



Orders of the Supreme Court of Texas
Fiscal Year 2010
(September 1, 2009 – August 31, 2010)

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 3, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0739 IN RE ANASTACIO G. GARZA AND BARBARA T. GARZA; from Webb County; 4th district (04-09-00554-CV, ___ SW3d ___, 09-02-09)
emergency motion for immediate temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced September 4, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0381 JOHN A. LYONS v. LAURI D. LYONS; from Bexar County; 4th district
(04-08-00259-CV, ___ SW3d ___, 01-14-09)
as redrafted
- 09-0385 DONALD RAY MCCRAY v. HARRIS COUNTY, ET AL.; from Travis
County; 3rd district (03-08-00210-CV, ___ SW3d ___, 02-18-09)
- 09-0539 GENERAL NEON SIGN COMPANY v. DAILEY & WELLS
COMMUNICATIONS, INC.; from Bexar County; 4th district
(04-08-00488-CV, ___ SW3d ___, 03-18-09)
- 09-0600 ELAINE LEAX v. ROBERT W. LEAX; from Harris County; 1st district
(01-08-00149-CV, ___ SW3d ___, 06-11-09)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 09-0193 KAREN K. MURRAY v. BRADLEY S. MURRAY; from Denton County;
2nd district (02-08-00031-CV, 276 SW3d 138, 12-18-08)
motion to dismiss granted

ORDERS ON MOTIONS FOR REHEARING

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

- 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)
- 09-0094 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)

motion to forward original record 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)

MISCELLANEOUS

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

09-0743 IN RE CHERYL CHENAULT SHUMAKE AS NEXT FRIEND OF KAYLA CHENAULT; from Bexar County; 4th district (04-09-00303-CV, ___ SW3d ___, 08-19-09)
emergency motion for temporary stay denied
requested response due by 3:00 p.m., September 21, 2009

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

(Chief Justice Jefferson not sitting)

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0627 IN RE RHETT WEBSTER PEASE; from Lee County; 3rd district (03-07-00141-CV, ___ SW3d ___, 02-21-08)

09-0642 IN RE PATRICK OLAJIDE AKINWAMIDE; from Harris County; 13th district (13-00-00609-CV, ___ SW3d ___, 08-31-04)

09-0746 IN RE MEAGAN OSBORNE AND ETHAN OSBORNE; from Jefferson County; 9th district (09-09-00405-CV, ___ SW3d ___, 09-04-09)
emergency motion to stay trial court proceedings denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

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)
joint motion to dismiss mandamus proceeding with prejudice granted

stay order issued March 12, 2009, lifted

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

09-0706 IN RE TEXAS TORNADO HOCKEY CLUB, L.P. AND SCHLEGEL
SPORTS & ENTERTAINMENT GROUP, LLC; from Collin County; 5th
district (05-09-00807-CV, ___ SW3d ___, 08-12-09)
motion for emergency stay granted in part
stay order issued
abatement order issued
motion for sanctions denied

[**Note:** The petition for writ of mandamus is abated under TEX. R. APP. P. 7.2
pending further order of this Court.]

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

09-0703 IN RE OLSHAN FOUNDATION REPAIR COMPANY, LLC AND
OLSHAN FOUNDATION REPAIR COMPANY OF DALLAS, LTD.; from
Ellis County; 10th district (10-09-00119-CV, ___ SW3d ___, 07-01-09)
emergency motion to stay district 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 September 8, 2009

MISCELLANEOUS

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

09-0747 IN RE IN THE INTEREST OF J.L.L.; from Hidalgo County; 13th district
(13-09-00467-CV, ___ SW3d ___, 08-31-09)

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(f), (h), 9.8, and 52.3(j), (k)(1)(B) and is struck. Relator is ordered to redraw; the redrawn petition is due to be filed September 8, 2009."

