; from Nueces
County; 13th district (13-07-00502-CV, ___ SW3d ___, 08-28-08)

09-0016 TOWN OF FAIRVIEW v. CITY OF MCKINNEY; from Collin County; 5th
district (05-06-01691-CV, 271 SW3d 461, 12-04-08)

09-0029 MAHMOOD YOONESSI, M.D. v. AMERICAN BOARD OF OBSTETRICS
AND GYNECOLOGY, INC.; from Dallas County; 5th district
(05-07-00689-CV, ___ SW3d ___, 11-25-08)

09-0090 SHIN-CHON DEVELOPMENT CORPORATION AND HWAN SOO LEE v.
I.P. INVESTMENTS, LTD.; from Dallas County; 5th district
(05-07-01108-CV, 270 SW3d 759, 11-24-08)

- 09-0098 TERRY L. DUNN v. M. ANN CALAHAN; from Bell County; 3rd district (03-05-00426-CV, ___ SW3d ___, 12-17-08)
- 09-0101 LELAH MAE BROUSSARD KLEAS, ALLEGRA MANAGEMENT, L.L.C. AND ALLEGRA DEVELOPMENT, L.P. v. BMC WEST CORPORATION D/B/A STRIPLING-BLAKE LUMBER COMPANY; from Travis County; 3rd district (03-05-00190-CV, ___ SW3d ___, 12-19-08)
- 09-0121 ROBIN W. EISENHAUER v. TEXAS DEPT OF TRANSPORTATION & ORVAL HALL EXCAVATING, LTD.; from Tarrant County; 2nd district (02-08-00216-CV, ___ SW3d ___, 01-08-09)
- 09-0130 RALPH O. DOUGLAS v. ELISE SELMA DOUGLAS; from Harris County; 1st district (01-06-00925-CV, ___ SW3d ___, 12-04-08)
- 09-0148 INTERNATIONAL ASSOCIATION FOR COLON HYDROTHERAPY AND CLASS 3 STUDY GROUP v. STATE OF TEXAS; from Dallas County; 5th district (05-07-01046-CV, ___ SW3d ___, 11-26-08)
- 09-0172 KATHRYN L. ROSS v. PAUL LUCCIA, INDIVIDUALLY & D/B/A CABOT & ROWE; from Harris County; 1st district (01-07-00080-CV, 274 SW3d 140, 09-04-08)
- 09-0173 GARY D. ELLITHORP v. NANCY L. ELLITHORP; from El Paso County; 8th district (08-06-00249-CV, ___ SW3d ___, 01-15-09)
- 09-0179 CORNELIUS C. SULLIVAN, JR., D.D.S. v. THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON DENTAL BRANCH, PETER T. TRIOLO, JR., D.D.S., CATHERINE M. FLAITZ, D.D.S. AND JAMES T. WILLERSON, M.D.; from Harris County; 1st district (01-08-00327-CV, ___ SW3d ___, 12-11-08)
- 09-0184 FRANCES T. MOORE AND AARON MOORE v. MICHAEL K. TIDWELL D/B/A EXXON FOOD MART; from Cameron County; 13th district (13-06-00473-CV, ___ SW3d ___, 01-22-09)
- (Justice O'Neill not sitting)
- 09-0188 MILLARD VAUGHN v. PAUL DRENNON AND MARY DRENNON; from Sabine County; 12th district (12-07-00222-CV, ___ SW3d ___, 10-31-08)
- 09-0217 IN THE INTEREST OF C.C.W., N.R.W., M.D.W. AND K.A.W., CHILDREN; from Parker County; 2nd district

(02-07-00384-CV, ___ SW3d ___, 01-08-09)
as redrafted
as amended

**THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO
TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):**

09-0287 YIQING FENG v. SABIC AMERICAS, INC.; from Harris County; 14th district (14-07-00699-CV, ___ SW3d ___, 03-17-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.2(k) and 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by April 27, 2009."

09-0289 JOE O'BRIEN, JACK GORDY AND CORPUS CHRISTI TAXPAYERS ASS'N, INC. v. CITY OF CORPUS CHRISTI, TEXAS; from Nueces County; 13th district (13-08-00267-CV, ___ SW3d ___, 02-05-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(e) and 53.2(k) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by April 27, 2009."

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

09-0182 CITY OF SAN ANTONIO, ACTING BY AND THROUGH CITY PUBLIC SERVICE BOARD N/K/A CPS ENERGY v. BASTROP CENTRAL APPRAISAL DISTRICT AND CHIEF APPRAISER MARK BOEHNKE; from Bastrop County; 3rd district (03-07-00725-CV, 275 SW3d 919, 01-16-09)
motion to dismiss petition for review granted

ORDERS ON MOTIONS FOR REHEARING

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

08-0205 BAYLOR COLLEGE OF MEDICINE v. ROY A. CAMBERG, ADMINISTRATOR OF THE ESTATE OF ANA JULIA ORTIZ, DECEASED; AND TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES, AS NEXT FRIEND OF ANA DELIA MEJIA

ORTIZ, A MINOR, ENID VALENTINA MEJIA ORTIZ, A MINOR, AND RIGOBERTO MEJIA ORITZ, A MINOR; from Harris County; 14th district (14-06-00500-CV, 247 SW3d 342, 01-29-08)

08-0337 FIRST SOURCE TEXAS, INC., ET AL. v. NAVASOTA RESOURCES, L.P.; from Leon County; 10th district (10-06-00236-CV, 249 SW3d 526, 01-09-08)

08-0750 CAROLYN LEE AND KEITH E. CUMMINGS v. TIMOTHY J. DANIELS & ASSOCIATES, P.C.; from Bexar County; 4th district (04-07-00096-CV, 264 SW3d 273, 05-14-08)

08-0851 MEDISTAR CORPORATION v. SPORTS MEDICINE ASSOCIATES OF SAN ANTONIO, P.A.; SPORTS SA HOLDINGS, L.P.; SAN ANTONIO PHYSICIAN PARTNERS, L.L.P.; DR. DAVID R. SCHMIDT, M.D.; DON RYAN AND SPORTS SA, L.L.C.; from Bexar County; 4th district (04-07-00369-CV, 267 SW3d 150, 06-25-08)
2 motions for rehearing

08-0926 DOUGLAS K. BROCAIL v. DETROIT TIGERS, INC.; from Harris County; 14th district (14-06-00557-CV, 268 SW3d 90, 04-03-08)

08-1048 DANIEL GOLDBERG v. COMMISSION FOR LAWYER DISCIPLINE AND STATE BAR OF TEXAS; from Harris County; 1st district (01-07-01104-CV, ___ SW3d ___, 07-03-08)

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

09-0132 IN RE WALTER LEE HALL, JR., IN ALL NECESSARY CAPACITY; from Travis County; 3rd district

09-0158 IN RE WALEED KHAN AND WYTHE II CORPORATION; from Jefferson County; 9th district (09-08-00539-CV, ___ SW3d ___, 02-12-09)
motion for emergency stay denied

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

07-0219 IN RE BRASELTON CONSTRUCTION COMPANY; from Jim Wells County; 4th district (04-06-00810-CV, 225 SW3d 329, 02-07-07)

stay order issued September 21, 2007, lifted
motion for sanctions dismissed as moot

07-0583 IN RE AMERICREDIT FINANCIAL SERVICES, INC., AMERICREDIT
CORP., AND BAY VIEW ACCEPTANCE CORP.; from Dallas County; 5th
district (05-07-00241-CV, ___ SW3d ___, 07-12-07)
non-emergency motion for temporary relief denied

08-1072 IN RE ARDYCE HUTSON, JESSE REDDICK, DOYLN WASHINGTON
AND GREGORY HUNTER; from Harris County; 1st district
(01-08-00476-CV, ___ SW3d ___, 08-27-08)

(Justice Hecht not sitting)

09-0099 IN RE LAURANCE KRIEGEL

09-0127 IN RE GUADALUPE PEDRO LONGORIA; from Dimmit County

09-0189 IN RE JERZY WOJCIECH ROWLAND; from Denton County; 2nd district
(02-08-00377-CV, ___ SW3d ___, 12-16-08)

09-0194 IN RE MAIN ST. TRAVEL CENTER OF MONSEY, INC.; from Tarrant
County; 2nd district (02-08-00473-CV, ___ SW3d ___, 12-29-08)

09-0301 IN RE WALTER L. BOYAKI, RUBEN P. HERNANDEZ, MIRANDA &
BOYAKI AND HERIBERTO RAMOS; from Harris County; 1st district
(01-09-00232-CV, ___ SW3d ___, 04-02-09)
emergency motion for temporary relief denied

THE MOTION FOR TEMPORARY RELIEF IN THE FOLLOWING PETITION FOR
WRIT OF MANDAMUS IS DENIED:

09-0309 IN RE JOSEPH CHARLES RUBIOLA AKA J.C. RUBIOLA, GREGORY
ALLAN RUBIOLA, CATHERINE RUBIOLA, JGL DESIGN-BUILD, LLC
AKA JGL DESIGN BUILD AND MICHAEL CORTEZ, INDIVIDUALLY
AND DBA THE HEIGHTS DESIGN AND CONSTRUCTION; from Bexar
County; 4th district (04-09-00115-CV, ___ SW3d ___, 03-04-09)
motion for emergency temporary relief denied

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

THE MOTION IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS
DENIED:

08-0882 IN RE JAMES H. MAPLES AND KATHY MAPLES; from Hidalgo County;
13th district (13-08-00524-CV, ___ SW3d ___, 10-08-08)
motion for dismissal of petition for writ of mandamus on mootness denied

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

THE SUPREME COURT OF TEXAS

Orders Pronounced April 22, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0276 IN RE HOUSTON HELICOPTERS, INC.; from Dallas County; 5th district
(05-08-01031-CV, ___ SW3d ___, 08-21-08)
as redrafted

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

09-0303 IN RE ASHKENAZY ACQUISITION CORPORATION, NEW
RIVERCENTER MALL, L.P., NEW RIVERCENTER GP, L.L.C., NEW
RIVERCENTER MARKET, L.P. AND BARRY LUSTIG; from Bexar
County; 4th district (04-09-00189-CV, ___ SW3d ___, 04-08-09)

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rules of Appellate Procedure 52.6 and is struck. Relator is ordered to redraw; the redrawn petition is due to be filed by April 29, 2009."

[**Note:** The motion for emergency temporary relief remains pending before this Court.]

THE SUPREME COURT OF TEXAS

Orders Pronounced April 24, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0889 NELL YELDELL v. MR. JOE ROGERS, CHIEF OF THE DENTON CENTRAL APPRAISAL DISTRICT; from Denton County; 2nd district (02-07-00313-CV, ___ SW3d ___, 08-29-08)
as redrafted
- 08-1055 ESTATE OF ELLA V. MASK, DECEASED; from Uvalde County; 4th district (04-07-00667-CV, ___ SW3d ___, 10-15-08)
- 09-0095 CINDY SCHLAPPER v. RAND FOREST, BUCK CHILDERS, ROBERT LEONARD STEWART D/B/A ROBERT LEONARD, MIKE KEUHL, SHORELINE DEVELOPMENT, FLAGSHIP MARINE, DOROTHY STEWART UZZELL, BETTY STEWART HANSON; from Travis County; 3rd district (03-06-00315-CV, 272 SW3d 676, 11-07-08)
as redrafted
- 09-0125 LARRY WATSON, SHERIDAN K. WATSON, WELDON KENNEDY AND THENA KENNEDY v. BOBBY JOE TIPTON; from Parker County; 2nd district (02-07-00009-CV, 274 SW3d 791, 11-06-08)
- 09-0135 LEONARD A. CRUSE, ET AL. v. JOHN M. O'QUINN, ET AL.; from Galveston County; 14th district (14-08-00103-CV, 273 SW3d 766, 11-25-08)
- 09-0213 IN RE THE ESTATE OF GERT L. RABKE; from Bexar County; 4th district (04-07-00757-CV, ___ SW3d ___, 01-28-09)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 09-0290 TANIKA KENYA MARTIN v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Harris County; 1st district (01-07-00842-CV, ___ SW3d ___, 02-05-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.8(b)(1)(A) and (C) and

is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by May 4, 2009."

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

09-0295 DAYRIN LEMON D ROBINSON v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE; from Dallas County

THE ABATEMENT ORDERS IN THE FOLLOWING CASES ARE LIFTED:

08-0033 JAMES ANDERSON, PATRICIA ANDERSON, JACK CROWDER, CATHY CROWDER, GARY DZYAK, GEORGE ROSEMEIER, EVELYN ROSEMEIER, TOBY SIMMONS, AND PEGGY SIMMONS v. CROWN CENTRAL LLC, ET AL.; from Orange County; 9th district (09-07-00308-CV, 239 SW3d 385, 10-11-07)
petitioners' unopposed motion to reinstate granted abatement order issued January 30, 2009, lifted
petition reinstated

08-0198 IN RE JAMES ANDERSON, PATRICIA ANDERSON, JACK CROWDER, CATHY CROWDER, GARY DZYAK, GEORGE ROSEMEIER, EVELYN ROSEMEIER, TOBY SIMMONS, AND PEGGY SIMMONS; from Orange County; 9th district (09-07-00308-CV, 239 SW3d 385, 10-11-07)
relators' unopposed motion to reinstate granted abatement order issued January 30, 2009, lifted
petition reinstated

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0219 IN RE BARRY DWAYNE MINNFEE; from Potter County; 7th district (07-08-00420-CV, ___ SW3d ___, 10-21-08)

09-0220 IN RE BARRY DWAYNE MINNFEE; from Potter County; 7th district (07-09-00006-CV, ___ SW3d ___, 01-16-09)

09-0222 IN RE JIMMY TISDALE; from Dallas County; 5th district (05-08-01399-CV, ___ SW3d ___, 12-05-08)

09-0320 IN RE CAROL JOHNENE MORRIS; from Midland County; 11th district

09-0338 IN RE THEODORA CHRISTINA COSTA, ROBERTA PENELOPE COSTA,
AND JOHN LOUIS GAVREL, AS NEXT FRIENDS OF LOUIS JOHN
GAVREL; from Harris County; 14th district
(14-09-00368-CV, ___ SW3d ___, 04-23-09)
relators' emergency motion to stay denied

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

09-0297 IN RE CANDACE KOCIUK, A/K/A CANDACE KOCUIK, A/K/A LEIGH
C. KOCIUK; from Dallas County; 5th district
(05-09-00275-CV, ___ SW3d ___, 03-24-09)

THE MOTION IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS
GRANTED:

09-0106 IN RE ALLIED CHEMICAL CORPORATION ET AL.; from Hidalgo
County; 13th district (13-08-00678-CV, ___ SW3d ___, 01-27-09)
unopposed motion to clarify stay order granted
corrected stay order issued

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

THE FOLLOWING MOTION TO CONSOLIDATE IS GRANTED:

09-0012 LM ERICSSON TELEFON, AB AND ERICSSON INC. v. CERTAIN
UNDERWRITERS AT LLOYD'S, LONDON SUBSCRIBING TO POLICY
NO. 509/QF037603; from Collin County; 5th district
(05-07-01467-CV, 272 SW3d 691, 11-24-08)
motion to consolidate related petitions for review granted

consolidated with

09-0013 LM ERICSSON TELEFON, AB AND ERICSSON INC. v. AMERICAN
INTERNATIONAL SPECIALTY LINES INSURANCE CO.; from Collin
County; 5th district (05-07-01747-CV, ___ SW3d ___, 12-17-08)

THE SUPREME COURT OF TEXAS

Orders Pronounced April 30, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0303 IN RE ASHKENAZY ACQUISITION CORPORATION, NEW RIVERCENTER MALL, L.P., NEW RIVERCENTER GP, L.L.C., NEW RIVERCENTER MARKET, L.P. AND BARRY LUSTIG; from Bexar County; 4th district (04-09-00189-CV, ___ SW3d ___, 04-08-09) as redrafted
motion for emergency temporary relief denied

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

09-0357 IN RE JOHN LELAND, D.D.S.; from Bandera County; 4th district (04-09-00246-CV, ___ SW3d ___, 04-29-09)
relator's motion for emergency relief granted
requested response due by 3:00 p.m., May 11, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced May 1, 2009

ORDERS ON CAUSES

04-1118 CITY OF SAN ANTONIO v. CHARLES POLLOCK AND TRACY POLLOCK, INDIVIDUALLY AND AS NEXT FRIENDS OF SARAH JANE POLLOCK, A MINOR CHILD; from Bexar County; 4th district (04-03-00403-CV, 155 SW3d 322, 08-18-04)

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

Justice Hecht delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Wainwright, Justice Johnson, and Justice Willett joined, and in all but Part II-C of which Justice Brister joined.

Justice Medina delivered a dissenting opinion, in which Justice O'Neill joined.

(Justice Green not sitting)

05-0986 HARRIS COUNTY HOSPITAL DISTRICT v. TOMBALL REGIONAL HOSPITAL; from Harris County; 14th district (14-04-00263-CV, 178 SW3d 244, 07-28-05)

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

Justice Johnson delivered the opinion of the Court, in which Justice Hecht, Justice Wainwright, Justice Medina, and Justice Green joined.

Chief Justice Jefferson delivered a dissenting opinion, in which Justice O'Neill, Justice Brister, and Justice Willett joined.

06-0778 THE CITY OF EL PASO, ET AL. v. LILLI M. HEINRICH; from El Paso County; 8th district (08-05-00203-CV, 198 SW3d 400, 07-20-06)

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

Chief Justice Jefferson delivered the opinion of the Court.

07-1065 RAOUL HAGEN v. DORIS J. HAGEN; from Bexar County; 4th district
(04-06-00705-CV, ___ SW3d ___, 08-01-07)

The Court reverses the court of appeals' judgment and affirms the trial court's judgment.

Justice Johnson delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice Wainwright, Justice Green, and Justice Willett joined.

Justice Brister delivered a dissenting opinion, in which Justice O'Neill and Justice Medina joined.

08-0016 DENTON COUNTY, TEXAS v. DIANNE BEYNON AND ROGER BEYNON, INDIVIDUALLY, ET AL.; from Denton County; 2nd district
(02-07-00066-CV, 242 SW3d 169, 11-29-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and dismisses the case.

Justice Willett delivered the opinion of the Court, in which Justice Hecht, Justice Wainwright, Justice Brister, Justice Green, and Justice Johnson joined.

Justice O'Neill delivered a dissenting opinion, in which Chief Justice Jefferson and Justice Medina joined.

08-0379 IN THE INTEREST OF J.O.A., T.J.A.M., T.J.M., AND C.T.M., CHILDREN; from Collingsworth County; 7th district
(07-07-00042-CV, 262 SW3d 7, 02-25-08)

The Court modifies the court of appeals' judgment, affirms the judgment as modified, and remands the case to the trial court.

Justice Medina delivered the opinion of the Court.

Justice Willett delivered a concurring opinion.

08-0506 MICHAEL LOU GARRETT v. JACK M. BORDEN, ET AL.; from Potter County; 7th district (07-07-00163-CV, ___ SW3d ___, 05-29-08)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 05-0303 THOMAS GRABER AND HOPKINS & SUTTER v. RICHARD L. FUQUA;
from Hidalgo County; 13th district
(13-03-00135-CV, 158 SW3d 635, 03-03-05)
- 06-0867 PINE OAK BUILDERS, INC. v. GREAT AMERICAN LLOYDS
INSURANCE COMPANY; from Harris County; 14th district
(14-05-00487-CV, ___ SW3d ___, 07-06-06)
motion to take judicial notice denied
- 07-0419 IN RE LABATT FOOD SERVICE, L.P.; from Bexar County; 4th district
(04-07-00312-CV, ___ SW3d ___, 05-16-07)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

- 07-0960 IN THE INTEREST OF B.G., C.W., E.W., B.B.W. AND J.W., CHILDREN;
from Angelina County; 12th district
(12-06-00295-CV, ___ SW3d ___, 09-17-07)

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

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

- 08-0523 TEXAS LOTTERY COMMISSION v. FIRST STATE BANK OF
DEQUEEN; STONE STREET CAPITAL, INC.; AND CLETIUS L. IRVAN;
from Travis County; 3rd district (03-07-00249-CV, 254 SW3d 677, 05-16-08)
abatement order issued

[**Note:** Effective as of February 4, 2009, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3. It

is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 07-1054 MARK WHITEAKER v. CITY OF ROUND ROCK AND ROUND ROCK FIRE CHIEF LARRY HODGE; from Travis County; 3rd district (03-07-00009-CV, 241 SW3d 609, 11-16-07)
- 08-0433 JOANN DURAN CAMARILLO v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Tom Green County; 3rd district (03-07-00314-CV, ___ SW3d ___, 02-15-08)
- 08-0862 MICHAEL GIBNEY, INDIVIDUALLY AND ON BEHALF OF MICRO-BLEND, INC. v. ROY CULVER, JR., CULVER INTERESTS AND ANA-TECH, INC.; from San Patricio County; 13th district (13-06-00112-CV, ___ SW3d ___, 04-24-08)
- 08-1045 MICHAEL GREEN v. TRIAD REALTY SERVICES, LTD., ET AL.; from Dallas County; 5th district (05-07-01631-CV, ___ SW3d ___, 10-30-08)
- 08-1050 SAN MARCOS RIVER FOUNDATION v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, GUADALUPE-BLANCO RIVER AUTHORITY, SAN ANTONIO RIVER AUTHORITY AND SAN ANTONIO WATER SYSTEM; from Travis County; 13th district (13-06-00326-CV, 267 SW3d 356, 07-31-08)
- 08-1052 PROGRESSIVE CHILD CARE SYSTEMS, INC., KARRY L. DUNN AND HEATHER DUNN v. KIDS "R" KIDS INTERNATIONAL, INC. AND PATRICK D. VINSON; from Denton County; 2nd district (02-07-00127-CV, ___ SW3d ___, 11-06-08)
- 08-1068 CITY OF DALLAS v. DORA SAUCEDO-FALLS, ET AL.; from Dallas County; 5th district (05-08-00029-CV, 268 SW3d 653, 08-18-08)
- 08-1079 MANDELL RHODES, JR. v. JAMES POLAND, ET AL.; from Anderson County; 12th district (12-08-00060-CV, ___ SW3d ___, 10-08-08)
- 08-1080 DIANA FITE, M.D. AND PATRICK WOODS, M.D. v. EMTEL, INC. AND JOSEPH DEGIOANNI, M.D.; from Harris County; 1st district (01-07-00273-CV, ___ SW3d ___, 10-02-08)

- 09-0027 ENGLISH MARINE AGENCY, INC. v. BORDER SHIPYARDS, INC., ET AL.; from Cameron County; 13th district (13-07-00149-CV, ___ SW3d ___, 11-25-08)
- 09-0105 THOMAS WILSON A/K/A THOMAS MARVIN WILSON, INDIVIDUALLY v. THE STATE OF TEXAS, THE CITY OF DALLAS AND THE TRANSIT AUTHORITY OF DALLAS, TEXAS; from Travis County; 3rd district (03-07-00444-CV, 272 SW3d 686, 11-21-08)
- 09-0129 NATIONAL FOOTBALL LEAGUE PLAYERS INCORPORATED AND NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION v. BLAKE'S BAR-B-QUE, INC.; from Harris County; 1st district (01-06-01106-CV, ___ SW3d ___, 03-06-08)
- 09-0143 ROLAND D. FORTENBERRY, JR., A/K/A DALE FORTENBERRY, JR. AND KAYE ANN FORTENBERRY v. GERALD R. CAVANAUGH, JR. AND DIANNA CAVANAUGH, INDIVIDUALLY AND AS SHAREHOLDERS IN THE RIGHT OF FORTUNE PRODUCTS, INC., A TEXAS CORPORATION, AND INTERVENOR, BURL HARPER, AS RECEIVER OF FORTUNE PRODUCTS, INC.; from Burnet County; 3rd district (03-07-00310-CV, ___ SW3d ___, 11-26-08)
- 09-0166 SHANE WATSON v. SHIRLEY NEWMAN AND JILL WATKINS; from Potter County; 7th district (07-08-00203-CV, ___ SW3d ___, 11-21-08)
- 09-0171 DENNIS VERNER v. PATTERSON UTI ENERGY, INC., PATTERSON UTI DRILLING COMPANY, PATTERSON UTI DRILLING COMPANY WEST; from Midland County; 11th district (11-07-00370-CV, ___ SW3d ___, 10-09-08)

**THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS
RULE OF APPELLATE PROCEDURE 9.4(i):**

- 09-0203 IN THE INTEREST OF J.R.S., J.L.S. AND B.L.N.S., CHILDREN; from Young County; 2nd district (02-08-00034-CV, ___ SW3d ___, 02-05-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(f) and 9.8(b)(1)(A) and (C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by May 11, 2009."

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

09-0259 IN THE INTEREST OF R.S., A CHILD; from Harris County; 14th district (14-08-00598-CV, ___ SW3d ___, 08-28-08)

ORDERS ON MOTIONS FOR REHEARING

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

07-0945 TEXAS PARKS AND WILDLIFE DEPARTMENT v. THE SAWYER TRUST; from Donley County; 7th district (07-06-00487-CV, ___ SW3d ___, 08-22-07)
denial of petition for review on November 14, 2008, withdrawn

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

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

08-0781 CARL ALLEN, ET AL. v. COUNTY OF DALLAS, ET AL.; from Dallas County; 5th district (05-07-01073-CV, ___ SW3d ___, 07-11-08)

08-0986 LUIS S. LAGAITE, JR. v. BRAD LIVINGSTON, ET AL.; from Travis County; 3rd district (03-07-00067-CV, ___ SW3d ___, 08-27-08)

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

06-0653 IN RE MARY LOUISE WATKINS, M.D.; from Cameron County; 13th district (13-05-00765-CV&13-06-00080-CV, 192 SW3d 672, 05-04-06)

The concurring opinion by Justice Johnson issued January 23, 2009 is withdrawn and the concurring opinion issued this date is substituted. The remaining opinions, issued January 23, 2009, remain in place.

09-0046 IN RE MR. G. JACKSON

09-0083 IN RE DONNA MURRAY; from Navarro County; 10th district (10-08-00259-CV, 268 SW3d 279, 11-05-08)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-1087 IN RE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; 4th district (04-08-00736-CV, ___ SW3d ___, 10-29-08)
- 09-0038 IN RE HA T.N. FRASIER; from Tarrant County; 2nd district (02-08-00439-CV, ___ SW3d ___, 12-02-08)
as redrafted
- 09-0165 IN RE NACHO JIMENEZ; from Maverick County; 4th district (04-09-00111-CV, ___ SW3d ___, 02-25-09)
motion for temporary relief denied
- 09-0167 IN RE KENNETH RAY BROWN; from Harris County; 10th district (10-83-00095-CR, ___ SW3d ___, 01-21-88)
motion for summary judgment denied
motion to strike judgment order denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 09-0342 IN RE BOWNE & CO.; from Dallas County; 5th district (05-09-00283-CV, ___ SW3d ___, 04-08-09)

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rules of Appellate Procedure 52.6 and is struck."

THE SUPREME COURT OF TEXAS

Orders Pronounced May 8, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

09-0126 CORDELL MOODY v. KYLE JAMES; from Harrison County; 6th district
(06-08-00132-CV, ___ SW3d ___, 01-21-09)
as redrafted

09-0239 JUD WALTON AND JANET WALTON v. CITY OF MIDLAND,
ENDEAVOR ENERGY RESOURCES, L.P., MICHAEL J. CANON, W.
WESLEY PERRY, LUANN MORGAN, BERRY SIMPSON, WILLIAM F.
DINGUS, SCOTT DUFFORD, VICKY HAILEY, MICHAEL TROST, JOHN
JAMES AND TOMMY HUDSON; from Midland County; 11th district
(11-08-00143-CV, ___ SW3d ___, 01-08-09)

THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

09-0355 JOSEPH ONWUTEAKA v. COMMISSION FOR LAWYER DISCIPLINE;
from Harris County; 14th district (14-07-00544-CV, ___ SW3d ___, 03-12-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by May 18, 2009."

09-0356 IN THE INTEREST OF Z.C., C.C., L.C. AND D.A.C., JR., MINOR
CHILDREN; from Tarrant County; 2nd district
(02-08-00025-CV, ___ SW3d ___, 02-12-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.8(b)(1)(A) and (C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by May 18, 2009."

09-0366 CHRISTOPHER KNOWLES AND MINA MANN v. JIMMY D. WRIGHT;

from Harris County; 1st district (01-08-00546-CV, ___ SW3d ___, 03-19-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by May 18, 2009."

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED:

08-0714 CITY OF ARGYLE v. DAVID PIERCE, AN INDIVIDUAL, CLEAR CHANNEL OUTDOOR, INC. AND ARNOLD VELEZ, AN INDIVIDUAL; from Denton County; 2nd district (02-07-00255-CV, 258 SW3d 674, 05-15-08)
2 petitions
joint motion to dismiss granted

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

09-0141 DONALD RAY MCCRAY v. LEE GLASS; from Travis County; 3rd district (03-08-00211-CV, ___ SW3d ___, 10-03-08)

ORDERS ON MOTIONS FOR REHEARING

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

08-0600 GORDON STEWART v. MARIA SOTELO; from El Paso County; 8th district (08-06-00145-CV, ___ SW3d ___, 05-22-08)

08-0739 SUSAN MCLENDON, JOANN BOWSHOT AND PATRICIA PONDOFF v. LANDY HUMPHREY AND J. SCOTT KILLOUGH; from Smith County; 12th district (12-06-00222-CV, ___ SW3d ___, 06-18-08)

08-0806 S & J INVESTMENTS v. AMERICAN STAR ENERGY AND MINERALS CORPORATION; from Hutchinson County; 7th district (07-07-00357-CV, ___ SW3d ___, 07-08-08)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 09-0265 IN RE JOE DONOVAN SANDERS; from Dallas County; 5th district
(05-08-01596-CV, ___ SW3d ___, 12-12-08)
- 09-0271 IN RE ROBERT RICHARD TAYLOR, II; from Tarrant County; 2nd district
- 09-0375 IN RE DENNIS DAVIS AND GAIL DAVIS; from Burleson County; 10th
district (10-09-00134-CV, ___ SW3d ___, 05-07-09)
relators' emergency motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced May 12, 2009

MISCELLANEOUS

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

09-0342 IN RE BOWNE & CO.; from Dallas County; 5th district
(05-09-00283-CV, ___ SW3d ___, 04-08-09)
relator's motion requesting emergency relief to reinstate the agreed temporary
restraining order granted
stay order issued
requested response due by 3:00 p.m., May 22, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced May 13, 2009

MISCELLANEOUS

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

09-0278 IN RE WILD OATS MARKETS, INC. AND WHOLE FOODS MARKET
INC.; from Montgomery County; 9th district
(09-09-00031-CV, ___ SW3d ___, 04-02-09)
relators' motion for emergency stay granted in part
stay order issued

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

(Justice O'Neill not sitting)

09-0370 IN RE CORYELL COUNTY AND WILLIAM J. HIX; from Coryell County;
10th district (10-09-00005-CV, ___ SW3d ___, 04-15-09)
motion for emergency temporary stay granted
stay order issued
requested response due by 3:00 p.m., May 28, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced May 15, 2009

ORDERS ON CAUSES

07-0315 FRANCES B. CRITES, M.D. v. LINDA COLLINS AND WILLIE COLLINS; from Dallas County; 5th district (05-06-00453-CV, ___ SW3d ___, 02-28-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

07-0896 THE STATE OF TEXAS v. BRISTOL HOTEL ASSET CO.; from Bexar County; 4th district (04-06-00150-CV, ___ SW3d ___, 07-18-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

08-0136 JOHN KAPPUS v. SANDRA L. KAPPUS; from Anderson County; 12th district (12-06-00233-CV, 242 SW3d 182, 11-30-07)

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

Justice Willett delivered the opinion of the Court.

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

08-1043 C-SPAN ENTERTAINMENT, INC. AND SUNIL DHAROD v. BLOCKBUSTER, INC.; from Dallas County; 5th district (05-06-00849-CV, 276 SW3d 482, 08-12-08)

agreed motion for relief granted in part

Pursuant to Texas Rule of Appellate Procedure 56.3, without hearing oral argument or considering the merits, the Court sets aside the judgments of the court of appeals' and the trial court, and remands the case to the trial court for rendition of judgment pursuant to the parties' settlement agreement.

THE FOLLOWING CERTIFIED QUESTION FROM THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT IS ACCEPTED:

09-0387 CAROL SEVERANCE v. JERRY PATTERSON, COMMISSIONER OF THE TEXAS GENERAL LAND OFFICE; GREG ABBOTT, ATTORNEY GENERAL FOR THE STATE OF TEXAS; AND KURT SISTRUNK, DISTRICT ATTORNEY FOR THE COUNTY OF GALVESTON, TEXAS

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

(Chief Justice Jefferson not sitting)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0338 IN THE INTEREST OF ALETA B. ARREGUIN LOWE ROY, DECEASED; from McLennan County; 10th district (10-07-00028-CV, 249 SW3d 592, 01-23-08)
- 08-0614 MELVIN JOHNSON v. JAMES BRIAN HAWKINS II AND BANKS & HAWKINS; from Dallas County; 5th district (05-07-00601-CV, 255 SW3d 394, 05-05-08)
- 08-0790 ERA REALTY GROUP, INC. v. ADVOCATES FOR CHILDREN AND FAMILIES, INC.; from Victoria County; 13th district (13-06-00690-CV, 267 SW3d 114, 06-05-08)
- 08-0996 ST. PAUL FIRE & MARINE INSURANCE COMPANY v. CLARK & COMPANY, INC.; from Dallas County; 5th district (05-07-01097-CV, ____ SW3d ____, 10-21-08)
- 08-1070 SHARON HEMPHILL v. MICHAEL HUMMELL; from Nueces County; 13th district (13-05-00515-CV, ___ SW3d ___, 07-31-08)

- 08-1073 MHI PARTNERSHIP, LTD. v. DH REAL ESTATE INVESTMENT COMPANY D/B/A DH INVESTMENT COMPANY; from Travis County; 3rd district (03-04-00485-CV, ___ SW3d ___, 08-20-08)
- 09-0023 CHICORY COURT SIMPSON STUART, L.P. v. CITY OF DALLAS; from Dallas County; 5th district (05-08-00262-CV, 271 SW3d 412, 11-24-08)
- 09-0024 IN THE ESTATE OF BOBBIE S. LYNCH, DECEASED; from Kendall County; 13th district (13-06-00562-CV, ___ SW3d ___, 11-25-08)
- 09-0089 STANLEY K. SMITH v. PATRICIA L. SMITH; from Randall County; 7th district (07-07-00113-CV, ___ SW3d ___, 11-12-08)
- 09-0112 RAJ N. SHAH v. ARIAS & ARIAS CONSULTORES AND PEGASUS BROKERAGE HOUSE, INC.; from Rockwall County; 5th district (05-07-00280-CV, 270 SW3d 741, 11-10-08)
- 09-0113 RAJ N. SHAH v. GIANNINA BIOUSSE-VALDES AND GENEVA ASSET MANAGEMENT, S.A.; from Rockwall County; 5th district (05-07-00281-CV, 270 SW3d 757, 11-10-08)
- 09-0197 BANGALORE N. LAKSHMIKANTH, M.D. v. YVONNE T. LEAL, ALBERTO B. LEAL, INDIVIDUALLY AND AS NEXT FRIENDS OF M.T.L., A MINOR AND STEVE A. KAMEL; from Cameron County; 13th district (13-08-00389-CV, ___ SW3d ___, 01-22-09)
- 09-0282 KRISTOFER THOMAS KASTNER v. MARTIN & DROUGHT, INC. F/K/A MARTIN, DROUGHT & TORRES, INC.; GERALD T. DROUGHT AND DAIN A. DREYER; from Bexar County; 4th district (04-07-00342-CV, ___ SW3d ___, 02-04-09)
as supplemented

ORDERS ON MOTIONS FOR REHEARING

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

- 08-0160 NORTHWEST INDEPENDENT SCHOOL DISTRICT v. CARROLL INDEPENDENT SCHOOL DISTRICT; from Tarrant County; 2nd district (02-06-00242-CV, 245 SW3d 620, 01-17-08)

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

07-1050 ZACHRY CONSTRUCTION CORPORATION, ET AL. v. TEXAS A&M UNIVERSITY; from Brazos County; 10th district (10-05-00139-CV, 236 SW3d 801, 11-14-07)
2 motions for rehearing
denial of petitions for review on January 9, 2009, withdrawn

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

(Justice Willett not sitting)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

08-1036 IN RE CANDACE TONKENS, DEPENDENT ADMINISTRATOR OF THE ESTATE OF AMY ANN CONKEY, DECEASED; from Cameron County; 13th district (13-08-00460-CV, ___ SW3d ___, 09-30-08)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

09-0327 IN RE GUARDIANSHIP OF MARIE MAGDALENA KRIEGEL; from Parmer County

THE ABATEMENT ORDER IN THE FOLLOWING CASE IS LIFTED:

08-0485 TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS, TEXAS PODIATRIC MEDICAL ASSOCIATION AND BRUCE A. SCUDDAY, D.P.M. v. TEXAS ORTHOPAEDIC ASSOCIATION, TEXAS MEDICAL ASSOCIATION, AND ANDREW M. KANT, M.D.; from Travis County; 3rd district (03-05-00620-CV, 254 SW3d 714, 05-23-08)
abatement order issued January 20, 2009, lifted
3 petitions reinstated

(Justice Willett not sitting)

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

08-0183 IN RE SCOTT ASHTON, DPM., AND ASHTON PODIATRY ASSOCIATES, P.A.; from Dallas County; 5th district (05-08-00190-CV, ___ SW3d ___, 02-19-08)
real party in interest's motion to dismiss for lack of jurisdiction dismissed as moot

08-0585 IN RE IESI TX CORPORATION; from Dallas County; 5th district (05-08-00868-CV, ___ SW3d ___, 07-14-08)
stay order issued August 11, 2008, lifted

09-0080 IN RE WILLIAM DICKERSON; from Hardin County; 9th district (09-08-00218-CV, ___ SW3d ___, 06-26-08)

09-0263 IN RE KENNETH PAUL SMITH; from Harris County

09-0280 IN RE ALBERT NICOLAS; from Montgomery County; 9th district

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

09-0309 IN RE JOSEPH CHARLES RUBIOLA A/K/A J.C. RUBIOLA, GREGORY ALLAN RUBIOLA, CATHERINE RUBIOLA, JGL DESIGN-BUILD, LLC A/K/A JGL DESIGN BUILD AND MICHAEL CORTEZ, INDIVIDUALLY AND D/B/A THE HEIGHTS DESIGN AND CONSTRUCTION; from Bexar County; 4th district (04-09-00115-CV, ___ SW3d ___, 03-04-09)
stay order issued

See TEX. R. APP. P. 52.10

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

THE SUPREME COURT OF TEXAS

Orders Pronounced May 18, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0404 IN RE FLOYD W. COLLINS AND INDEPENDENT CAPITAL
MANAGEMENT, LLC 401(K) FBO FLOYD W. COLLINS; from Dallas
County; 5th district (05-09-00308-CV, ___ SW3d ___, 04-06-09)
relators' emergency motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced May 21, 2009

MISCELLANEOUS

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

09-0422 IN RE FOREST OIL CORPORATION, ASSOCIATED ELECTRIC & GAS
INSURANCE SERVICES LIMITED AND STEADFAST INSURANCE
COMPANY; from Galveston County; 1st district
(01-09-00121-CV, ___ SW3d ___, 05-18-09)
motion for emergency stay granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced May 22, 2009

ORDERS ON CAUSES

07-0581 IN RE HAROLD R. SCHMITZ, ET AL.; from Bexar County; 4th district
(04-07-00359-CV, ___ SW3d ___, 07-11-07)

The Court conditionally grants the petition for writ of mandamus.

Justice Brister delivered the opinion of the Court.