THE SUPREME COURT OF TEXAS

Orders Pronounced September 11, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0545 JAMES KENNETH COLLINS v. STACEY LEIGH COLLINS; from Montgomery County; 13th district (13-07-00240-CV, ___ SW3d ___, 03-12-09) motion to dismiss petition for review denied
- 09-0556 USDR, INC. AND JOHN ROBINSON v. CABOT CAPITAL CORPORATION AND CABOT ESTATES, LLC; from Tarrant County; 8th district (08-07-00202-CV, ___ SW3d ___, 04-30-09)
- 09-0619 MICHAEL JOSEPH LESSARD, DOROTHY ELAINE LESSARD, MONICA JEAN LESSARD AND JEANNE MARIA LESSARD v. VELSIKOL CHEMICAL CORP.; from Live Oak County; 13th district (13-00-00113-CV, ___ SW3d ___, 04-23-09)

ORDERS ON MOTIONS FOR REHEARING

THE MOTIONS FOR REHEARING OF 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)
- 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)
- 09-0334 ZAHOOR SIDDIQUI v. MASOON SIDDIQUI; from Harris County; 14th district (14-07-00235-CV, ___ SW3d ___, 03-03-09)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0752 IN RE SOUTHWEST CONCRETE PRODUCTS, L.P. AND TEXAS
BUILDING PRODUCTS, INC.; from Bexar County; 4th district
(04-09-00559-CV, ___ SW3d ___, 09-04-09)
motion for emergency relief denied

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

09-0733 IN RE COLUMBIA MEDICAL CENTER OF LAS COLINAS, INC. D/B/A
LAS COLINAS MEDICAL CENTER; from Dallas County
motion for immediate temporary relief granted
stay order issued
requested response due by 3:00 p.m., September 18, 2009

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

09-0761 IN RE ART HARRIS; from Harris County; 1st district
emergency motion for temporary relief granted
stay order issued

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

(Justice Hecht not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced September 14, 2009

MISCELLANEOUS

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

09-0768 IN RE LIFEGUARD BENEFIT SERVICES, INC. AND THE AMACORE
GROUP, INC.; from Tarrant County; 2nd district
relators' 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 September 16, 2009

MISCELLANEOUS

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

09-0776 IN RE BREITBURN ENERGY PARTNERS L.P., BREITBURN OPERATING L.P., BREITBURN GP, LLC, BREITBURN OPERATING GP, LLC, RANDALL H. BREITENBACH, HALBERT S. WASHBURN, GREGORY J. MORONEY AND CHARLES S. WEISS; from Tarrant County; 2nd district (02-09-00307-CV, ___ SW3d ___, 09-14-09)
emergency motion for temporary relief and stay granted
stay order issued
requested response due by 3:00 p.m., September 28, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced September 18, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0559 JEFFREY I. RUBINETT v. SHARON M. RUBINETT; from Tarrant County; 2nd district (02-08-00021-CV, ___ SW3d ___, 05-14-09)
- 09-0565 LONE STAR STORAGE TRAILER, II LTD. AND LONE STAR STORAGE TRAILER v. VILLAGE OF SALADO; from Bell County; 3rd district (03-06-00572-CV, ___ SW3d ___, 04-10-09)
- 09-0569 KRISTOFER THOMAS KASTNER v. THE KROGER COMPANY, ET AL.; from Harris County; 14th district (14-08-01001-CV, ___ SW3d ___, 04-09-09)
- 09-0578 MICHAEL KENNEDY v. CHARLES STEEN AND DETECTIVE MUNNIZ, IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY; from Anderson County; 14th district (14-08-00603-CV, ___ SW3d ___, 06-18-09)
- 09-0587 JOHN KLOTZ STOKES, M.D. v. DAVID DELAROSA; from Travis County; 3rd district (03-06-00785-CV, ___ SW3d ___, 06-04-09)
- 09-0622 GARRY JENKINS v. STATE AND COUNTY MUTUAL INSURANCE COMPANY; from Tarrant County; 2nd district (02-08-00279-CV, 287 SW3d 891, 06-11-09)
as redrafted
- 09-0711 RALPH O. DOUGLAS v. ELISE SELMA DOUGLAS; from Harris County; 14th district (14-08-00277-CV, ___ SW3d ___, 03-26-09)

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

- 09-0633 JOSÉ F. VASQUEZ, JR. v. TEXAS WORKFORCE COMMISSION, MERCHANTS BUILDING MAINTENANCE, LLC AND PAT MONTES; from Bexar County; 4th district (04-08-00508-CV, ___ SW3d ___, 06-10-09)

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 September 28, 2009."

09-0759 MAYUKO SAEKI MARTIN v. TIMOTHY E. MARTIN; from Fort Bend County; 1st district (01-09-00136-CV, ___ SW3d ___, 06-25-09)

The Court strikes the 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 September 28, 2009."

ORDERS ON MOTIONS FOR REHEARING

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE 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 motions for rehearing

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0673 IN RE CAROL JOHNSTON WALKER AS INDEPENDENT ADMINISTRATRIX OF THE ESTATE OF GERTRUDE C. JOHNSTON, WITH WILL ANNEXED; from Bexar County; 4th district (04-08-00644-CV, ___ SW3d ___, 12-17-08)

09-0767 IN RE PIPELINE TRUCKING, INC.; from Denton County; 2nd district (02-09-00183-CV, ___ SW3d ___, 07-24-09)
motion to stay proceedings denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

09-0462 IN RE CORY DONN KELLISON

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

09-0778 IN RE H&M RESOURCES, LLC; from Martin County; 11th district
(11-09-00193-CV, ___ SW3d ___, 08-13-09)

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 September 24, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0789 IN RE ATLAS TUBULAR, L.P., ET AL.; from Hidalgo County; 13th district
(13-09-00519-CV, ___ SW3d ___, 09-18-09)
as amended
emergency motion for temporary relief denied, as amended

THE SUPREME COURT OF TEXAS

Orders Pronounced September 25, 2009

ORDERS ON CAUSES

08-0740 IN RE UNION PACIFIC RAILROAD COMPANY; from Bexar County; 4th district (04-08-00388-CV, ___ SW3d ___, 08-20-08)

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

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

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)

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)
as amended

(Justice O'Neill 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)

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)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

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) as reinstated

[**Note:** This case has been set for oral argument at 9:00 a.m., December 16, 2009.]

Time allotted to argue: 20/20 minutes

08-0592 FRESH COAT, INC. v. K-2, INC.; from Montgomery County; 9th district (09-06-00251-CV, 253 SW3d 386, 04-17-08) 2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., December 17, 2009.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

SOLICITOR GENERAL INVITED TO FILE BRIEF:

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)

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:

- 08-0755 CITY OF DEL RIO v. CLAYTON SAM COLT HAMILTON TRUST, BY AND THROUGH ITS TRUSTEE, J.R. HAMILTON; from Val Verde County; 4th district (04-06-00782-CV, 269 SW3d 613, 02-27-08)
- 08-0881 IN THE MATTER OF T.A., A JUVENILE; from Midland County; 11th district (11-06-00342-CV, ___ SW3d ___, 09-04-08)
as redrafted
- 08-0917 IN THE INTEREST OF J.I.M., A MINOR; from El Paso County; 8th district (08-05-00302-CV, 281 SW3d 504, 08-21-08)
- 08-0940 TENNESSEE GAS PIPELINE COMPANY v. TECHNIP USA CORPORATION AND TECHNIP, S.A.; from Harris County; 1st district (01-06-00535-CV, ___ SW3d ___, 12-21-07)
2 petitions
- 09-0037 AIG ANNUITY INSURANCE COMPANY, ET AL. v. SEARS, ROEBUCK AND CO.; from Dallas County; 5th district (05-07-00758-CV, 270 SW3d 632, 08-21-08)
- 09-0050 JOHNNY RODRIGUEZ, JR. v. ICON BENEFIT ADMINISTRATORS, INC.; from Lubbock County; 7th district (07-07-00039-CV, ___ SW3d ___, 10-15-08)
- 09-0085 DICK'S LAST RESORT OF THE WEST END, INC., DICK'S LAST RESORT OF DALLAS, INC., DICK'S LAST RESORT OF TEXAS, INC., DICK'S LAST RESORT OF CHICAGO, INC., DICK'S HOLDING COMPANY, INC. AND STEVEN SCHIFF v. MARKET/ROSS, LTD. AND WILLIAM H. NABORS; from Dallas County; 5th district (05-07-01220-CV, 273 SW3d 905, 12-31-08)
- 09-0104 MARBLE FALLS INDEPENDENT SCHOOL DISTRICT v. ROBERT SCOTT, HONORABLE COMMISSIONER OF EDUCATION FOR THE STATE OF TEXAS, THORNTON KEEL, DONNA KEEL, MICHAEL HELLRUNG, DONNA HELLRUNG, WILLIAM PASCHALL, DAVID WOMACK, NATALIE KLOSS, DARRYL HUBBELL AND AMY HUBBELL; from Travis County; 3rd district (03-07-00576-CV, 275 SW3d 558, 11-14-08)
- 09-0138 CITY OF AUSTIN, ET AL. v. NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1, ET AL.; from Travis County; 3rd district (03-04-00240-CV, 274 SW3d 820, 11-14-08)