(Chief Justice Jefferson not sitting)

07-0743 TEXAS DEPARTMENT OF TRANSPORTATION v. JIMMY DON YORK,
INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF REBECCA
YORK, DECEASED AND JAMES R. BODIFORD, JR., INDIVIDUALLY
AND ON BEHALF OF THE ESTATE OF REBECCA YORK, TONYA
BODIFORD, AND SHIRLEY FOWLER; from Robertson County; 10th
district (10-06-00210-CV, 234 SW3d 212, 08-08-07)
motion for rehearing granted

The Court's opinion and judgment of December 5, 2008 are withdrawn and
the opinion and judgment of this date are substituted.

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the
petition for review and without hearing oral argument, the Court reverses the
court of appeals' judgment and dismisses the case.

Per Curiam Opinion

Justice O'Neill notes her dissent to granting the motion for rehearing

07-1013 TEXAS DEPARTMENT OF TRANSPORTATION v. STEPHANIE
GUTIERREZ AND RONNIE GUTIERREZ; from Jim Wells County; 4th
district (04-06-00583-CV, 243 SW3d 127, 09-05-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the
petition for review and without hearing oral argument, the Court reverses the
court of appeals' judgment and dismisses the case.

Per Curiam Opinion

08-0094 DALLAS COUNTY v. KIM POSEY, ET AL.; from Dallas County; 5th district (05-06-01373-CV, 239 SW3d 336, 08-28-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court vacates the court of appeals' judgment and dismisses the case.

Per Curiam Opinion

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0203 IN THE INTEREST OF J.R.S., J.L.S. AND B.L.N.S., CHILDREN; from Young County; 2nd district (02-08-00034-CV, ___ SW3d ___, 02-05-09) as redrafted
- 09-0231 VINCENT WRENCHER, SR. v. STEPHANIE WRENCHER; from Travis County; 3rd district (03-08-00156-CV, ___ SW3d ___, 02-06-09)
- 09-0281 KENNETH HILL v. BRUCE W. SMITH, M.D., MICHELLE LASTRAPE, P.A. AND KATHRYN BELL; from Brazoria County; 14th district (14-08-01016-CV, ___ SW3d ___, 02-19-09) as amended
- 09-0284 DIANA L. KABBANI AND JULIA S. KABBANI, MINOR CHILDREN AND TERESA J. LAUDERDALE v. IMOGEN S. PAPADOPOULOS AND LAW OFFICE OF IMOGEN PAPADOPOULOS; from Harris County; 1st district (01-07-00191-CV, ___ SW3d ___, 02-26-09)
- 09-0293 UHS OF TIMBERLAWN, INC. v. S.B., A MINOR, BY AND THROUGH HER NEXT FRIEND A.B.; from Dallas County; 5th district (05-08-00222-CV, ___ SW3d ___, 02-24-09)
- 09-0400 IN THE INTEREST OF J.F., J.J. AND J.J., CHILDREN; from Tarrant County; 2nd district (02-08-00183-CV, ___ SW3d ___, 03-26-09)

THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

09-0384 WALTER LEE HALL, JR., IN ALL NECESSARY CAPACITY v. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES NC 2005-HE4, ALL OTHER OCCUPANTS, SUCCESSORS IN INTEREST, AND/OR TRANSFEREES; from Travis County; 3rd district (03-08-00488-CV, ___ SW3d ___, 12-12-08)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(e) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by June 1, 2009."

ORDERS ON MOTIONS FOR REHEARING

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

08-1009 RICHARD LUNA, INDIVIDUALLY AND D/B/A RICHARD'S MACHINE SERVICES v. DANIEL C. RUNYON AND AUTO, BUS & TRUCK, LP; from Travis County; 3rd district (03-06-00615-CV, ___ SW3d ___, 07-03-08)

09-0081 SHEILA B. THURLOW v. THOMAS N. THURLOW; from Montgomery County; 9th district (09-06-00522-CV, ___ SW3d ___, 11-26-08)

09-0115 MARIE PFISTNER DELAHOUSSAYE v. LISA DELAHOUSSAYE KANA; from Chambers County; 1st district (01-07-00579-CV, ___ SW3d ___, 11-13-08)

09-0116 CLIFF AND LETICIA MCKELVY v. STATE FARM LLOYDS, KINGDOM ASSOCIATES, INC. D/B/A SERVICEMASTER BAY AREA AND ROBERT LLORENTE; from Matagorda County; 13th district (13-08-00270-CV, ___ SW3d ___, 11-06-08)

09-0120 CARLYN BAILEY-MASON v. RAE BLACK MASON; from Dallas County; 5th district (05-07-01257-CV, ___ SW3d ___, 12-10-08)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

09-0395 LAURANCE KRIEGEL v. DIVERSIFIED FINANCIAL SERVICES, LLC, ET AL.; from Parmer County

THE ABATEMENT ORDER IN THE FOLLOWING CASE IS LIFTED:

08-0335 KIRK WAYNE MCBRIDE, SR. v. TEXAS BOARD OF PARDONS AND PAROLES, AND RESSIE OWENS, CHAIRMAN; from Bee County; 13th district (13-05-00559-CV, ___ SW3d ___, 02-21-08)
abatement order issued January 9, 2009, lifted
petition reinstated

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0311 IN RE CLIFF AND LETICIA MCKELVY; from Matagorda County; 13th district (13-08-00270-CV, ___ SW3d ___, 11-06-08)

THE MOTION FOR TEMPORARY RELIEF IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0416 IN RE JOSEPH EARL WATSON; from Parker County; 2nd district (02-08-00354-CV, ___ SW3d ___, 04-02-09)
motion for emergency temporary relief denied

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

THE SUPREME COURT OF TEXAS

Orders Pronounced May 27, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0435 IN RE AMERICARE NURSING SERVICES, INC. AND MARTHA ARANGO; from Hidalgo County; 13th district (13-09-00235-CV, ___ SW3d ___, 05-14-09) emergency motion for stay denied

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

09-0431 IN RE CHRISTUS HEALTH AND CHRISTUS HEALTH GULF COAST D/B/A CHRISTUS ST. CATHERINE HOSPITAL; from Harris County; 1st district (01-08-00194-CV, 276 SW3d 708, 12-31-08) relators' motion for temporary relief granted stay order issued requested response due by 3:00 p.m., June 8, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced May 29, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0204 THOMAS TARBOX v. DAVE THOMSON D/B/A WATERSIDE CONSTRUCTION & ENGINEERING; from Polk County; 9th district (09-07-00213-CV, ___ SW3d ___, 10-30-08)
- 09-0241 SANDSTONE PRODUCTS, INC. v. PARA-CHEM SOUTHERN, INC.; from Harris County; 1st district (01-06-01073-CV, ___ SW3d ___, 02-05-09)
- 09-0254 CLIFFORD ZEIFMAN v. SHERYL MICHAELS, JOHN BARRETT, KARL E. HAYS, LAW OFFICES OF JOHN BARRETT, BECKY BEAVER AND THE LAW OFFICE OF BECKY BEAVER; from Travis County; 3rd district (03-08-00287-CV, ___ SW3d ___, 02-12-09)
- 09-0274 LAWRENCE HIGGINS v. RANDALL COUNTY SHERIFF'S OFFICE; from Randall County; 7th district (07-05-00004-CV, ___ SW3d ___, 03-16-09)

(Justice Johnson not sitting)

- 09-0283 EX PARTE JESSIE SIMMONS; from Dallas County; 5th district (05-07-01353-CV, ___ SW3d ___, 02-19-09)
- 09-0356 IN THE INTEREST OF Z.C., C.C., L.C., AND D.A.C., JR., MINOR CHILDREN; from Tarrant County; 2nd district (02-08-00025-CV, 280 SW3d 470, 02-12-09)
as redrafted

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 09-0154 KIMBERLY MORA v. DAVID BLOCK; from Hale County; 7th district (07-08-00092-CV, ___ SW3d ___, 01-07-09)
agreed motion to dismiss granted

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0108 IN RE THOMAS J. ELLIS; from Dallas County; 5th district
(05-09-00075-CV, ___ SW3d ___, 01-30-09)

MISCELLANEOUS

THE FOLLOWING MOTIONS TO CONSOLIDATE ARE GRANTED:

08-1003 KIRBY LAKE DEVELOPMENT, LTD., MITER DEVELOPMENT CO.,
L.L.C. AND TAYLOR LAKE, LTD. v. CLEAR LAKE CITY WATER
AUTHORITY; from Harris County; 14th district
(14-08-00013-CV, 274 SW3d 41, 08-07-08)
unopposed motion to consolidate appeals granted

consolidated with

08-1005 KIRBY LAKE DEVELOPMENT, LTD., MITER DEVELOPMENT CO.,
L.L.C. AND TAYLOR LAKE, LTD. v. CLEAR LAKE CITY WATER
AUTHORITY; from Harris County; 14th district
(14-06-00924-CV, ___ SW3d ___, 08-05-08)
unopposed motion to consolidate appeals granted

consolidated with

09-0064 FRIENDSWOOD DEVELOPMENT COMPANY, LTD. v. CLEAR LAKE
CITY WATER AUTHORITY; from Harris County; 14th district
(14-07-00404-CV, ___ SW3d ___, 12-09-08)
unopposed motion to consolidate appeals granted

09-0218 \$1,943.76 IN THE UNITED STATES CURRENCY, ET AL. v. THE STATE
OF TEXAS; from Tarrant County; 2nd district
(02-07-00021-CV, ___ SW3d ___, 01-29-09)
unopposed motion to consolidate cases granted

consolidated with

09-0228 \$1,943.76 IN THE UNITED STATES CURRENCY, ET AL. v. THE STATE
OF TEXAS; from Tarrant County; 2nd district
(02-07-00023-CV, ___ SW3d ___, 01-29-09)

unopposed motion to consolidate cases granted

THE FOLLOWING PETITION FOR WRIT OF PROHIBITION IS DENIED:

09-0321 IN RE JOHN MELTON; from Williamson County
motion to submit documentary evidence denied
motion for production of documents denied
motion to recuse denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0319 IN RE JOHN WEBB; from Houston County

THE MOTION IN THE FOLLOWING CASE IS DENIED:

08-0642 ROBERT S. BENNETT, INDIVIDUALLY, AND THE BENNETT LAW
FIRM, P.C. v. STEPHEN T. LEAS; from Hidalgo County; 13th district
(13-06-00469-CV, ___ SW3d ___, 06-26-08)
motion to proceed on petition for review denied
abatement order issued October 31, 2008, remains in place

THE SUPREME COURT OF TEXAS

Orders Pronounced June 5, 2009

ORDERS ON CAUSES

06-0372 COLUMBIA RIO GRANDE HEALTHCARE, L.P. D/B/A RIO GRANDE REGIONAL HOSPITAL v. ALICE H. HAWLEY AND JAMES A. HAWLEY; from Hidalgo County; 13th district (13-03-00427-CV, 188 SW3d 838, 03-23-06)

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

Justice Johnson delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice Wainwright, Justice Brister, Justice Green, and Justice Willett joined, and in all but Part II-D 2 of which Justice O'Neill and Justice Medina joined.

07-0737 IN RE LESTER COLLINS, M.D.; from Smith County; 12th district (12-06-00078-CV, 224 SW3d 798, 05-14-07)

The Court conditionally grants the petition for writ of mandamus.

Justice O'Neill delivered the opinion of the Court.

07-0806 WALTER E. HARRELL v. THE STATE OF TEXAS; from Terry County; 7th district (07-06-00469-CR&07-06-00470-CR, ___ SW3d ___, 08-13-07)

The Court reverses the court of appeals' judgment dismissing the case for want of jurisdiction and renders judgment affirming the trial court's order.

Justice Willett delivered the opinion of the Court.

07-1026 LOUIS M. DITTA, GUARDIAN OF THE ESTATE OF DORIS L. CONTE, AN INCAPACITATED PERSON v. SUSAN C. CONTE AND JOSEPH P. CONTE, JR.; from Harris County; 1st district (01-05-00603-CV, ___ SW3d ___, 08-31-07)
motion to strike petitioner's appendix to brief on the merits dismissed as moot

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

Justice Willett delivered the opinion of the Court.

08-0043 TIMPTE INDUSTRIES, INC. AND TIMPTE INC. v. ROBERT GISH AND PINNACOL ASSURANCE; from Hale County; 7th district (07-06-00215-CV, ___ SW3d ___, 11-30-07)

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

Justice Medina delivered the opinion of the Court.

08-0157 IN THE INTEREST OF E.A. AND D.A., CHILDREN; from Wichita County; 2nd district (02-07-00215-CV, ___ SW3d ___, 12-06-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Chief Justice Jefferson delivered the opinion of the Court, in which Justice Hecht, Justice O'Neill, Justice Medina, Justice Green, and Justice Johnson joined.

Justice Brister delivered a concurring opinion, in which Justice Wainwright and Justice Willett joined.

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

05-0272 ENTERGY GULF STATES, INC. v. JOHN SUMMERS; from Jefferson County; 9th district (09-04-00152-CV, ___ SW3d ___, 12-30-04)

06-0418 HCBECK, LTD. v. CHARLES RICE; from Tarrant County; 2nd district (02-05-00239-CV, ___ SW3d ___, 04-06-06)

(Justice O'Neill not sitting)

06-0845 WAGNER & BROWN, LTD. ET AL. v. JANE TURNER SHEPPARD, INDIVIDUALLY AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF SYBIL TURNER, DECEASED; from Upshur County; 6th district (06-05-00023-CV, 198 SW3d 369, 07-14-06)

(Justice Willett not sitting)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

08-0669 DAN KELLY AND LAURA HOFSTATTER v. GENERAL INTERIOR CONSTRUCTION, INC.; from Harris County; 14th district (14-07-00270-CV, 262 SW3d 79, 07-03-08)

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

ORDERS ON PETITIONS FOR REVIEW

SOLICITOR GENERAL INVITED TO FILE BRIEF:

08-0265 CITY OF DALLAS v. VSC, LLC; from Dallas County; 5th district (05-05-01227-CV, 242 SW3d 584, 01-04-08)

The Solicitor General is invited to file a brief in this case expressing the views of the State.

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0402 KEVIN LEE CHUDEJ v. THE STATE OF TEXAS; from McLennan County; 10th district (10-08-00040-CR, 255 SW3d 273, 03-12-08)

08-0664 LIMESTONE COUNTY, TEXAS v. LAURI J. ANDERSON; from Limestone County; 10th district (10-07-00174-CV, ___ SW3d ___, 07-02-08) motion to dismiss for want of jurisdiction dismissed as moot

(Justice Willett not sitting)

08-0860 EFRAIN RIVERA, M.D. v. ANITA LOWEREE; from El Paso County; 8th district (08-06-00185-CV, 281 SW3d 515, 08-28-08)

08-1010 T. CHRISTOPHER ROBSON v. GARRETT GILBREATH AND DAVID GILBREATH; from Travis County; 3rd district (03-06-00364-CV, 267 SW3d 401, 08-01-08)

08-1015 IN THE MATTER OF J.A.L.; from Galveston County; 1st district (01-07-00896-CV, ___ SW3d ___, 10-30-08)

- 09-0044 MARK RILEY, INDIVIDUALLY AND AS TRUSTEE v. ROBERT ALPERT, ROMAN ALPERT, AND RENEE PICAZO, GUARDIAN OF THE ESTATE OF DANIEL ALPERT, A MINOR; from Harris County; 1st district (01-06-00605-CV, 274 SW3d 277, 10-23-08)
- 09-0054 PULMOSAN SAFETY EQUIPMENT CORPORATION v. WILLIAM LAMB; from Harris County; 14th district (14-08-00279-CV, 273 SW3d 829, 12-09-08)
- 09-0058 JOSEPH DANIELS, D.O., JOSEPH DANIELS, D.O., P.A. AND AMERICAN ORTHOPEDIC NEUROLOGICAL AND REHABILITATION CENTER v. SHARON JORDAN, AS NEXT FRIEND OF MICHAEL MASHBURN AND MICHAEL MASHBURN, INDIVIDUALLY; from Tarrant County; 2nd district (02-06-00341-CV, ___ SW3d ___, 11-13-08)
- 09-0066 BERTRAND R. LOVE v. ALLON R. HAHN, INDIVIDUALLY AND D/B/A HAHN'S GULF SERVICE; from Harris County; 1st district (01-07-00096-CV, 273 SW3d 712, 11-06-08)
- 09-0072 IN THE GUARDIANSHIP OF MARY JANE OLIVARES, AN INCAPACITATED PERSON; from Bexar County; 7th district (07-07-00275-CV, ___ SW3d ___, 12-12-08)
- 09-0096 ARTHUR F. "RICK" PRICE v. JOHN D. SEIFERT, M.D. AND THE TEXAS REGIONAL COSMETIC SURGERY CENTER, INC.; from Dallas County; 5th district (05-08-00655-CV, ___ SW3d ___, 12-23-08)
- 09-0206 ANHEUSER-BUSCH, INC. v. JAMES DEWBRE; from Hamilton County; 10th district (10-08-00022-CV, ___ SW3d ___, 11-26-08)
- 09-0211 JOSEPH MITCHELL BEARD v. ENDEAVOR NATURAL GAS, L.P. AND TEPEE PETROLEUM COMPANY, INC.; from Harris County; 1st district (01-08-00180-CV, ___ SW3d ___, 12-19-08)
- 09-0253 KENNETH WAYNE HUNTER AND RUFINA HUNTER v. L. DOE AND M. DOE; from Harris County; 14th district (14-07-00603-CV, ___ SW3d ___, 11-18-08)
- 09-0266 JAMIE WILSON v. WEST ORANGE-COVE, CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND O.T. COLLINS; from Orange County; 9th district (09-08-00068-CV, ___ SW3d ___, 02-12-09)
- 09-0307 TURNER GERMANY, JR. v. RAYMOND MUNOZ, M.D.; from Dallas

County; 5th district (05-08-01442-CV, ___ SW3d ___, 12-29-08)

09-0348 CLYDE NUBINE v. KAREN M. STROLENY, ET AL.; from Bee County; 13th district (13-09-00003-CV, ___ SW3d ___, 02-26-09)

09-0451 IN THE INTEREST OF K.C.B., A CHILD; from Collingsworth County; 7th district (07-07-00032-CV, 280 SW3d 888, 03-12-09)

**THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS
RULE OF APPELLATE PROCEDURE 9.4(i):**

09-0402 IN THE INTEREST OF C.C., D.W., JR. AND A.W.; from De Witt County; 13th district (13-07-00541-CV, ___ SW3d ___, 04-02-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.8(b)(1)(A) and (C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by June 15, 2009."