2 petitions
motion to amend petition for review denied

- 09-0248 DEWAYNE FUNDERBURK, AS NEXT FRIEND OF WHITNEY FUNDERBURK v. RORY LEWIS, M.D.; from Limestone County; 10th district (10-05-00197-CV, ___ SW3d ___, 12-31-08)
2 petitions
- 09-0325 AON RISK SERVICES OF TEXAS, INC. v. HORIZON OFFSHORE CONTRACTORS, INC. AND HORIZON VESSELS, INC.; from Harris County; 14th district (14-07-00549-CV, 283 SW3d 53, 03-12-09)
- 09-0329 TRINITY RIVER AUTHORITY OF TEXAS v. BOYER, INC.; from Tarrant County; 2nd district (02-07-00052-CV, 279 SW3d 354, 01-17-08)
- 09-0335 H.C. BECK PARTNERS, LTD. v. AUSTIN INDEPENDENT SCHOOL DISTRICT; from Travis County; 3rd district (03-07-00228-CV, ___ SW3d ___, 03-13-09)
- 09-0383 EMORY B. PERRY, ET AL. v. DARRYL R. COHEN, ET AL.; from Travis County; 3rd district (03-05-00786-CV, 285 SW3d 137, 03-26-09)

(Justice Hecht not sitting)

- 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

- 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)
- 09-0390 ZURICH AMERICAN INSURANCE COMPANY v. SANDRA DEBOSE; from Harris County; 1st district (01-08-00717-CV, ___ SW3d ___, 03-26-09)

- 09-0398 C. SPRINGS 300, LTD. v. HARTFORD FIRE INSURANCE COMPANY;
from Harris County; 1st district (01-06-00065-CV, 287 SW3d 771, 04-16-09)
- 09-0423 GLORIA CELESTE LOVING v. CITY OF HOUSTON; from Harris County;
14th district (14-07-00621-CV, 282 SW3d 555, 01-08-09)
- 09-0434 LILLIAN MARIAN FOOTE TIGARD, ET AL. v. SEYED HASSAN
MOOSAVIDEEN; from Harris County; 1st district
(01-06-00002-CV, ___ SW3d ___, 11-20-08)
- 09-0484 THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA,
GALLAGHER BASSETT SERVICES, INC. AND BELINDA YBARRA v.
SUE ANN STINSON; from Harris County; 14th district
(14-07-00698-CV, 286 SW3d 77, 04-30-09)
- 09-0492 MOTIENT CORPORATION v. HIGHLAND CRUSADER OFFSHORE
PARTNERS, L.P.; HIGHLAND EQUITY FOCUS FUND, L.P.; HIGHLAND
CAPITAL MANAGEMENT, L.P.; HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC.; from Dallas County; 5th district
(05-07-01735-CV, 281 SW3d 237, 03-06-09)
- 09-0498 BEDRIJE HAJDARI SEYMOUR v. FLOYD DAVID SEYMOUR; from
Harris County; 14th district (14-07-00280-CV, ___ SW3d ___, 02-24-09)
- 09-0503 RICHARD LOUIS SIMMONS AND LINDIG CONSTRUCTION AND
TRUCKING, INC. v. EDMOND L. BISLAND III AND RHONDA
BISLAND; from Hays County; 3rd district
(03-08-00141-CV, ___ SW3d ___, 04-09-09)
- 09-0509 JAY PETROLEUM, L.L.C. v. EOG RESOURCES, INC. F/K/A ENRON
OIL & GAS COMPANY; from Harris County; 1st district
(01-08-00541-CV, ___ SW3d ___, 05-07-09)