ORDERS ON MOTIONS FOR REHEARING

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

08-1029 RAY C. HILL v. JO ELLEN JARVIS, NEWELL S. JARVIS, JOHN R. JARVIS, AND SARA ANN JARVIS THOMPSON; from Smith County; 12th district (12-07-00091-CV, ___ SW3d ___, 06-30-08)

09-0179 CORNELIUS C. SULLIVAN, JR., D.D.S. v. THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON DENTAL BRANCH, PETER T. TRIOLO, JR., D.D.S., CATHERINE M. FLAITZ, D.D.S. AND JAMES T. WILLERSON, M.D.; from Harris County; 1st district (01-08-00327-CV, ___ SW3d ___, 12-11-08)

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF
MANDAMUS IS DENIED:**

09-0040 IN RE AMANDA SOTO; from Lubbock County; 7th district (07-08-00380-CV, 270 SW3d 732, 10-31-08)

MISCELLANEOUS

THE FOLLOWING MOTIONS TO CONSOLIDATE ARE GRANTED:

07-0284 CITY OF DALLAS v. KENNETH E. ALBERT, ET AL.; from Collin County; 5th district (05-03-01297-CV, 214 SW3d 631, 12-21-06)
2 petitions
unopposed motion to consolidate cases granted

consolidated with

07-0285 CITY OF DALLAS v. DAVID R. BARBER, ET AL.; from Collin County; 5th district (05-03-01298-CV, 214 SW3d 631, 12-21-06)
2 petitions
unopposed motion to consolidate cases granted

consolidated with

07-0286 CITY OF DALLAS v. ANTHONY ARREDONDO, ET AL.; from Collin County; 5th district (05-03-01299-CV, 214 SW3d 631, 12-21-06)
2 petitions
unopposed motion to consolidate cases granted

consolidated with

07-0287 CITY OF DALLAS v. KEVIN MICHAEL WILLIS, ET AL.; from Collin County; 5th district (05-03-01300-CV, 214 SW3d 631, 12-21-06)
2 petitions
unopposed motion to consolidate cases granted

07-0288 CITY OF DALLAS v. DAVID S. MARTIN, ET AL.; from Rockwall County; 5th district (05-03-01310-CV, 214 SW3d 638, 12-21-06)
2 petitions
unopposed motion to consolidate cases granted

consolidated with

07-0289 CITY OF DALLAS v. GEORGE G. PARKER, ET AL.; from Rockwall County; 5th district (05-03-01334-CV, 214 SW3d 638, 12-21-06)
2 petitions
unopposed motion to consolidate cases granted

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

08-0886 IN RE HEI RESOURCES, INC., R.D. TUSETH, RICK STRATTON AND STEVEN HEARNE; from Wharton County; 13th district (13-08-00494-CV, ___ SW3d ___, 10-08-08) stay order issued October 24, 2008, lifted

(Justice Hecht not sitting)

09-0001 IN RE CHARLES WATKINS; from Harris County; 1st district (01-08-00952-CV, ___ SW3d ___, 12-11-08) opposed motion to stay denied

09-0052 IN RE ALLEN SAMUELS ENTERPRISES, INC. D/B/A ALLEN SAMUELS AUTO GROUP, SOUTHSIDE DODGE SALES, INC. D/B/A ALLEN SAMUELS DODGE HYUNDAI AND JIM TRELKA; from Tarrant County; 2nd district (02-08-00489-CV, ___ SW3d ___, 01-06-09) 2 petitions as amended

09-0142 IN RE SABAL PALM RURAL HEALTH CLINIC, INC., LORENZO R. PELLY, M.D., AND VALLEY DOCTORS CLINIC, PLLC; from Cameron County; 13th district (13-09-00060-CV, ___ SW3d ___, 02-09-09)

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

09-0316 IN RE JOANNA DE LA CRUZ; from Dallas County; 5th district (05-09-00312-CV, ___ SW3d ___, 04-03-09) motion to dismiss habeas corpus dismissed as moot

THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE FOLLOWING APPEAL IS AFFIRMED:

09-0075 JAMES E. PORTER v. COMMISSION FOR LAWYER DISCIPLINE

THE SUPREME COURT OF TEXAS

Orders Pronounced June 11, 2009

MISCELLANEOUS

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

09-0476 IN RE JOHN O'QUINN AND CHARLES B. MUSSLEWHITE, JR.; from El Paso County; 8th district (08-09-00098-CV, ___ SW3d ___, 06-03-09)
relators' emergency request for stay of proceedings granted
stay order issued
requested response due by 3:00 p.m., June 22, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced June 12, 2009

ORDERS ON CAUSES

07-0322 IN RE JAMES ALLEN HALL; from Bexar County; 4th district
(04-07-00050-CV, ___ SW3d ___, 02-14-07)

The petition for writ of mandamus is denied.

Justice Medina delivered the opinion of the Court.

08-0531 IN RE INTERNATIONAL PROFIT ASSOCIATES, INC., INTERGRATED
BUSINESS ANALYSIS, INC., ACCOUNTANCY ASSOCIATES, LLC.,
INTERNATIONAL TAX ADVISORS, INC., AND HUEY MITCHELL, JR.;
from Dallas County; 5th district (05-08-00809-CV, ___ SW3d ___, 06-30-08)
stay order issued March 11, 2009, lifted

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

Per Curiam Opinion

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

07-0145 ALBERT HAWKINS, EXECUTIVE COMMISSIONER OF THE TEXAS
HEALTH AND HUMAN SERVICES COMMISSION, ET AL. v. EL PASO
FIRST HEALTH PLANS, INC. AND COMMUNITY HEALTH CHOICE,
INC.; from Travis County; 3rd district
(03-04-00663-CV, 214 SW3d 709, 01-11-07)

08-0744 IN THE INTEREST OF E.E.C., S.M.C., AND V.C.; from Harris County; 14th
district (14-08-00167-CV, ___ SW3d ___, 07-24-08)
motion to dismiss petition for review dismissed as moot
motion to strike and/or deny petitioner's affidavit of indigence dismissed as
moot

- 08-0784 FOXWORTH-GALBRAITH LUMBER COMPANY v. ROBERT PAVELKA AND DENA PAVELKA; from McLennan County; 10th district (10-07-00246-CV, ___ SW3d ___, 08-06-08)
- 08-0819 PEDRO P. HANI, M.D. v. ISABELLA JIMENEZ, INDIVIDUALLY, AND AS REPRESENTATIVE OF THE ESTATE OF REFUGIO P. JIMENEZ, DECEASED; from Dallas County; 5th district (05-07-01354-CV, 264 SW3d 881, 08-13-08)
- 08-1069 GOLDEN SPREAD ELECTRIC COOPERATIVE, INC. v. DENVER CITY ENERGY ASSOCIATES, L.P.; from Potter County; 7th district (07-07-00073-CV, 269 SW3d 183, 10-16-08)
- 08-1081 ANN CASSTEVENS v. DANIEL SMITH AND SHANNON SMITH; from Smith County; 6th district (06-07-00116-CV, 269 SW3d 222, 10-23-08)
- 09-0041 KENNETH L. KEY v. D. BAILEY TYLER; from Smith County; 12th district (12-07-00384-CV, ___ SW3d ___, 11-26-08)
- 09-0077 JOHN M. LIM, M.D. v. RALPH WEST; from Harris County; 1st district (01-08-00469-CV, ___ SW3d ___, 10-23-08)
- 09-0082 DALLAS AREA RAPID TRANSIT v. AGENT SYSTEMS, INC.; from Tarrant County; 2nd district (02-08-00156-CV, ___ SW3d ___, 11-20-08)
- 09-0094 IN THE INTEREST OF D.C.M. AND L.G.M.; from Fort Bend County; 14th district (14-06-00844-CV, ___ SW3d ___, 09-09-08)
- 09-0164 IN THE INTEREST OF L.K.K. AND C.M.K., CHILDREN; from Montgomery County; 11th district (11-07-00106-CV, ___ SW3d ___, 09-11-08)
- 09-0192 PYRAMID CONSTRUCTORS, L.L.P. v. PORT NECHES-GROVES INDEPENDENT SCHOOL DISTRICT; from Jefferson County; 9th district (09-08-00197-CV, 281 SW3d 142, 02-05-09)
- 09-0225 CASCOTT, LLC, ET AL. v. THE CITY OF ARLINGTON; from Tarrant County; 2nd district (02-08-00042-CV, 278 SW3d 523, 02-19-09)
- 09-0244 CODY JONES v. GRAY INSURANCE COMPANY; from Newton County; 9th district (09-08-00322-CV, ___ SW3d ___, 03-05-09)

- 09-0252 PAUL FRIEDMAN AND SUSAN FRIEDMAN v. THE GLADNEY CENTER AND THE PARTY DOING BUSINESS AS EDNA GLADNEY CENTER; from Tarrant County; 2nd district
(02-08-00188-CV, ___ SW3d ___, 02-12-09)
- 09-0272 GOODSON PONTIAC GMC, L.L.C., GOODSON NORTH, L.L.C., GOODSON HONDA, INC., AUTOMOTIVE GROUP REALTY, L.L.C., UNITED AUTO GROUP, INC. AND MOTORS INSURANCE COMPANY v. AUTONATION USA CORPORATION N/K/A AN DEALERSHIP HOLDING CORP., AUTONATION, INC. AND TURNER, COLLIE & BRADEN, INC.; from Harris County; 1st district
(01-07-00104-CV, ___ SW3d ___, 01-08-09)
- 09-0288 BENJAMIN FRANKLIN ARMSTRONG, III v. CHRISTOPHER MCLOUGHLIN; from Dallas County; 5th district
(05-08-00253-CV, ___ SW3d ___, 02-23-09)
- (Justice Johnson not sitting)
- 09-0291 SUZANNE COATES AND 2055 INCORPORATED v. ROBERT COATES; from Dallas County; 5th district (05-08-00440-CV, ___ SW3d ___, 03-17-09)
- 09-0314 WILLIAM CRAIG RILEY v. GARY J. COHEN; from Travis County; 3rd district (03-08-00285-CV, ___ SW3d ___, 02-19-09)
- 09-0331 SYBLE HOOD AND TOM H. WHITESIDE v. EDWARD D. JONES & CO., L.P. AND ROBBY R. ROGERS; from Andrews County; 8th district
(08-07-00324-CV, 277 SW3d 505, 01-29-09)
- 09-0332 SYBLE HOOD v. EDWARD D. JONES & CO., L.P. AND ROBBY R. ROGERS; from Andrews County; 8th district
(08-07-00093-CV, 277 SW3d 498, 01-29-09)
- 09-0333 JESSICA SEIDLER v. JAMES M. MORGAN, D/B/A FISH CREEK RANCH AND MORGAN LAND AND CATTLE PARTNERS, LTD., D/B/A FISH CREEK RANCH; from Bowie County; 6th district
(06-08-00107-CV, 277 SW3d 549, 02-12-09)
- 09-0344 THOMAS BENNETT, EXECUTOR OF THE ESTATE OF MYRTLE BENNETT, DECEASED v. ARCHIE SEALS, INDEPENDENT EXECUTOR OF THE ESTATE OF JULIA MAE WARNER THOMPSON, DECEASED; from Austin County; 1st district (01-08-00079-CV, ___ SW3d ___, 02-05-09)

09-0351 ROBERT D. HENTNIK v. DIANE E. HENTNIK; from Gillespie County; 4th district (04-08-00868-CV, ___ SW3d ___, 02-11-09)

THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO
TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

09-0232 BRIAN SIMON v. D. MILLER & ASSOCIATES, PLLC, TIMOTHY JOHN CLYNE, JAMILAH O. DRIVER AND RYAN BRADLEY BORMASTER; from Harris County; 14th district (14-07-00894-CV, ___ SW3d ___, 02-12-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by June 22, 2009."

09-0381 JOHN A. LYONS v. LAURI D. LYONS; from Bexar County; 4th district (04-08-00259-CV, ___ SW3d ___, 01-14-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.2(k)(1)(C) and 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by June 22, 2009."

09-0463 GUILLERMO GONZALEZ v. GUILLERMO TAPIA; from Cameron County; 13th district (13-08-00039-CV, ___ SW3d ___, 04-23-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by June 22, 2009."

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

08-0814 STATE FARM LLOYDS v. TERRY A. HAMILTON, SR. AND JOHNNIE HAMILTON; from Dallas County; 5th district (05-06-01032-CV, 265 SW3d 725, 08-29-08)
motion to dismiss petition for review granted

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF
JURISDICTION:

09-0376 ROSE MCCULLOUGH v. DEVON ENERGY PRODUCTION COMPANY,

LLP.; from Johnson County; 10th district
(10-08-00005-CV, ___ SW3d ___, 07-30-08)

ORDERS ON MOTIONS FOR REHEARING

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

08-0530 W.L. LINDEMANN OPERATING COMPANY, INC. v. JOYCE STRANGE,
INDIVIDUALLY AND AS TRUSTEE FOR THE JOYCE STRANGE
MARITAL TRUST; from Archer County; 2nd district
(02-06-00433-CV, 256 SW3d 766, 05-29-08)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0194 IN RE MAIN ST. TRAVEL CENTER OF MONSEY, INC.; from Tarrant
County; 2nd district (02-08-00473-CV, ___ SW3d ___, 12-29-08)

MISCELLANEOUS

THE FOLLOWING CASE IS REINSTATED:

08-0523 TEXAS LOTTERY COMMISSION v. FIRST STATE BANK OF
DEQUEEN; STONE STREET CAPITAL, INC.; AND CLETIUS L. IRVAN;
from Travis County; 3rd district (03-07-00249-CV, 254 SW3d 677, 05-16-08)
abatement order issued May 1, 2009, lifted
motion to reinstate appeal granted
motion for substitution of parties granted
petition reinstated

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0020 IN RE WILMER CUTLER PICKERING HALE AND DORR LLP; from
Collin County; 5th district (05-08-01395-CV, ___ SW3d ___, 12-31-08)
stay order issued January 20, 2009, lifted

09-0215 IN RE WILLIAM DAVID GOLDEN; from Harris County; 1st district
(01-08-01003-CV, ___ SW3d ___, 12-31-08)

09-0379 IN RE ANTHONY E. GILL; from Brazoria County

09-0458 IN RE DURA AUTOMOTIVE SYSTEMS, INC. AND DURA
AUTOMOTIVE SYSTEMS, INC. D/B/A HANNIBAL CABLE
OPERATIONS; from Hidalgo County; 13th district
(13-09-00291-CV, ___ SW3d ___, 06-02-09)
relators' emergency motion for immediate temporary relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

09-0444 IN RE APOLLO GLOBAL MANAGEMENT, L.L.C., ET AL.; from
Montgomery County; 9th district (09-09-00189-CV, ___ SW3d ___, 05-15-09)
unopposed motion to dismiss granted
emergency motion for expedited consideration dismissed as moot

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

09-0425 IN RE WESLEY MILLER

THE SUPREME COURT OF TEXAS

Orders Pronounced June 19, 2009

ORDERS ON CAUSES

06-0074 PASTOR RICK BARR AND PHILEMON HOMES, INC. v. CITY OF SINTON; from San Patricio County; 13th district (13-03-00727-CV, ___ SW3d ___, 11-23-05) motion to take judicial notice granted

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

Justice Hecht delivered the opinion of the Court.

06-0890 NABORS DRILLING, U.S.A., INC. v. FRANCISCA ESCOTO, ET AL.; from Willacy County; 13th district (13-02-00171-CV, 200 SW3d 716, 06-08-06)

The Court reverses the court of appeals' judgment and reinstates the trial court's judgment.

Justice Green delivered the opinion of the Court.

07-1031 CITY OF DESOTO, TEXAS v. JUSTIN WHITE; from Dallas County; 5th district (05-06-01469-CV, 232 SW3d 379, 08-28-07)

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

Justice Green delivered the opinion of the Court.

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

04-0575 COLUMBIA MEDICAL CENTER OF LAS COLINAS, INC. D/B/A LAS COLINAS MEDICAL CENTER v. ATHENA HOGUE, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF ROBERT HOGUE, JR., DECEASED, CHRISTOPHER HOGUE, AND ROBERT HOGUE, III; from Dallas County; 5th district (05-03-00279-CV, 132 SW3d 671, 04-13-04) petitioner's motion to clarify mandate denied

Justice Wainwright delivered an opinion, in which Justice Hecht and Justice Brister joined, dissenting to the denial.

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

07-1028 FORT BROWN VILLAS III CONDOMINIUM ASSOCIATION, INC. D/B/A FORT BROWN CONDOSHARES AND LRI MANAGEMENT, INC. v. COY GILLENWATER; from Cameron County; 13th district (13-06-00478-CV, ___ SW3d ___, 11-01-07)

(Justice Johnson not sitting)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

08-0421 THE STATE OF TEXAS, BY AND THROUGH THE OFFICE OF THE ATTORNEY GENERAL, CONSUMER PROTECTION AND PUBLIC HEALTH DIVISION, PUBLIC AGENCY REPRESENTATION SECTION v. PUBLIC UTILITY COMMISSION OF TEXAS; from Travis County; 3rd district (03-05-00557-CV, 252 SW3d 1, 04-17-08)
3 petitions

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

08-0667 EBERHARD SAMLOWSKI, M.D. v. CAROL WOOTEN; from Johnson County; 10th district (10-07-00305-CV, 282 SW3d 82, 05-21-08)

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

08-0727 TEXAS INDUSTRIAL ENERGY CONSUMERS v. CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC; PUBLIC UTILITY COMMISSION OF TEXAS; from Travis County; 3rd district (03-06-00285-CV, 263 SW3d 448, 07-25-08)
2 petitions

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

08-0799 STATE FARM LLOYDS AND ERIN STRACHAN v. WANDA M. PAGE; from Johnson County; 10th district

(10-07-00228-CV, 259 SW3d 257, 06-11-08)

[**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:

08-0783 LAWRENCE W. FEW v. CATHERINE J. FEW; from El Paso County; 8th district (08-06-00234-CV, 271 SW3d 341, 08-28-08)
as redrafted
as amended

09-0060 ESTATE OF BRANCH ARCHER, BY RICHARD K. ARCHER AS PERSONAL REPRESENTATIVE AND RICHARD K. ARCHER, INDIVIDUALLY AND AS TRUSTEE OF THE RICHARD K. ARCHER, M.D., P.A. PROFIT SHARING PLAN & TRUST v. RICHARD O. HARRIS, INDIVIDUALLY AND AS TRUSTEE OF THE RICHARD O. HARRIS PROFIT SHARING TRUST; from Wichita County; 2nd district (02-07-00243-CV, ___ SW3d ___, 12-04-08)

(Justice Johnson not sitting)

09-0071 TERRA XXI, LTD., TERRA PARTNERS, VEIGEL FARMS, INC., ROBERT W. VEIGEL AND ELLA MARIE VEIGEL v. AG ACCEPTANCE CORPORATION; from Deaf Smith County; 7th district (07-06-00419-CV, 280 SW3d 414, 10-31-08)

09-0152 BANK OF TEXAS, N.A. v. VR ELECTRIC, INC.; from Fort Bend County; 1st district (01-07-00308-CV, 276 SW3d 671, 12-31-08)

09-0163 ELYON LIGHT MINISTRY v. DEVON ENERGY PRODUCTION COMPANY, LLP; from Tarrant County; 2nd district (02-08-00421-CV, ___ SW3d ___, 01-29-09)

(Justice O'Neill not sitting)

09-0227 BILL M. RANKIN v. GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Bowie County; 6th district (06-07-00149-CV, ___ SW3d ___, 12-10-08)

09-0250 JOHN L. KENNAMER, ET AL. v. ESTATE OF JOHN A. NOBLITT, ET

AL.; from Brazoria County; 1st district
(01-08-00134-CV, ___ SW3d ___, 01-08-09)

09-0308 JOSE ANTONIO HERRERA v. AMD PROPERTY MANAGEMENT, INC.;
from Harris County; 1st district (01-08-00437-CV, ___ SW3d ___, 02-26-09)

09-0347 IN THE MATTER OF E.A.P.; from Bexar County; 4th district
(04-08-00503-CV, ___ SW3d ___, 03-11-09)

09-0367 JEFFREY NELSON; ALFRED P. SCHOELEN, JR. AND TIMOTHY
STECKER v. CITY OF DALLAS AND CHIEF DAVID KUNKLE; from
Dallas County; 5th district (05-08-00335-CV, 278 SW3d 90, 02-04-09)

09-0382 IN THE INTEREST OF L.K.H. A CHILD; from Kaufman County; 5th district
(05-08-01191-CV, ___ SW3d ___, 03-06-09)

09-0393 SEMBERA SECURITY SYSTEMS, INC. A/K/A SEMBERA SECURITY,
INC. v. TEXAS MUTUAL INSURANCE COMPANY, F/K/A TEXAS
WORKERS' COMPENSATION INSURANCE FUND; from Harris County;
1st district (01-07-00310-CV, ___ SW3d ___, 01-29-09)

ORDERS ON MOTIONS FOR REHEARING

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

08-0627 JIM TRANUM v. DAVID BROADWAY; from Coryell County; 10th district
(10-06-00308-CV, ___ SW3d ___, 07-02-08)

08-0947 ROY MITCHELL v. WELLS FARGO BANK; from Ellis County; 10th
district (10-07-00296-CV, ___ SW3d ___, 09-03-08)

(Justice Johnson not sitting)

08-1031 KAREN C. REYNOLDS v. NEAL NAGELY D/B/A LAW FIRM OF NEAL
NAGELY; from Collin County; 5th district
(05-06-00856-CV, 262 SW3d 521, 08-21-08)

08-1033 ALFREDO FLORES, SAM LAJZEROWICZ AND DEBRA TRAPHAGAN
v. STAR CAB COOPERATIVE ASSOCIATION, INC., ET AL.; from Bexar
County; 7th district (07-06-00306-CV, ___ SW3d ___, 08-28-08)

08-1055 ESTATE OF ELLA V. MASK, DECEASED; from Uvalde County; 4th district
(04-07-00667-CV, ___ SW3d ___, 10-15-08)

09-0027 ENGLISH MARINE AGENCY, INC. v. BORDER SHIPYARDS, INC., ET
AL.; from Cameron County; 13th district
(13-07-00149-CV, ___ SW3d ___, 11-25-08)

09-0101 LELAH MAE BROUSSARD KLEAS, ALLEGRA MANAGEMENT, L.L.C.
AND ALLEGRA DEVELOPMENT, L.P. v. BMC WEST CORPORATION
D/B/A STRIPLING-BLAKE LUMBER COMPANY; from Travis County; 3rd
district (03-05-00190-CV, ___ SW3d ___, 12-19-08)

09-0129 NATIONAL FOOTBALL LEAGUE PLAYERS INCORPORATED AND
NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION v.
BLAKE'S BAR-B-QUE, INC.; from Harris County; 1st district
(01-06-01106-CV, ___ SW3d ___, 03-06-08)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF
MANDAMUS IS DENIED:

09-0038 IN RE HA T.N. FRASIER; from Tarrant County; 2nd district
(02-08-00439-CV, ___ SW3d ___, 12-02-08)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0487 IN RE MAX W. BLANTON; from Brazoria County; 14th district
(14-09-00341-CV, ___ SW3d ___, 06-04-09)
motion for emergency temporary stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced June 26, 2009

ORDERS ON CAUSES

06-0911 EDWARDS AQUIFER AUTHORITY, ET AL. v. CHEMICAL LIME, LTD.; from Comal County; 3rd district (03-04-00379-CV, 212 SW3d 683, 09-14-06)

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

Justice Hecht delivered the opinion of the Court, in which Chief Justice Jefferson, Justice O'Neill, Justice Wainwright, Justice Brister, Justice Medina, Justice Green, Justice Johnson and Justice Willett joined.

Justice Brister delivered a concurring opinion.

Justice Willett delivered a concurring opinion.

06-1034 THE STATE OF TEXAS AND THE TEXAS DEPARTMENT OF TRANSPORTATION v. GEORGE LUECK; from Travis County; 3rd district (03-05-00510-CV, 212 SW3d 630, 08-16-06)
motion to dismiss denied

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

Justice Green delivered the opinion of the Court.

07-0572 GAIL ASHLEY v. DORIS D. HAWKINS; from Montgomery County; 9th district (09-06-00359-CV, ___ SW3d ___, 06-07-07)

The Court reverses the court of appeals' judgment and reinstates the trial court's judgment.

Justice Green delivered the opinion of the Court.

07-0697 PAUL H. SMITH, ET AL. v. THOMAS O'DONNELL, EXECUTOR OF THE ESTATE OF CORWIN DENNEY; from Bexar County; 4th district

(04-04-00108-CV, 234 SW3d 135, 07-25-07)
2 petitions

The Court affirms the court of appeals' judgment.

Justice O'Neill delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Brister, Justice Medina, and Justice Johnson joined.

Justice Willett delivered a dissenting opinion, in which Justice Wainwright joined.

(Justice Hecht and Justice Green not sitting)

07-0784 HARRY HOLMES, II, INDEPENDENT EXECUTOR OF THE ESTATE OF THOMAS J. HOLMES, SR., DECEASED AND AS TRUSTEE OF ANY TRUST NAMED AS A LEGATEE IN THE WILL OF THOMAS J. HOLMES, SR., DECEASED v. DOUGLAS G. BEATTY, INDEPENDENT EXECUTOR OF THE ESTATE OF KATHRYN V. HOLMES, DECEASED; from Harris County; 14th district
(14-03-00663-CV, 233 SW3d 475, 08-14-07)

consolidated with

07-0785 HARRY HOLMES, II, INDEPENDENT EXECUTOR OF THE ESTATE OF THOMAS J. HOLMES, SR., DECEASED AND AS TRUSTEE OF ANY TRUST NAMED AS A LEGATEE IN THE WILL OF THOMAS J. HOLMES, SR., DECEASED v. DOUGLAS G. BEATTY, INDEPENDENT EXECUTOR OF THE ESTATE OF KATHRYN V. HOLMES, DECEASED; from Harris County; 14th district
(14-05-00474-CV, 233 SW3d 494, 08-14-07)
2 petitions

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

Chief Justice Jefferson delivered the opinion of the Court.

07-1051 GALBRAITH ENGINEERING CONSULTANTS, INC. v. SAM POCHUCHA AND JEAN POCHUCHA; from Bexar County; 4th district
(04-07-00119-CV, 243 SW3d 138, 09-12-07)
motion for leave to file response to post submission brief granted

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

Justice Medina delivered the opinion of the Court.

08-0061 THE STATE OF TEXAS v. CENTRAL EXPRESSWAY SIGN ASSOCIATES, ET AL.; from Dallas County; 5th district (05-06-00003-CV, 238 SW3d 800, 08-31-07)

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

Justice O'Neill delivered the opinion of the Court.

08-0584 IN RE MACY'S TEXAS, INC.; from Bexar County; 4th district (04-08-00469-CV, ___ SW3d ___, 07-23-08)
stay order issued October 10, 2008, lifted

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

Per Curiam Opinion

08-0705 IN THE MATTER OF BOMA O. ALLISON

The Court affirms the Board of Disciplinary Appeals' judgment.

Chief Justice Jefferson delivered the opinion of the Court.

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

06-0372 COLUMBIA RIO GRANDE HEALTHCARE, L.P. D/B/A RIO GRANDE REGIONAL HOSPITAL v. ALICE H. HAWLEY AND JAMES A. HAWLEY; from Hidalgo County; 13th district (13-03-00427-CV, 188 SW3d 838, 03-23-06)
respondents' motion for expedited issuance of the mandate granted

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

04-1118 CITY OF SAN ANTONIO v. CHARLES POLLOCK AND TRACY POLLOCK, INDIVIDUALLY AND AS NEXT FRIENDS OF SARAH JANE POLLOCK, A MINOR CHILD; from Bexar County; 4th district (04-03-00403-CV, 155 SW3d 322, 08-18-04)

(Justice Green not sitting)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

06-1018 D.R. HORTON-TEXAS, LTD. v. MARKEL INTERNATIONAL INSURANCE COMPANY, LTD.; from Harris County; 14th district (14-05-00486-CV, ___ SW3d ___, 10-26-06)
denial of petition for review on February 13, 2009, withdrawn
motion for rehearing granted

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

08-0215 UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS v. THE ESTATE OF IRENE ESTHER ARANCIBIA BY ITS BENEFICIARY VICTOR HUGO VASQUEZ-ARANCIBIA, VICTOR HUGO VASQUEZ-ARANCIBIA, INDIVIDUALLY, AND CECILIA VASQUEZ-ARANCIBIA, INDIVIDUALLY; from Dallas County; 5th district (05-07-00499-CV, 244 SW3d 455, 11-20-07)
denial of petition for review on April 17, 2009, withdrawn
motion for rehearing granted

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

08-0419 THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO v. KIA BAILEY, INDIVIDUALLY AND LARRY BAILEY, INDIVIDUALLY; from Bexar County; 4th district (04-07-00323-CV, 261 SW3d 147, 04-16-08)

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

08-0658 CARROLL G. ROBINSON, BRUCE R. HOTZE AND JEFFREY N. DAILY v. BILL WHITE, MAYOR; CITY OF HOUSTON; HOUSTON CITY COUNCIL, ET AL.; from Harris County; 14th district (14-06-00167-CV, 260 SW3d 463, 04-03-08)

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

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

08-0990 ANTHONY AUTHORLEE, DEXTER BURNETT, ROBERT DEROUSSELLE, JOHN HENRY YOUNG, JEROME STUBBLEFIELD AND FLOYD MORAN v. TUBOSCOPE VETCO INTERNATIONAL, INC., AMF INCORPORATED AND MINSTAR, INC.; from Harris County; 1st district (01-06-00719-CV, 274 SW3d 111, 08-28-08)
abatement order issued

[**Note:** Effective June 1, 2009, the case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket, subject to reinstatement upon proper motion. TEX. R. APP. P. 8.3. All motions and other documents pending or filed are abated subject to being reurged in the event the case is reinstated. TEX. R. APP. P. 8.2 and 8.3. It is the parties' responsibility to immediately notify this Court once the automatic bankruptcy stay is lifted.]

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0867 JOE POOL AND LESLIE POOL v. GALLE, INC.; from Travis County; 3rd district (03-07-00619-CV, 262 SW3d 564, 08-29-08)
- 09-0175 IN THE MATTER OF J.J., A CHILD; from Travis County; 3rd district (03-08-00023-CV, 276 SW3d 171, 12-31-08)
- 09-0209 DRALVES GENE EDWARDS, M.D. v. BLUE CROSS BLUE SHIELD OF TEXAS, A DIVISION OF HEALTH CARE SERVICE CORP.; from Dallas County; 5th district (05-07-01281-CV, ___ SW3d ___, 12-19-08)
- 09-0210 KAUFMAN COUNTY, TEXAS, WAYNE GENT, JIM DELLER, GERALD ROWDEN, KENNETH SCHOEN, KEN LEONARD AND HAL D. JONES v. JO ANN E. COMBS; from Kaufman County; 5th district (05-07-01152-CV, 274 SW3d 922, 12-30-08)
- 09-0261 JAY KENNEDY v. ANGELA M. JOHNSON; from Harris County; 14th district (14-08-00692-CV, ___ SW3d ___, 02-05-09)
- 09-0287 YIQING FENG v. SABIC AMERICAS, INC.; from Harris County; 14th district (14-07-00699-CV, ___ SW3d ___, 03-17-09)
as redrafted
- 09-0322 JUDY S. BAGGS AND MICHAEL J. BAGGS v. DENNIS BECKER AND SHANNON BRAY; from Bastrop County; 3rd district (03-07-00731-CV, ___ SW3d ___, 02-06-09)

- 09-0354 LAWRENCE EDWARD THOMPSON v. JOSE ALISEDA AND RISSIE OWENS; from Bee County; 13th district
(13-08-00417-CV, ___ SW3d ___, 01-29-09)
- 09-0392 TERENCE A. MIKKELSEN v. PHILLIP H. PURDIE; from Dallas County; 5th district (05-07-01759-CV, ___ SW3d ___, 02-18-09)
- 09-0406 IN THE MATTER OF THE GUARDIANSHIP OF LUKE FORREST HUMPHREY, AN INCAPACITATED PERSON; from Smith County; 12th district (12-07-00118-CV, ___ SW3d ___, 02-18-09)
2 petitions

**THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS
RULE OF APPELLATE PROCEDURE 9.4(i):**

- 09-0381 JOHN A. LYONS v. LAURI D. LYONS; from Bexar County; 4th district
(04-08-00259-CV, ___ SW3d ___, 01-14-09)
as redrafted

The Court strikes the redrafted petition for review with the following notation:
"The petition violates Texas Rules of Appellate Procedure 9.4(d) and 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by July 6, 2009."

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0121 ROBIN W. EISENHAUER v. TEXAS DEPT OF TRANSPORTATION & ORVAL HALL EXCAVATING, LTD.; from Tarrant County; 2nd district
(02-08-00216-CV, ___ SW3d ___, 01-08-09)
- 09-0133 AMERICAN BANK OF COMMERCE v. DANNY S. DAVIS; from Travis County; 3rd district (03-07-00264-CV, ___ SW3d ___, 12-31-08)

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

- 09-0167 IN RE KENNETH RAY BROWN; from Harris County; 10th district
(10-83-00095-CR, ___ SW3d ___, 01-21-88)

09-0219 IN RE BARRY DWAYNE MINNFEE; from Potter County; 7th district
(07-08-00420-CV, ___ SW3d ___, 10-21-08)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

09-0511 LAURANCE KRIEGEL v. DIVERSIFIED FINANCIAL SERVICES, LLC.
AND EMPLOYEES AS INDIVIDUAL PARTIES, JOHN L. SEYMOUR,
LITIGATION MANAGER, BRIAN S. KELLEY,
PORTFOLIO/COLLECTIONS SERVICING MANAGER, CHRIS FORD,
AVP, MIKE HUGHBANKS, SENIOR V.P. CHIEF OPERATIONS
OFFICER; from Parmer County

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0429 IN RE BORIS TWAIN CLEWIS; from Harris County; 14th district
(14-09-00272-CV, ___ SW3d ___, 04-07-09)
designation of the records for petition for review, being treated as motion to
request record, denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

09-0278 IN RE WILD OATS MARKETS, INC. AND WHOLE FOODS MARKET
INC.; from Montgomery County; 9th district
(09-09-00031-CV, ___ SW3d ___, 04-02-09)
joint motion to dismiss petition for writ of mandamus granted
stay order issued May 13, 2009, lifted

(Justice O'Neill not sitting)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED WITHOUT
PREJUDICE:

09-0205 IN RE AUSTIN INDEPENDENT SCHOOL DISTRICT; from Travis County;
3rd district (03-08-00732-CV, ___ SW3d ___, 02-12-09)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

09-0221 IN RE MARIA CRISTINA BRITTINGHAM-SADA, DANIEL MILMO
BRITTINGHAM, AND MARIA CRISTINA LOBEIRA-BRITTINGHAM;
from Webb County; 4th district (04-08-00688-CV, ___ SW3d ___, 02-04-09)
joint motion to abate petition for writ of mandamus granted
abatement order issued

[**Note:** The case is abated until further order of this Court and is removed from the Court's active docket subject to reinstatement upon proper motion. All other documents pending or filed are abated subject to being reurged in the event the case is reinstated. It is the parties' responsibility to immediately notify this Court of any changes in the settlement proceedings on or before July 15, 2009.]

THE DECISIONS OF THE BOARD OF DISCIPLINARY APPEALS IN THE
FOLLOWING APPEALS ARE AFFIRMED:

08-0469 GENE R. ROSAS v. COMMISSION FOR LAWYER DISCIPLINE FOR THE
STATE OF TEXAS
motion to strike exhibits dismissed as moot

08-0711 BETTY STOVALL CLARK v. COMMISSION FOR LAWYER DISCIPLINE

08-0902 JOHN R. PERRY v. COMMISSION FOR LAWYER DISCIPLINE

THE SUPREME COURT OF TEXAS

Orders Pronounced June 27, 2009

MISCELLANEOUS

THE MOTION FOR TEMPORARY RELIEF IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS GRANTED:

09-0520 IN RE COY REECE; from Dallas County; 5th district
(05-09-00609-CV, ___ SW3d ___, 06-11-09)
motion for emergency relief granted
conditioned upon \$100.00 bond

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

THE SUPREME COURT OF TEXAS

Orders Pronounced June 29, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

09-0480 IN THE INTEREST OF C.H.C. A CHILD; from Dallas County; 5th district
motion to stay appeal denied
abatement order issued

[**Note:** The case is removed from the Court's active docket until further order
of this Court.]

MISCELLANEOUS

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

09-0403 IN RE UNITED SCAFFOLDING, INC.; from Jefferson County; 9th district
(09-09-00098-CV, ___ SW3d ___, 04-16-09)
relator's motion for emergency stay of trial court proceedings granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced July 1, 2009

MISCELLANEOUS

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

09-0518 IN RE CONTINENTAL AIRLINES, INC.; from Hidalgo County; 13th district
(13-09-00320-CV, ___ SW3d ___, 06-22-09)
motion for emergency stay granted
stay order issued
requested response due by 3:00 p.m., July 10, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced July 2, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0471 IN RE NL ENVIRONMENTAL MANAGEMENT SERVICES, INC., ET
AL.; from Dallas County; 5th district
(05-09-00542-CV, ___ SW3d ___, 06-03-09)
motion for temporary relief denied
emergency motion for stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced July 3, 2009

ORDERS ON CAUSES

06-0416 IN RE COLUMBIA MEDICAL CENTER OF LAS COLINAS, SUBSIDIARY, L.P. D/B/A LAS COLINAS MEDICAL CENTER, ANTONETTE CONNER, AND ANNA MATHEW; from Dallas County; 5th district (05-06-00611-CV, ___ SW3d ___, 05-12-06)
as reinstated
stay order issued August 29, 2008, lifted

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

Justice Johnson delivered the opinion of the Court, in which Justice Hecht, Justice Wainwright, Justice Brister, and Justice Willett joined.

Justice O'Neill delivered a dissenting opinion, in which Chief Justice Jefferson, Justice Medina, and Justice Green joined.

06-0491 IN RE BAYLOR MEDICAL CENTER AT GARLAND; from Dallas County; 5th district (05-05-01663-CV, ___ SW3d ___, 01-04-06)
as reinstated
stay order issued August 29, 2008, lifted

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

Justice Johnson delivered the opinion of the Court, in which Justice Hecht, Justice Wainwright, Justice Brister, and Justice Willett joined.

Justice O'Neill delivered a dissenting opinion, in which Chief Justice Jefferson, Justice Medina, and Justice Green joined.

06-0815 JESSE C. INGRAM, PH.D. AND BEHAVIORAL PSYCHOLOGY CLINIC, P.C. v. LOUIS DEERE, D.O. AND HILLVALE MEDICAL GROUP ASSOCIATION D/B/A HILLVALE MEDICAL ASSOCIATION; from Dallas County; 5th district (05-05-00063-CV, 198 SW3d 96, 04-27-06)
2 petitions

The Court reverses the court of appeals' judgment and reinstates the trial court's judgment.

Justice Wainwright delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice Medina, Justice Green, and Justice Willett joined, in which Justice O'Neill and Justice Brister joined except as to part II.D.5.a, and in which Justice Johnson joined except as to part II.D.2.

Justice Johnson delivered a concurring opinion.

06-1071 STATE FARM LLOYDS v. BECKY ANN JOHNSON; from Collin County; 5th district (05-05-00640-CV, 204 SW3d 897, 10-27-06)

The Court affirms the court of appeals' judgment.

Justice Brister delivered the opinion of the Court.

07-0240 MIGUEL HERNANDEZ, M.D. v. JULIOUS EBROM AND RICHARD HUNNICUTT; from Hidalgo County; 13th district (13-06-00053-CV, ___ SW3d ___, 02-08-07)
opposed motion for leave to file post-submission brief granted

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

Justice Johnson delivered the opinion of the Court, in which Justice Hecht, Justice Wainwright, Justice Brister, Justice Green, and Justice Willett joined.

Chief Justice Jefferson delivered a dissenting opinion, in which Justice O'Neill and Justice Medina joined.

07-0410 EMPLOYEES RETIREMENT SYSTEM OF TEXAS v. XAVIER DUENEZ AND IRENE DUENEZ; from Calhoun County; 13th district (13-05-00729-CV, ___ SW3d ___, 04-05-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court dismisses the petition for want of jurisdiction.

Justice Brister delivered the opinion of the Court, in which Chief Justice Jefferson, Justice O'Neill, Justice Medina, Justice Green, and Justice Willett joined.

Justice Hecht delivered a dissenting opinion.

Justice Wainwright delivered a dissenting opinion, in which Justice Johnson joined.

07-0665 IN RE MORGAN STANLEY & CO. INC., SUCCESSOR TO MORGAN STANLEY DW, INC.; from Dallas County; 5th district (05-07-00590-CV, ___ SW3d ___, 07-17-07)

The petition for writ of mandamus is denied.

Justice Medina delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Wainwright, Justice Green, Justice Johnson, and Justice Willett joined.

Justice Brister delivered a concurring opinion.

Justice Willett delivered a concurring opinion.

Justice Hecht delivered a dissenting opinion.

(Justice O'Neill not sitting)

08-0032 DOLGENCORP OF TEXAS, INC., D/B/A DOLLAR GENERAL STORE v. MARIA ISABEL LERMA, INDIVIDUALLY, ET AL.; from Cameron County; 13th district (13-03-00314-CV, 241 SW3d 584, 08-23-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

08-0240 WILFREDO AVILES, M.D., AND WILFREDO AVILES, M.D., P.A. v. ALBERT AGUIRRE, ET AL.; from Hidalgo County; 13th district (13-06-00495-CV, ___ SW3d ___, 02-14-08)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

08-0272 DEALERS ELECTRICAL SUPPLY CO. v. SCOGGINS CONSTRUCTION COMPANY, INC. AND BILL R. SCOGGINS; from Hidalgo County; 13th district (13-06-00368-CV, ___ SW3d ___, 12-20-07)

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

Justice O'Neill delivered the opinion of the Court.

08-0589 JASON FERGUSON AND BOBBIE FERGUSON v. BUILDING MATERIALS CORPORATION OF AMERICA, CPC LOGISTICS, INC., AND ROBERT JAMES MADDOX; from Dallas County; 8th district (08-07-00051-CV, 276 SW3d 45, 06-12-08)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to the trial court.

Per Curiam Opinion

08-0625 IN RE E.I. DU PONT DE NEMOURS AND COMPANY; from Jefferson County; 9th district (09-08-00318-CV, ___ SW3d ___, 07-24-08)

Pursuant to Texas Rule of Appellate Procedure 52.8(c), without hearing oral argument, the Court conditionally grants in part and denies in part the petition for writ of mandamus.

Justice Johnson delivered the opinion of the Court, in which Justice Hecht, Justice Wainwright, Justice Brister, and Justice Willett joined.

Justice O'Neill delivered a dissenting opinion, in which Chief Justice Jefferson, Justice Medina, and Justice Green joined.

08-0800 IN RE HOUSTON PIPE LINE COMPANY, L.P., ET AL.; from Victoria County; 13th district (13-07-00299-CV&13-07-00362-CV, 269 SW3d 90, 08-26-08) stay order issued October 17, 2008, lifted

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

Per Curiam Opinion

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

08-0073 PROGRESSIVE COUNTY MUTUAL INSURANCE COMPANY v. REGAN KELLEY; from Brazos County; 10th district (10-06-00263-CV, ___ SW3d ___, 12-12-07)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0557 BARI WALKER v. TRAVELERS INDEMNITY COMPANY A/K/A TRAVELERS INSURANCE; from Harris County; 14th district (14-07-00238-CV, ___ SW3d ___, 01-15-08)
- 09-0190 DR. NYLA PTOMEY v. TEXAS TECH UNIVERSITY; from Lubbock County; 7th district (07-06-00332-CV, 277 SW3d 487, 01-20-09)
- 09-0218 \$1,943.76 IN THE UNITED STATES CURRENCY, ET AL. v. THE STATE OF TEXAS; from Tarrant County; 2nd district (02-07-00021-CV, ___ SW3d ___, 01-29-09)
- 09-0289 JOE O'BRIEN, JACK GORDY AND CORPUS CHRISTI TAXPAYERS ASS'N, INC. v. CITY OF CORPUS CHRISTI, TEXAS; from Nueces County; 13th district (13-08-00267-CV, ___ SW3d ___, 02-05-09)
as redrafted
- 09-0349 THE SHED, LLC AND MARY ELLEN MALONE v. EDOM WASH 'N DRY, LLC; from Van Zandt County; 12th district (12-07-00431-CV, ___ SW3d ___, 03-18-09)
2 petitions
- 09-0353 LATOYA BASEY v. DAVITA, INC., D/B/A TOTAL RENAL CARE, NELDA BOATWRIGHT, AND FRESENIUS MEDICAL CARE HOLDING, INC., D/B/A FRESENIUS MEDICAL CARE NORTH AMERICA D/B/A NORTHWEST HOUSTON DIALYSIS, AND BIOMEDICAL APPLICATIONS OF TEXAS, INC.; from Harris County; 14th district (14-07-00925-CV, ___ SW3d ___, 02-24-09)
- 09-0371 KEITH RUSSELL JUDD v. KAREN Y. COREY-STEELE; from Ector County; 11th district (11-09-00002-CV, ___ SW3d ___, 02-26-09)
- 09-0391 CARROLL GRANT v. LAUGHLIN ENVIRONMENTAL, INC.; from Harris County; 1st district (01-07-00227-CV, ___ SW3d ___, 12-18-08)
- 09-0419 KRISTOFER THOMAS KASTNER v. MARTIN, DROUGHT AND TORRES, INC.; from Bexar County; 4th district (04-08-00779-CV, ___ SW3d ___, 03-11-09)

- 09-0421 JESUS GREGORIO LOPEZ v. JORGE AMADO LOPEZ; from Brooks County; 4th district (04-08-00178-CV, ___ SW3d ___, 03-11-09)
- 09-0436 PROFINANCE ASSOCIATES, INC. v. ROCHELLE COHEN-SAGI AND ANNETTE GOLDBERG; from Bexar County; 4th district (04-08-00181-CV, ___ SW3d ___, 03-04-09)
- 09-0449 IN THE INTEREST OF T.D.S.T. AND C.T., CHILDREN; from Childress County; 7th district (07-08-00399-CV, ___ SW3d ___, 04-15-09) as corrected

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

- 09-0464 DAVID SWAAB v. JANIE SWAAB; from Harris County; 14th district (14-06-00593-CV, 282 SW3d 519, 04-24-08)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED AS MOOT:

- 08-0801 HOUSTON PIPE LINE COMPANY, L.P. D/B/A HOUSTON PIPE LINE COMPANY; ENERGY TRANSFER EQUITY, L.P.; ENERGY TRANSFER PARTNERS, L.P.; AND LA GRANGE ACQUISITION, L.P. D/B/A ENERGY TRANSFER COMPANY v. O'CONNOR & HEWITT, LTD.; from Victoria County; 13th district (13-07-00299-CV, 269 SW3d 90, 08-26-08)

ORDERS ON MOTIONS FOR REHEARING

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

- 08-0687 ABRAHAM MATHEW, ET AL. v. SHEELA CHACKO, ET AL.; from Fort Bend County; 14th district (14-07-00613-CV, ___ SW3d ___, 06-12-08) as supplemented
- 08-1073 MHI PARTNERSHIP, LTD. v. DH REAL ESTATE INVESTMENT COMPANY D/B/A DH INVESTMENT COMPANY; from Travis County; 3rd district (03-04-00485-CV, ___ SW3d ___, 08-20-08)
- 09-0006 HUGO XAVIER DE LOS SANTOS v. DONNA JOHNSON; from Nueces County; 13th district (13-07-00502-CV, ___ SW3d ___, 08-28-08)

09-0141 DONALD RAY MCCRAY v. LEE GLASS; from Travis County; 3rd district
(03-08-00211-CV, ___ SW3d ___, 10-03-08)

09-0239 JUD WALTON AND JANET WALTON v. CITY OF MIDLAND,
ENDEAVOR ENERGY RESOURCES, L.P., MICHAEL J. CANON, W.
WESLEY PERRY, LUANN MORGAN, BERRY SIMPSON, WILLIAM F.
DINGUS, SCOTT DUFFORD, VICKY HAILEY, MICHAEL TROST, JOHN
JAMES AND TOMMY HUDSON; from Midland County; 11th district
(11-08-00143-CV, ___ SW3d ___, 01-08-09)

09-0282 KRISTOFER THOMAS KASTNER v. MARTIN & DROUGHT, INC. F/K/A
MARTIN, DROUGHT & TORRES, INC.; GERALD T. DROUGHT AND
DAIN A. DREYER; from Bexar County; 4th district
(04-07-00342-CV, ___ SW3d ___, 02-04-09)

MISCELLANEOUS

09-0522 IN RE JOHN M. O'QUINN, P.C. D/B/A O'QUINN & LAMINACK; JOHN
M. O'QUINN & ASSOCIATES, A TEXAS GENERAL PARTNERSHIP;
JOHN M. O'QUINN & ASSOCIATES, L.L.P. D/B/A O'QUINN &
LAMINACK; JOHN M. O'QUINN LAW FIRM, P.L.L.C.; O'QUINN &
LAMINACK; AND JOHN M. O'QUINN; from Rusk County; 12th district

The motion for emergency temporary relief remains pending. Justice Brister
would grant the motion.

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0109 IN RE THE HONORABLE GUY HERMAN; from Harris County; 1st district
(01-08-00804-CV, 276 SW3d 592, 12-04-08)
stay order issued March 6, 2009, lifted

09-0315 IN RE ADT SECURITY SERVICES, S.A. DE C.V.; from Webb County; 4th
district (04-08-00799-CV, ___ SW3d ___, 02-04-09)
motion to strike portions of the mandamus record and appendix dismissed as
moot
motion to supplement the mandamus record dismissed as moot

09-0519 IN RE BARRY DWAYNE MINNFEE; from Potter County

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK
PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

09-0521 IN RE JESSICA MARIE GARCIA; from Victoria County

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(h), 52.3(j)(B), and 52.6 and is struck."

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

09-0432 IN RE OLSHAN FOUNDATION REPAIR COMPANY, LLC AND
OLSHAN FOUNDATION REPAIR COMPANY OF DALLAS, LTD.; from
Wise County; 2nd district (02-08-00336-CV, ___ SW3d ___, 10-02-08)
motion for temporary relief granted
stay order issued
requested response due by 3:00 p.m., July 13, 2009

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

09-0433 IN RE OLSHAN FOUNDATION REPAIR COMPANY, LLC AND
OLSHAN FOUNDATION REPAIR COMPANY OF DALLAS, LTD.; from
Wise County; 2nd district (02-08-00342-CV, ___ SW3d ___, 10-02-08)
motion for temporary relief granted
stay order issued
requested response due by 3:00 p.m., July 13, 2009

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

09-0474 IN RE OLSHAN FOUNDATION REPAIR COMPANY, LLC AND
OLSHAN FOUNDATION REPAIR COMPANY OF DALLAS, LTD.; from
Dallas County; 5th district (05-08-01143-CV, 277 SW3d 124, 02-05-09)
motion for temporary relief granted
stay order issued
requested response due by 3:00 p.m., July 13, 2009

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

THE MOTION IN THE FOLLOWING CASE IS DENIED:

09-0384 WALTER LEE HALL, JR., IN ALL NECESSARY CAPACITY v. U.S.
BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON BEHALF OF THE

HOLDERS OF THE ASSET BACKED PASS-THROUGH CERTIFICATES,
SERIES NC 2005-HE4, ALL OTHER OCCUPANTS, SUCCESSORS IN
INTEREST, AND/OR TRANSFEREES; from Travis County; 3rd district
(03-08-00488-CV, ___ SW3d ___, 12-12-08)
motion for temporary relief denied

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

THE SUPREME COURT OF TEXAS

Orders Pronounced July 8, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0541 IN RE NANCY K. ALANIS; from Bexar County; 4th district
(04-09-00382-CV, ___ SW3d ___, 07-01-09)
relator's emergency motion for stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced July 10, 2009

ORDERS ON CAUSES

THE FOLLOWING CAUSES ARE SET FOR SUBMISSION:

06-1018 D.R. HORTON-TEXAS, LTD. v. MARKEL INTERNATIONAL INSURANCE COMPANY, LTD.; from Harris County; 14th district (14-05-00486-CV, ___ SW3d ___, 10-26-06)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 8, 2009.]

Time allotted to argue: 20/20 minutes

07-0960 IN THE INTEREST OF B.G., C.W., E.W., B.B.W. AND J.W., CHILDREN; from Angelina County; 12th district (12-06-00295-CV, ___ SW3d ___, 09-19-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 8, 2009.]

Time allotted to argue: 20/20 minutes

07-1050 ZACHRY CONSTRUCTION CORPORATION, ET AL. v. TEXAS A&M UNIVERSITY; from Brazos County; 10th district (10-05-00139-CV, 236 SW3d 801, 11-14-07)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., September 8, 2009.]

Time allotted to argue: 20/20 minutes

(Justice Willett not sitting)

08-0148 REGAL FINANCE COMPANY, LTD. AND REGAL FINANCE COMPANY II, LTD. v. TEX STAR MOTORS, INC.; from Harris County; 14th district (14-05-00215-CV, 246 SW3d 745, 01-10-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 9, 2009.]

Time allotted to argue: 20/20 minutes

08-0169 TANGIE WALTERS v. CLEVELAND REGIONAL MEDICAL CENTER, SHIRLEY KIEFER, AND KEITH SPOONER, M.D.; from Harris County; 1st district (01-06-01068-CV, 264 SW3d 154, 12-20-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 9, 2009.]

Time allotted to argue: 20/20 minutes

08-0172 TEXAS COMPTROLLER OF PUBLIC ACCOUNTS v. ATTORNEY GENERAL OF TEXAS AND THE DALLAS MORNING NEWS, LTD.; from Travis County; 3rd district (03-07-00102-CV, 244 SW3d 629, 01-17-08)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., September 10, 2009.]

Time allotted to argue: 20/20 minutes

(Justice Hecht not sitting)

08-0215 UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS v. THE ESTATE OF IRENE ESTHER ARANCIBIA BY ITS BENEFICIARY VICTOR HUGO VASQUEZ-ARANCIBIA, VICTOR HUGO VASQUEZ-ARANCIBIA, INDIVIDUALLY, AND CECILIA VASQUEZ-ARANCIBIA, INDIVIDUALLY; from Dallas County; 5th district (05-07-00499-CV, 244 SW3d 455, 11-20-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 10, 2009.]

Time allotted to argue: 20/20 minutes

08-0244 BASIC CAPITAL MANAGEMENT, INC., AMERICAN REALTY TRUST, INC., TRANSCONTINENTAL REALTY INVESTORS, INC., CONTINENTAL POYDRAS CORP., CONTINENTAL COMMON, INC., AND CONTINENTAL BARONNE, INC. v. DYNEX COMMERCIAL, INC. AND DYNEX CAPITAL, INC.; from Dallas County; 5th district (05-04-01358-CV, 254 SW3d 508, 02-22-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 10, 2009.]

Time allotted to argue: 20/20 minutes

08-0246 GILBERT TEXAS CONSTRUCTION, L.P. v. UNDERWRITERS AT LLOYD'S LONDON; from Dallas County; 5th district (05-05-01686-CV, 245 SW3d 29, 12-19-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 6, 2009.]

Time allotted to argue: 20/20 minutes

08-0316 METHODIST HEALTHCARE SYSTEM OF SAN ANTONIO, LTD., L.L.P., W.C. SCHORLEMER, M.D. AND ROBERT SCHORLEMER, M.D. v. EMMALENE RANKIN; from Bexar County; 4th district (04-07-00305-CV, 261 SW3d 93, 03-05-08)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., September 9, 2009.]

Time allotted to argue: 20/20 minutes

08-0419 THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO v. KIA BAILEY, INDIVIDUALLY AND LARRY BAILEY, INDIVIDUALLY; from Bexar County; 4th district (04-07-00323-CV, 261 SW3d 147, 04-16-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 7, 2009.]

Time allotted to argue: 20/20 minutes

08-0421 THE STATE OF TEXAS, BY AND THROUGH THE OFFICE OF THE ATTORNEY GENERAL, CONSUMER PROTECTION AND PUBLIC HEALTH DIVISION, PUBLIC AGENCY REPRESENTATION SECTION v. PUBLIC UTILITY COMMISSION OF TEXAS; from Travis County; 3rd district (03-05-00557-CV, 252 SW3d 1, 04-17-08)
3 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., October 6, 2009.]

Time allotted to argue: 20/20 minutes

08-0453 GEFREY KLEIN, M.D. AND BAYLOR COLLEGE OF MEDICINE v. CYNTHIA HERNANDEZ, AS THE PARENT AND NEXT FRIEND OF N.H., A MINOR; from Harris County; 1st district (01-06-00569-CV, 260 SW3d 1, 04-17-08)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., October 7, 2009.]

Time allotted to argue: 20/20 minutes

08-0465 THE STATE OF TEXAS v. \$281,420.00 IN UNITED STATES CURRENCY; from Hidalgo County; 13th district (13-06-00158-CV, ___ SW3d ___, 04-03-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 7, 2009.]

Time allotted to argue: 20/20 minutes

08-0544 IN RE SCOGGINS CONSTRUCTION COMPANY, INC.; from Hidalgo County; 13th district (13-08-00317-CV, ___ SW3d ___, 06-30-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 8, 2009.]

Time allotted to argue: 20/20 minutes

08-0613 NAFTA TRADERS, INC. v. MARGARET A. QUINN; from Dallas County; 5th district (05-07-00340-CV, 257 SW3d 795, 06-17-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 8, 2009.]

Time allotted to argue: 20/20 minutes

08-0658 CARROLL G. ROBINSON, BRUCE R. HOTZE AND JEFFREY N. DAILY v. BILL WHITE, MAYOR; CITY OF HOUSTON; HOUSTON CITY COUNCIL, ET AL.; from Harris County; 14th district (14-06-00167-CV, 260 SW3d 463, 04-03-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 18, 2009.]

Time allotted to argue: 20/20 minutes

08-0660 IN RE SATTERFIELD & PONTIKES CONSTRUCTION, INC.; from Duval County; 4th district (04-08-00343-CV, ___ SW3d ___, 08-13-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 8, 2009.]

Time allotted to argue: 20/20 minutes

08-0667 EBERHARD SAMLOWSKI, M.D. v. CAROL WOOTEN; from Johnson County; 10th district (10-07-00305-CV, 282 SW3d 82, 05-21-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 18, 2009.]

Time allotted to argue: 20/20 minutes

08-0669 DAN KELLY AND LAURA HOFSTATTER v. GENERAL INTERIOR CONSTRUCTION, INC.; from Harris County; 14th district (14-07-00270-CV, 262 SW3d 79, 07-03-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 18, 2009.]

Time allotted to argue: 20/20 minutes

08-0727 TEXAS INDUSTRIAL ENERGY CONSUMERS v. CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC; PUBLIC UTILITY COMMISSION OF TEXAS; from Travis County; 3rd district (03-06-00285-CV, 263 SW3d 448, 07-25-08)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., October 6, 2009.]

Time allotted to argue: 20/20 minutes

08-0799 STATE FARM LLOYDS AND ERIN STRACHAN v. WANDA M. PAGE; from Johnson County; 10th district (10-07-00228-CV, 259 SW3d 257, 06-11-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 19, 2009.]

Time allotted to argue: 20/20 minutes

09-0387 CAROL SEVERANCE v. JERRY PATTERSON, COMMISSIONER OF THE TEXAS GENERAL LAND OFFICE; GREG ABBOTT, ATTORNEY GENERAL FOR THE STATE OF TEXAS; AND KURT SISTRUNK, DISTRICT ATTORNEY FOR THE COUNTY OF GALVESTON, TEXAS

[**Note:** This case has been set for oral argument at 9:00 a.m., November 19, 2009.]

Time allotted to argue: 20/20 minutes

(Chief Justice Jefferson not sitting)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0304 DAVID RICHARD LUTZ v. STEPHEN P. COLLINS, EDDIE R. MATA AND REYNALDO R. CASTRO; from Medina County; 4th district (04-08-00496-CV, ___ SW3d ___, 02-11-09)
petitioner's motion for temporary relief denied
- 09-0341 CITY OF CARROLLTON v. MCMAHON CONTRACTING, L.P.; from Dallas County; 5th district (05-07-01626-CV, 277 SW3d 458, 01-16-09)
2 petitions
- 09-0364 RICHARD KREWAY v. JOHN CHILTON CALHOUN; from Bexar County; 4th district (04-08-00690-CV, ___ SW3d ___, 03-18-09)
- 09-0378 BRADLEY ALAN JACOBSON v. AVI RON, TRUSTEE; from Harris County; 1st district (01-08-00645-CV, ___ SW3d ___, 01-22-09)
respondent's motion to dismiss petition for review denied
- 09-0407 REHABWORKS, LLC v. MICHAEL F. FLANAGAN, AS RECEIVER; from Travis County; 3rd district (03-07-00552-CV, ___ SW3d ___, 02-26-09)
- 09-0430 REYNOLDS METALS COMPANY v. SUSAN COMBS, SUCCESSOR TO

CAROLE KEETON STRAYHORN, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS, AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS; from Travis County; 3rd district (03-07-00709-CV, ___ SW3d ___, 04-08-09)

09-0448 ICAN ENTERPRISE, INC. DBA ICAN AVIATION, MICHAEL S. ZUCKER AND NAOMI P. ZUCKER v. WILLIAMSON COUNTY APPRAISAL DISTRICT AND WILLIAMSON COUNTY APPRAISAL REVIEW BOARD; from Williamson County; 3rd district (03-06-00594-CV, ___ SW3d ___, 04-17-09)

09-0454 TERRAGORA INVESTMENTS, LP v. NITE CLUB ENTERPRISES, INC. AND WARREN DRONEBARGER; from Travis County; 3rd district (03-06-00259-CV, ___ SW3d ___, 02-27-09)

**THE FOLLOWING PETITION FOR REVIEW IS STRUCK PURSUANT TO TEXAS
RULE OF APPELLATE PROCEDURE 9.4(i):**

09-0531 IN RE J.H.G.; from Collin County; 5th district (05-08-00875-CV, ___ SW3d ___, 05-14-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.8(b)(1)(C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by July 20, 2009."

ORDERS ON MOTIONS FOR REHEARING

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

08-0744 IN THE INTEREST OF E.E.C., S.M.C., AND V.C.; from Harris County; 14th district (14-08-00167-CV, ___ SW3d ___, 07-24-08)

09-0135 LEONARD A. CRUSE, ET AL. v. JOHN M. O'QUINN, ET AL.; from Galveston County; 14th district (14-08-00103-CV, 273 SW3d 766, 11-25-08)

09-0231 VINCENT WRENCHER, SR. v. STEPHANIE WRENCHER; from Travis County; 3rd district (03-08-00156-CV, ___ SW3d ___, 02-06-09)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEALS ARE DISMISSED:

- 09-0496 LAURANCE KRIEGEL v. DIVERSIFIED FINANCIAL SERVICES, LLC,
ET AL.; from Parmer County
- 09-0514 LAURANCE KRIEGEL v. DIVERSIFIED FINANCIAL SERVICES, LLC,
ET AL.; from Parmer County
- 09-0528 LAURANCE KRIEGEL v. DIVERSIFIED FINANCIAL SERVICES, LLC,
ET AL.; from Parmer County

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS TRANSFERRED TO
THE COURT OF CRIMINAL APPEALS:

- 09-0547 IN RE RICARDO VELASQUEZ REYES; from Hidalgo County; 13th district
(13-08-00124-CV&13-09-00155-CV, ___ SW3d ___, 04-30-09)
relator's emergency motion to stay transferred

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 09-0180 IN RE CHARLES FRANKLIN
- 09-0468 IN RE JOHN KOO HYUN KIM; from Travis County; 3rd district
(03-09-00113-CV, ___ SW3d ___, 06-02-09)
- 09-0470 IN RE DANNY CLINE

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK
PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 09-0542 IN RE GARY M. VODICKA; from Dallas County; 5th district
(05-09-00484-CV, ___ SW3d ___, 06-12-09)

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rules of Appellate Procedure 52.6 and is struck."

THE SUPREME COURT OF TEXAS

Orders Pronounced July 13, 2009

MISCELLANEOUS

THE MOTION IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0557 IN RE LISA LASER USA, INC. AND LISA LASER PRODUCTS, OHG.;
from Travis County; 3rd district (03-09-00240-CV, ___ SW3d ___, 05-15-09)
relators' emergency motion for temporary stay denied
requested response due by 3:00 p.m., July 28, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced July 14, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

09-0131 IN RE SCI TEXAS FUNERAL SERVICES, INC. DBA HIGHLAND
MEMORIAL PARK; AND SERVICE CORPORATION INTERNATIONAL;
from Hidalgo County; 13th district
(13-09-00054-CV, ___ SW3d ___, 02-12-09)
relators' unopposed motion to dismiss granted in part
stay order issued February 17, 2009, lifted

THE SUPREME COURT OF TEXAS

Orders Pronounced July 17, 2009

ORDERS ON CAUSES

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

08-0421 THE STATE OF TEXAS, BY AND THROUGH THE OFFICE OF THE ATTORNEY GENERAL, CONSUMER PROTECTION AND PUBLIC HEALTH DIVISION, PUBLIC AGENCY REPRESENTATION SECTION v. PUBLIC UTILITY COMMISSION OF TEXAS; from Travis County; 3rd district (03-05-00557-CV, 252 SW3d 1, 04-17-08)
joint motion for additional time for each side to present oral argument granted

Time allotted to argue: 30/30/30 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

09-0214 MAE H. MCCRIMMON & LULA MAE CRETON v. BARRON TAYLOR D/B/A B-SURE MORTGAGE, ET AL.; from Harris County; 1st district (01-08-00644-CV, ___ SW3d ___, 02-19-09)

09-0294 PHILIP HADLOCK v. TEXAS CHRISTIAN UNIVERSITY, MARY VOLCANSEK, SHARON FAIRCHILD, JEFFREY TODD, YUMIKO KEITGES, JEAN KNECHT AND WILLIAM POHL; from Tarrant County; 2nd district (02-07-00290-CV, ___ SW3d ___, 02-26-09)

09-0334 ZAHOOR SIDDIQUI v. MASOON SIDDIQUI; from Harris County; 14th district (14-07-00235-CV, ___ SW3d ___, 03-03-09)

09-0352 IN THE INTEREST OF D.D., ET AL., MINOR CHILDREN; from Collin County; 5th district (05-08-00001-CV, ___ SW3d ___, 02-23-09)

09-0374 KIRBY GARDNER v. TDCJ-CID, ET AL.; from Brazoria County; 14th district (14-07-00992-CV, ___ SW3d ___, 01-15-09)

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0213 IN RE THE ESTATE OF GERT L. RABKE; from Bexar County; 4th district
(04-07-00757-CV, ___ SW3d ___, 01-28-09)
- 09-0274 LAWRENCE HIGGINS v. RANDALL COUNTY SHERIFF'S OFFICE;
from Randall County; 7th district
(07-05-00004-CV, ___ SW3d ___, 03-16-09)

(Justice Johnson not sitting)

MISCELLANEOUS

THE FOLLOWING MOTIONS TO CONSOLIDATE ARE GRANTED:

- 09-0048 MOTOR COACH INDUSTRIES MEXICO, S.A. DE C.V., F/K/A DINA
AUTOBUSES, S.A. DE C.V. v. JAMES HINTON, INDIVIDUALLY AND
AS REPRESENTATIVE OF THE ESTATE OF DOLORES HINTON,
DECEASED, ET AL.; from McLennan County; 10th district
(10-06-00256-CV, 272 SW3d 17, 09-10-08)
joint motion to consolidate cases granted
2 petitions

- consolidated with -

- 09-0540 MCI SALES AND SERVICE, INC., F/K/A HAUSMAN BUS SALES, INC.
v. JAMES HINTON, INDIVIDUALLY AND AS REPRESENTATIVE OF
THE ESTATE OF DOLORES HINTON, DECEASED, ET AL.; from
McLennan County; 10th district
(10-06-00256-CV&10-08-00353-CV, 272 SW3d 17, 09-10-08)
joint motion to consolidate cases granted
2 petitions

(Justice Green not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced July 23, 2009

MISCELLANEOUS

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

09-0592 IN RE LARRY C. NAIL; from Bexar County; 4th district
(04-08-00933-CV, ___ SW3d ___, 06-10-09)
relator's emergency motion to stay granted in part and denied in part
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced July 24, 2009

ORDERS ON CAUSES

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS GRANTED:

08-0465 THE STATE OF TEXAS v. \$281,420.00 IN UNITED STATES CURRENCY; from Hidalgo County; 13th district (13-06-00158-CV, ___ SW3d ___, 04-03-08)
unopposed motion to participate in oral argument as amicus curiae granted

Time allotted to argue: 20/10/10 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

09-0355 JOSEPH ONWUTEAKA v. COMMISSION FOR LAWYER DISCIPLINE; from Harris County; 14th district (14-07-00544-CV, ___ SW3d ___, 03-12-09)
as redrafted

09-0366 CHRISTOPHER KNOWLES AND MINA MANN v. JIMMY D. WRIGHT; from Harris County; 1st district (01-08-00546-CV, ___ SW3d ___, 03-19-09)
as redrafted

09-0442 IN THE MATTER OF THE GUARDIANSHIP OF LUKE FORREST HUMPHREY, AN INCAPACITATED PERSON; from Smith County; 12th district (12-07-00225-CV, ___ SW3d ___, 02-18-09)

09-0466 EVERT MCDOUGAL AND M & P CONSTRUCTION CO., INC. v. ROGER D. STEVENS; from Bandera County; 4th district (04-07-00814-CV, ___ SW3d ___, 01-30-09)

ORDERS ON MOTIONS FOR REHEARING

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

- 08-1070 SHARON HEMPHILL v. MICHAEL HUMMELL; from Nueces County; 13th district (13-05-00515-CV, ___ SW3d ___, 07-31-08)
as amended
- 09-0225 CASCOTT, LLC, ET AL. v. THE CITY OF ARLINGTON; from Tarrant County; 2nd district (02-08-00042-CV, 278 SW3d 523, 02-19-09)

MISCELLANEOUS

THE FOLLOWING CASES ARE REINSTATED:

- 09-0221 IN RE MARIA CRISTINA BRITTINGHAM-SADA, DANIEL MILMO BRITTINGHAM, AND MARIA CRISTINA LOBEIRA-BRITTINGHAM; from Webb County; 4th district (04-08-00688-CV, ___ SW3d ___, 02-04-09)
motion to lift abatement of petition for writ of mandamus proceedings granted
abatement order issued June 26, 2009, lifted
petition for writ of mandamus reinstated
- 09-0250 JOHN L. KENNAMER, ET AL. v. ESTATE OF JOHN A. NOBLITT, ET AL.; from Brazoria County; 1st district
(01-08-00134-CV, ___ SW3d ___, 01-08-09)
denial of petition for review on June 19, 2009, withdrawn
petition for review reinstated

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS STRUCK
PURSUANT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 09-0542 IN RE GARY M. VODICKA; from Dallas County; 5th district
(05-09-00484-CV, ___ SW3d ___, 06-12-09)
as redrafted

The Court strikes the redrafted petition for writ of mandamus with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(e) and is struck."

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

- 09-0585 IN RE DALLAS COUNTY, TEXAS; from Tarrant County; 2nd district
(02-09-00139-CV, ___ SW3d ___, 07-10-09)

emergency motion for temporary relief granted
stay order issued
requested response due by 3:00 p.m., August 10, 2009

THE STAY ORDER IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS
IS LIFTED:

09-0476 IN RE JOHN O'QUINN AND CHARLES B. MUSSLEWHITE, JR.; from El Paso County; 8th district (08-09-00098-CV, ___ SW3d ___, 06-03-09)
unopposed motion to withdraw motion for sanctions granted
unopposed motion to modify stay of proceedings granted in part
stay order issued June 11, 2009, lifted

THE SUPREME COURT OF TEXAS

Orders Pronounced July 27, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0594 IN RE CORE CONSTRUCTION SERVICES OF TEXAS, INC.; from Dallas
County; 5th district (05-09-00665-CV, ___ SW3d ___, 06-24-09)
motion for emergency stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced July 31, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0255 PADDY ARGOVITZ v. JERRY ARGOVITZ; from Harris County; 14th district (14-07-00396-CV, ___ SW3d ___, 12-09-08)
- 09-0298 CHRISTOPHER D. DAVIS v. ADVANCED ENERGY RECOVERY, INC., ALLEN DRILLING ACQUISITION COMPANY AND ALLEN DRILLING ACQUISITION COMPANY II; from Harris County; 14th district (14-08-00222-CV, ___ SW3d ___, 02-26-09)
- 09-0437 ERJS, INC. F/K/A AMERICA'S GREAT HOMES, INC., AMERICA'S GREAT HOMES, LTD. AND SURETEC INSURANCE COMPANY v. TRUSS WORLD, INC. AND ALL TEX FINANCIAL, INC.; from Montgomery County; 9th district (09-07-00432-CV, 284 SW3d 393, 02-12-09)
- 09-0473 MARGARET VILLARREAL v. DEL MAR COLLEGE; from Nueces County; 13th district (13-07-00119-CV, ___ SW3d ___, 03-26-09)
- 09-0494 EDWIN B. KELSOE v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND MARK R. VICKERY, EXECUTIVE DIRECTOR AND CONCERNED CITIZENS OF RED RIVER COUNTY; from Travis County; 3rd district (03-07-00720-CV, ___ SW3d ___, 04-30-09)
- 09-0510 ROGER GERDES v. MURRAY FOGLER, INDIVIDUALLY, MCDADE FOGLER AND ROGER KENNAMER; from Harris County; 14th district (14-07-01020-CV, ___ SW3d ___, 05-07-09)

THE FOLLOWING PETITIONS FOR REVIEW ARE STRUCK PURSUANT TO
TEXAS RULE OF APPELLATE PROCEDURE 9.4(i):

- 09-0561 NUECES COUNTY, TEXAS v. JOE GUADALUPE BALLESTEROS; from Nueces County; 13th district (13-06-00405-CV, ___ SW3d ___, 05-14-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed August 10, 2009."

- 09-0612 NAZARETH INTERNATIONAL, INC. v. J.C. PENNEY COMPANY, INC. AND J.C. PENNEY CORPORATION, INC.; from Collin County; 5th district (05-07-01578-CV, ___ SW3d ___, 06-12-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed August 10, 2009."

- 09-0622 GARRY JENKINS v. STATE AND COUNTY MUTUAL INSURANCE COMPANY; from Tarrant County; 2nd district (02-08-00279-CV, ___ SW3d ___, 06-11-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed August 10, 2009."

MISCELLANEOUS

THE FOLLOWING MOTIONS TO CONSOLIDATE ARE GRANTED:

- 09-0386 RAYMOND SOMERS, DERIVATIVELY ON BEHALF OF EGL, INC. v. JAMES R. CRANE, MILTON CARROLL, JAMES C. FLAGG, FRANK J. HEVRDEJS, PAUL W. HOBBY, MICHAEL K. JHIN, NEIL E. KELLEY, SHERMAN WOLFF, CENTERBRIDGE PARTNERS, L.P., THE WOODBRIDGE CO. LTD. AND NOMINAL DEFENDANT EGL, INC.; from Harris County; 1st district (01-07-00754-CV, ___ SW3d ___, 03-26-09)
2 petitions
motion to consolidate granted

consolidated with

09-0394 RAYMOND SOMERS, DERIVATIVELY ON BEHALF OF EGL, INC. v. JAMES R. CRANE, MILTON CARROLL, JAMES C. FLAGG, FRANK J. HEVRDEJS, PAUL W. HOBBY, MICHAEL K. JHIN, NEIL E. KELLEY, SHERMAN WOLFF, CENTERBRIDGE PARTNERS, L.P., THE WOODBRIDGE CO. LTD. AND NOMINAL DEFENDANT EGL, INC.; from Harris County; 1st district (01-08-00119-CV, ___ SW3d ___, 03-26-09) motion to consolidate granted

(Justice Brister not sitting)

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0221 IN RE MARIA CRISTINA BRITTINGHAM-SADA, DANIEL MILMO BRITTINGHAM, AND MARIA CRISTINA LOBEIRA-BRITTINGHAM; from Webb County; 4th district (04-08-00688-CV, ___ SW3d ___, 02-04-09) as reinstated motion for emergency stay denied emergency joint motion for stay of adjudication dismissed as moot

(Justice Hecht and Justice O'Neill not sitting)

09-0380 IN RE JAMES PATRICK SULLIVAN; from Walker County

09-0513 IN RE MATTHEW D. WHITMIRE; from Liberty County; 9th district (09-09-00021-CV, ___ SW3d ___, 02-26-09)

09-0597 IN RE ENRIQUE BENAVIDES, JR., M.D.; from Webb County; 4th district (04-08-00892-CV, ___ SW3d ___, 06-10-09) opposed motion for temporary relief denied

09-0598 IN RE RUBEN MONTELONGO; from El Paso County; 8th district motion for temporary relief denied

09-0620 IN RE N.W. ENTERPRISES, INC. D/B/A GASLIGHT NEWS & VIDEO; from Harris County; 14th district (14-09-00577-CV, ___ SW3d ___, 07-14-09) emergency motion for temporary relief denied

THE MOTION IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS
DENIED:

09-0626 IN RE KENNETH FIELDS AND THE OFFICE OF STATE COUNSEL FOR
OFFENDERS; from Montgomery County; 9th district
(09-09-00202-CV& 09-09-00005-CV, ___ SW3d ___, 07-16-09)
emergency motion to stay denied

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

THE SUPREME COURT OF TEXAS

Orders Pronounced August 5, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0567 IN RE BAY LTD.; from Nueces County; 13th district
(13-09-00326-CV, ___ SW3d ___, 07-09-09)
motion for emergency stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced August 6, 2009

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 09-0657 IN RE VALERIE THOMAS BAHAR, M.D., P.A., AND VALERIE THOMAS BAHAR, INDIVIDUALLY; from Travis County; 3rd district (03-09-00359-CV, ___ SW3d ___, 07-28-09)
motion for emergency stay denied
- 09-0660 IN RE RICHARD STEPHEN CALKINS AND MICHAEL EASTON; from Harris County; 1st district
motion for temporary emergency relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced August 7, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0070 DELMY DEL CARMEN MENDOZA v. FIESTA MART INC.; from Harris County; 14th district (14-07-01086-CV, 276 SW3d 653, 12-23-08)
- 09-0279 PLACIDO GUERRA A/K/A CHITO GUERRA v. THE STATE OF TEXAS; from Cameron County; 13th district (13-08-00500-CV, ___ SW3d ___, 01-22-09)
motion to strike dismissed as moot
- 09-0359 JENETTE DIEM LEE v. MD LAM, INC.; from Harris County; 14th district (14-07-01027-CV, ___ SW3d ___, 03-17-09)
- 09-0384 WALTER LEE HALL, JR., IN ALL NECESSARY CAPACITY v. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES NC 2005-HE4, ALL OTHER OCCUPANTS, SUCCESSORS IN INTEREST, AND/OR TRANSFEREES; from Travis County; 3rd district (03-08-00488-CV, ___ SW3d ___, 12-12-08)
as redrafted
- 09-0413 J.G.C.G. v. STATE OF TEXAS; from Denton County; 2nd district (02-08-00200-CV, 283 SW3d 927, 04-16-09)
- 09-0428 JUAN MANUEL TELLEZ v. CITY OF SOCORRO; from El Paso County; 8th district (08-03-00294-CV, ___ SW3d ___, 03-05-09)
- 09-0440 LAWRENCE AND DIANE BECKMAN v. B & W SUPPLY, INC. AND WESTON WYATT; from Harris County; 1st district (01-07-00574-CV, ___ SW3d ___, 04-09-09)
- 09-0450 IN THE INTEREST OF A.H. AND A.H., CHILDREN; from Eastland County; 11th district (11-08-00216-CV, ___ SW3d ___, 04-16-09)

09-0533 MICHAEL D. BARHAM ARCHITECTS, INC. v. J. MICHAEL LEINBACK,
AIA D/B/A JML ARCHITECTS; from Smith County; 12th district
(12-07-00226-CV, ___ SW3d ___, 04-15-09)

ORDERS ON MOTIONS FOR REHEARING

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

08-0819 PEDRO P. HANI, M.D. v. ISABELLA JIMENEZ, INDIVIDUALLY, AND
AS REPRESENTATIVE OF THE ESTATE OF REFUGIO P. JIMENEZ,
DECEASED; from Dallas County; 5th district
(05-07-01354-CV, 264 SW3d 881, 08-13-08)

09-0314 WILLIAM CRAIG RILEY v. GARY J. COHEN; from Travis County; 3rd
district (03-08-00285-CV, ___ SW3d ___, 02-19-09)

09-0331 SYBLE HOOD AND TOM H. WHITESIDE v. EDWARD D. JONES & CO.,
L.P. AND ROBBY R. ROGERS; from Andrews County; 8th district
(08-07-00324-CV, 277 SW3d 505, 01-29-09)

09-0332 SYBLE HOOD v. EDWARD D. JONES & CO., L.P. AND ROBBY R.
ROGERS; from Andrews County; 8th district
(08-07-00093-CV, 277 SW3d 498, 01-29-09)

09-0351 ROBERT D. HENTNIK v. DIANE E. HENTNIK; from Gillespie County; 4th
district (04-08-00868-CV, ___ SW3d ___, 02-11-09)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

09-0638 IN THE MATTER OF THE ESTATE OF WALTER ARTHUR KRIEGEL,
DECEASED; from Parmer County

THE FOLLOWING CASES ARE REINSTATED:

08-0990 ANTHONY AUTHORLEE, DEXTER BURNETT, ROBERT DEROUSSELLE, JOHN HENRY YOUNG, JEROME STUBBLEFIELD AND FLOYD MORAN v. TUBOSCOPE VETCO INTERNATIONAL, INC., AMF INCORPORATED AND MINSTAR, INC.; from Harris County; 1st district (01-06-00719-CV, 274 SW3d 111, 08-28-08)
unopposed motion to sever granted
abatement order issued June 26, 2009, lifted
petition reinstated

Pursuant to Texas Rule of Appellate Procedure 8.3(b), the Court severs that part of this case involving claims by and against respondent Minstar, Inc. from case number 08-0990 into case number 09-0658, styled *Anthony Authorlee, Dexter Burnett, Robert Derousselle, John Henry Young, Jerome Stubblefield and Floyd Moran v. Minstar, Inc.* The Court abates the petition in case number 09-0658. The remainder of the claims in 08-0990, restyled *Anthony Authorlee, Dexter Burnett, Robert Derousselle, John Henry Young, Jerome Stubblefield and Floyd Moran v. Tuboscope Vetco International, Inc. and AMF Incorporated* remain pending before this Court and are today reinstated.

09-0480 IN THE INTEREST OF C.H.C. A CHILD; from Dallas County; 5th district
motion to reinstate petition for review and lift abatement granted
abatement order issued June 29, 2009, lifted
petition reinstated

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS TRANSFERRED TO
THE COURT OF CRIMINAL APPEALS:

09-0643 IN RE CARL HUNT; from Cass County; 6th district
(06-09-00042-CV, ___ SW3d ___, 04-28-09)
motion to abate transferred

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0603 IN RE YAMAHA MOTOR CORPORATION, U.S.A., YAMAHA MOTOR MANUFACTURING CORPORATION OF AMERICA, AND YAMAHA MOTOR CO., LTD.; from Orange County; 9th district
(09-09-00313-CV, ___ SW3d ___, 07-16-09)
emergency motion for temporary relief denied

09-0648 IN RE ADAM E. SALAZAR; from Bexar County
motion for emergency relief denied

09-0649 IN RE ADAM E. SALAZAR; from Bexar County
motion for emergency relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

09-0476 IN RE JOHN O'QUINN AND CHARLES B. MUSSLEWHITE, JR.; from El
Paso County; 8th district (08-09-00098-CV, ___ SW3d ___, 06-03-09)
unopposed motion to dismiss granted

THE SUPREME COURT OF TEXAS

Orders Pronounced August 12, 2009

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

09-0456 IN THE INTEREST OF D.M.F., A CHILD; from Hood County; 2nd district (02-08-00212-CV, 283 SW3d 124, 04-16-09)
joint motion to vacate judgment of the Court of Appeals pursuant to TRAP 56.3 and motion to expedite mandate, is granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, the Court grants the petition for review. Without hearing oral argument or considering the merits, the judgment of the court of appeals is set aside, the parties' request that the opinion of the court of appeals be vacated is overruled (see TRAP 56.3), and the Court remands the case to the trial court for further proceedings. The Court's mandate shall issue immediately.

THE SUPREME COURT OF TEXAS

Orders Pronounced August 14, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

09-0337 MARY DILDINE, INDIVIDUALLY AND AS TRUSTEE OF THE BONHAM FAMILY TRUST - TRUST A AND B; RHONDA ADRIAN, INDIVIDUALLY AND AS CO-TRUSTEE OF THE BONHAM FAMILY TRUST - TRUST A AND B; AND MICHELLE DUNLAP, INDIVIDUALLY v. DONALD BONHAM AND DONNIE BONHAM; from Travis County; 3rd district (03-07-00631-CV, ___ SW3d ___, 03-12-09)

(Justice Hecht not sitting)

09-0438 ALI YAZDCHI, AS INDEPENDENT EXECUTOR OF THE ESTATE OF ABBAS YAZDCHI AND HABIBOLAH YAZDCHI v. R.P. CORNELIUS; from Harris County; 1st district (01-07-00844-CV, ___ SW3d ___, 01-29-09)

09-0467 BARRAZA FAMILY LIMITED PARTNERSHIP v. CARLOS P. LEVITAS, INDIVIDUALLY AND AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF ALICIA P. LEVITAS AND THE ESTATE OF SARA PASOL FACTOR, DECEASED; from Cameron County; 13th district (13-07-00470-CV, ___ SW3d ___, 03-05-09)

09-0475 RONALD C. PRIDDY, ET AL. v. JOHN V. RAWSON, RICK STEVENS, E.M. (LIZ) STEVENS, STEVE J. SCHIFANI AND RICHARD DICKSON; from Brazoria County; 14th district (14-07-00806-CV, 282 SW3d 588, 02-03-09)

09-0504 EMILY FARLOW, INDIVIDUALLY AND AS NEXT FRIEND OF ANDREW JOSEPH FARLOW AND LAUREN CATHERINE FARLOW, MINORS, AND AS GUARDIAN OF THE PERSON OF LEE WILLIAM FARLOW AND LEE WILLIAM FARLOW v. TEXAS HEALTH RESOURCES, INC. AND HARRIS METHODIST FORT WORTH HOSPITAL; from Tarrant County; 2nd district (02-07-00423-CV, 284 SW3d 903, 05-07-09)

09-0516 HABIBOLLAH YAZDCHI, ABBAS YAZDCHI AND AHMAD YAZDCHI

v. TED L. WALKER; from Harris County; 1st district
(01-05-00177-CV, ___ SW3d ___, 05-07-09)

09-0524 MAGDALENA S. MARTINEZ, AS TRUSTEE OF THE CHARLIE S. MARTINEZ, JR., TRUST v. CITY OF FORT WORTH HISTORIC AND CULTURAL LANDMARKS COMMISSION; from Tarrant County; 2nd district (02-08-00433-CV, ___ SW3d ___, 05-14-09)

09-0536 BRYAN SIMS v. SCOTT WASHBURN; from Harris County; 1st district (01-07-00481-CV, ___ SW3d ___, 03-26-09)

09-0543 BILL COX v. PENNER CATTLE, INC.; from Jones County; 11th district (11-07-00377-CV, ___ SW3d ___, 05-21-09)

ORDERS ON MOTIONS FOR REHEARING

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

09-0060 ESTATE OF BRANCH ARCHER, BY RICHARD K. ARCHER AS PERSONAL REPRESENTATIVE AND RICHARD K. ARCHER, INDIVIDUALLY AND AS TRUSTEE OF THE RICHARD K. ARCHER, M.D., P.A. PROFIT SHARING PLAN & TRUST v. RICHARD O. HARRIS, INDIVIDUALLY AND AS TRUSTEE OF THE RICHARD O. HARRIS PROFIT SHARING TRUST; from Wichita County; 2nd district (02-07-00243-CV, ___ SW3d ___, 12-04-08)

(Justice Johnson not sitting)

09-0190 DR. NYLA PTOMEY v. TEXAS TECH UNIVERSITY; from Lubbock County; 7th district (07-06-00332-CV, 277 SW3d 487, 01-20-09)

09-0210 KAUFMAN COUNTY, TEXAS, WAYNE GENT, JIM DELLER, GERALD ROWDEN, KENNETH SCHOEN, KEN LEONARD AND HAL D. JONES v. JO ANN E. COMBS; from Kaufman County; 5th district (05-07-01152-CV, 274 SW3d 922, 12-30-08)

09-0261 JAY KENNEDY v. ANGELA M. JOHNSON; from Harris County; 14th district (14-08-00692-CV, ___ SW3d ___, 02-05-09)

09-0393 SEMBERA SECURITY SYSTEMS, INC. A/K/A SEMBERA SECURITY, INC. v. TEXAS MUTUAL INSURANCE COMPANY, F/K/A TEXAS

WORKERS' COMPENSATION INSURANCE FUND; from Harris County;
1st district (01-07-00310-CV, ___ SW3d ___, 01-29-09)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEALS ARE DISMISSED:

- 09-0637 LAURANCE KRIEGEL v. DIVERSIFIED FINANCIAL SERVICES, LLC,
ET AL.; from Parmer County
- 09-0668 LAURANCE KRIEGEL v. DIVERSIFIED FINANCIAL SERVICES, LLC.,
ET AL.; from Parmer County
- 09-0669 LAURANCE KRIEGEL v. DIVERSIFIED FINANCIAL SERVICES, LLC.,
ET AL.; from Parmer County

THE SUPREME COURT OF TEXAS

Orders Pronounced August 20, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0644 IN RE MARIA CRISTINA BRITTINGHAM-SADA, DANIEL MILMO
BRITTINGHAM, MARIA CRISTINA LOBEIRA-BRITTINGHAM AND
ANGEL EDUARDO MARROQUIN BRITTINGHAM; from Webb County;
4th district

(Justice Hecht and Justice O'Neill not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced August 26, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0685 IN RE METROPOLITAN LIFE INSURANCE CO. AND METLIFE GROUP,
INC.; from Harris County; 1st district
(01-09-00636-CV, ___ SW3d ___, 08-06-09)
motion for expedited temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced August 27, 2009

MISCELLANEOUS

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

09-0422 IN RE FOREST OIL CORPORATION, ASSOCIATED ELECTRIC & GAS
INSURANCE SERVICES LIMITED AND STEADFAST INSURANCE
COMPANY; from Galveston County; 1st district
(01-09-00121-CV, ___ SW3d ___, 05-18-09)
motion to intervene denied
motion for emergency stay of proceedings granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced August 28, 2009

ORDERS ON CAUSES

06-0948 CITY OF PASADENA, TEXAS v. RICHARD SMITH; from Harris County; 1st district (01-05-01157-CV, 263 SW3d 80, 09-14-06)

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

Justice Hecht delivered the opinion of the Court.

07-0043 DYNEGY MIDSTREAM SERVICES, LIMITED PARTNERSHIP AND VERSADO GAS PROCESSORS, LLC v. APACHE CORPORATION; from Harris County; 14th district (14-05-00010-CV, 214 SW3d 554, 12-07-06)
2 petitions

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

Justice Willett delivered the opinion of the Court.

07-0642 TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES v. OLIVER OKOLI; from Harris County; 1st district (01-07-00103-CV, 263 SW3d 275, 06-28-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

07-0783 IRVING W. MARKS v. ST. LUKE'S EPISCOPAL HOSPITAL; from Harris County; 1st district (01-04-00228-CV, 229 SW3d 396, 05-03-07)

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

Justice Medina delivered the opinion of the Court, in which Chief Justice Jefferson, Justice O'Neill, Justice Brister, and Justice Green joined.

Chief Justice Jefferson delivered a concurring opinion.

Justice Hecht delivered a dissenting opinion.

Justice Wainwright delivered a dissenting opinion.

Justice Johnson delivered a dissenting opinion, in which Justice Hecht, Justice Wainwright, and Justice Willett joined.

07-0815 INTERCONTINENTAL GROUP PARTNERSHIP v. KB HOME LONE STAR L.P.; from Hidalgo County; 13th district (13-06-00617-CV, ___ SW3d ___, 08-23-07)

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

Justice Willett delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice Green, and Justice Johnson joined.

Justice Brister delivered a dissenting opinion, in which Justice O'Neill, Justice Wainwright, and Justice Medina joined.

07-1030 TEXAS DEPARTMENT OF TRANSPORTATION v. SERGIO GARCIA; from Cameron County; 13th district (13-07-00004-CV, 243 SW3d 759, 11-01-07)

Pursuant to Texas Rule of Appellate Procedure 59.1, after granting the petition for review and without hearing oral argument, the Court reverses the court of appeals' judgment and remands the case to that court.

Per Curiam Opinion

08-0363 STATE OFFICE OF RISK MANAGEMENT v. MARY LAWTON; from Brazos County; 10th district (10-07-00072-CV, 256 SW3d 436, 04-16-08)

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

Chief Justice Jefferson delivered the opinion of the Court.

08-0390 MBM FINANCIAL CORPORATION, ET AL. v. THE WOODLANDS OPERATING COMPANY, L.P.; from Montgomery County; 9th district (09-07-00060-CV, 251 SW3d 174, 04-10-08)
2 petitions

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

Justice Brister delivered the opinion of the Court.

(Justice O'Neill not sitting)

08-0742 IN RE LIBERTY MUTUAL FIRE INSURANCE COMPANY; from Nueces County; 13th district (13-08-00129-CV, ___ SW3d ___, 08-07-08)

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

Per Curiam Opinion

08-0820 IN RE GREATER HOUSTON ORTHOPAEDIC SPECIALISTS, INC.; from Cameron County; 13th district (13-08-00366-CV, ___ SW3d ___, 09-11-08) stay order issued October 17, 2008, lifted

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

Per Curiam Opinion

08-0836 IN RE WEEKLEY HOMES, L.P.; from Dallas County; 5th district (05-08-01249-CV, ___ SW3d ___, 09-24-08)

The Court conditionally grants the petition for writ of mandamus.

Justice O'Neill delivered the opinion of the Court.

THE FOLLOWING CAUSE IS ABATED:

07-0010 GALVESTON CENTRAL APPRAISAL DISTRICT v. TRQ CAPTAIN'S LANDING, L.P. AND AMERICAN HOUSING FOUNDATION; from Galveston County; 1st district (01-05-00496-CV, 212 SW3d 726, 10-05-06) abatement order issued

[**Note:** This case is abated pursuant to TEX. R. APP. P. 8.2 until further order of this Court and is removed from the Court's active docket. The Court directs the parties to timely notify the Court of all events affecting the status of this case, and, in any event, to file a status report by November 5, 2009.]

THE MOTION IN THE FOLLOWING CAUSE IS DISMISSED AS MOOT:

06-0904 GUITAR HOLDING COMPANY, L.P. v. HUDSPETH COUNTY
UNDERGROUND WATER CONSERVATION DISTRICT NO. 1, ET AL.;
from Hudspeth County; 8th district
(08-04-00296-CV&08-05-00115-CV, 209 SW3d 172, 08-31-06)
joint motion to forward record on appeal to Eighth Court of Appeals dismissed
as moot

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

06-1034 THE STATE OF TEXAS AND THE TEXAS DEPARTMENT OF
TRANSPORTATION v. GEORGE LUECK; from Travis County; 3rd district
(03-05-00510-CV, 212 SW3d 630, 08-16-06)

06-1071 STATE FARM LLOYDS v. BECKY ANN JOHNSON; from Collin County;
5th district (05-05-00640-CV, 204 SW3d 897, 10-27-06)
as amended

07-0572 GAIL ASHLEY v. DORIS D. HAWKINS; from Montgomery County; 9th
district (09-06-00359-CV, ___ SW3d ___, 06-07-07)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

08-0074 THOMAS O. BENNETT, JR., AND JAMES B. BONHAM
CORPORATION v. RANDY REYNOLDS; from San Saba County; 3rd
district (03-05-00034-CV, 242 SW3d 866, 12-21-07)
as reinstated

[**Note:** This case has been set for oral argument at 9:00 a.m., December 15,
2009.]

Time allotted to argue: 20/20 minutes

08-0551 THE STATE OF TEXAS v. CHARLES LYNN BROWNLOW AND
MARLENE H. BROWNLOW; from Brazoria County; 14th district
(14-07-00547-CV, 251 SW3d 756, 02-05-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 16,
2009.]

Time allotted to argue: 20/20 minutes

09-0100 TRAVIS CENTRAL APPRAISAL DISTRICT v. DIANE LEE NORMAN;
from Travis County; 3rd district
(03-06-00768-CV, 274 SW3d 902, 12-19-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 16,
2009.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0543 INSURANCE NETWORK OF TEXAS, INC. v. HARVEY & DIANA
KLOESEL; from Lavaca County; 13th district
(13-05-00680-CV, 266 SW3d 456, 04-03-08)
- 08-0710 EDASCIO, L.L.C. v. NEXTIRAONE, L.L.C.; from Harris County; 1st district
(01-07-00362-CV, 264 SW3d 786, 05-22-08)
- 08-0929 CITY OF FORT WORTH, TEXAS v. LINDA J. SHILLING; from Wise
County; 2nd district (02-07-00410-CV, 266 SW3d 97, 08-21-08)
- 09-0232 BRIAN SIMON v. D. MILLER & ASSOCIATES, PLLC, TIMOTHY JOHN
CLYNE, JAMILAH O. DRIVER AND RYAN BRADLEY BORMASTER;
from Harris County; 14th district (14-07-00894-CV, ___ SW3d ___, 02-12-09)
as redrafted
- 09-0268 PEOPLE'S MANAGEMENT OF TEXAS I, LTD., SUCCESSOR IN
INTEREST TO JOE MEDINA, TRUSTEE v. CARLOS GUTIERREZ,
VICTOR AND GUADALUPE FAMILY LIMITED PARTNERSHIP, AND
VMGGFC, INC.; from Webb County; 8th district
(08-07-00106-CV, 277 SW3d 72, 01-08-09)
- 09-0305 IN THE MATTER OF E.C.L.; from Harris County; 14th district
(14-06-01106-CV, 278 SW3d 510, 02-12-09)
- 09-0328 CARLOS M. ZAFFIRINI, SR. v. UNITED WATER SERVICE, LLC; from
Webb County; 4th district (04-08-00211-CV, ___ SW3d ___, 01-21-09)

09-0478 ZOILA V. LONGORIA, ET AL. v. EDWARD A. LASATER, ET AL.; from Brooks County; 4th district (04-08-00078-CV, ___ SW3d ___, 04-08-09)

09-0707 IN THE INTEREST OF D.R.J., A CHILD; from Randall County; 7th district (07-08-00410-CV, ___ SW3d ___, 07-08-09)

ORDERS ON MOTIONS FOR REHEARING

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

09-0044 MARK RILEY, INDIVIDUALLY AND AS TRUSTEE v. ROBERT ALPERT, ROMAN ALPERT, AND RENEE PICAZO, GUARDIAN OF THE ESTATE OF DANIEL ALPERT, A MINOR; from Harris County; 1st district (01-06-00605-CV, 274 SW3d 277, 10-23-08)

09-0148 INTERNATIONAL ASSOCIATION FOR COLON HYDROTHERAPY AND CLASS 3 STUDY GROUP v. STATE OF TEXAS; from Dallas County; 5th district (05-07-01046-CV, ___ SW3d ___, 11-26-08)

09-0353 LATOYA BASEY v. DAVITA, INC., D/B/A TOTAL RENAL CARE, NELDA BOATWRIGHT, AND FRESENIUS MEDICAL CARE HOLDING, INC., D/B/A FRESENIUS MEDICAL CARE NORTH AMERICA D/B/A NORTHWEST HOUSTON DIALYSIS, AND BIOMEDICAL APPLICATIONS OF TEXAS, INC.; from Harris County; 14th district (14-07-00925-CV, ___ SW3d ___, 02-24-09)

09-0419 KRISTOFER THOMAS KASTNER v. MARTIN, DROUGHT AND TORRES, INC.; from Bexar County; 4th district (04-08-00779-CV, ___ SW3d ___, 03-11-09)

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

09-0080 IN RE WILLIAM DICKERSON; from Hardin County; 9th district (09-08-00218-CV, ___ SW3d ___, 06-26-08)

09-0180 IN RE CHARLES FRANKLIN

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

09-0692 LAURANCE KRIEGEL v. DIVERSIFIED FINANCIAL SERVICES, LLC., ET AL.; from Parmer County

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

08-0906 IN RE TEXAS BEST STAFF LEASING, INC. D/B/A ALT-SOURCE; from Harris County; 1st district (01-08-00296-CV, ___ SW3d ___, 10-09-08) stay order issued November 7, 2008, lifted

09-0459 IN RE EDMOND L. BISLAND III; from Hays County; 3rd district (03-09-00214-CV, ___ SW3d ___, 05-28-09)

- 09-0566 IN RE WILLIAM ROBERT PARKER; from Shelby County
- 09-0590 IN RE ADAM E. SALAZAR; from Bexar County; 4th district
motion for emergency relief denied
- 09-0593 IN RE ADAM E. SALAZAR; from Bexar County; 4th district
motion for emergency relief denied
- 09-0595 IN RE ADAM E. SALAZAR; from Bexar County; 4th district
motion for emergency relief denied
- 09-0719 IN RE ROBERT (BOBBY) R. WIGHTMAN-CERVANTES; from Cameron
County
application for stay denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 09-0409 IN RE VOLT MANAGEMENT CORP.; from El Paso County; 8th district
(08-09-00055-CV, ___ SW3d ___, 03-05-09)
joint motion to dismiss granted