(Justice O'Neill not sitting)

- 09-0527 XTRIA LLC v. INTERNATIONAL INSURANCE ALLIANCE
INCORPORATED; from Dallas County; 6th district
(06-08-00073-CV, 286 SW3d 583, 05-15-09)
- 09-0546 SALLY DOE v. TEXAS ASSOCIATION OF SCHOOL BOARDS, INC.
AND TEXAS ASSOCIATION OF SCHOOL BOARDS RISK
MANAGEMENT FUND; from Denton County; 2nd district

(02-08-00266-CV, 283 SW3d 451, 03-05-09)

- 09-0548 CLIFTON JERRY LANDRY v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE - INSTITUTIONAL DIVISION, COMMISSARY AND TRUST FUND DEPARTMENT, ET AL.; from Walker County; 10th district (10-09-00108-CV, ___ SW3d ___, 05-20-09)
- 09-0553 DERWEN RESOURCES, LLC AND SHRINERS HOSPITALS FOR CHILDREN, INC. v. CARRIZO OIL & GAS, INC.; from Liberty County; 9th district (09-07-00597-CV, ___ SW3d ___, 05-28-09)
- 09-0608 ANDREW R. MIRELES v. JENNIFER S. MIRELES; from Harris County; 1st district (01-08-00499-CV, ___ SW3d ___, 04-02-09)
- 09-0611 YIGAL BOSCH v. MARK S. ARMSTRONG, PAUL BAILIFF AND SQUIRE, SANDERS AND DEMPSEY, L.L.P.; from Harris County; 1st district (01-08-00847-CV, ___ SW3d ___, 06-11-09)
- 09-0664 XIAO YU ZHONG AND YING CHUN MA, INDIVIDUALLY AND AS NEXT FRIEND OF HONG YA ZHONG AND DAONAN HE, MINOR CHILDREN v. SUNBLOSSOM GARDENS, L.L.C. D/B/A SUNBLOSSOM GARDENS; from Harris County; 1st district (01-08-00470-CV, ___ SW3d ___, 04-30-09)
- 09-0666 BRUCE Q. MARTIN v. DENISE L. MARTIN; from Grayson County; 5th district (05-07-01571-CV, 287 SW3d 260, 04-13-09)
- 09-0676 JACK D. BROCK v. JULIE FREDERICK TANDY; from Tarrant County; 2nd district (02-08-00400-CV, ___ SW3d ___, 07-02-09)
- 09-0684 IN RE COMMITMENT OF DON DAVIS, JR.; from Montgomery County; 9th district (09-08-00124-CV, ___ SW3d ___, 06-25-09)

09-0690 RAGHBIR SANDHU v. PINGLIA INVESTMENTS OF TEXAS, L.L.C.
AND SUMMER PINGLIA; from Harris County; 14th district
(14-08-00184-CV, ___ SW3d ___, 06-25-09)

09-0749 PHILL RAIJE RIAN v. TEXAS DEPARTMENT OF FAMILY AND
PROTECTIVE SERVICES; from Williamson County; 3rd district
(03-08-00155-CV, ___ SW3d ___, 07-31-09)
as corrected

ORDERS ON MOTIONS FOR REHEARING

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

09-0638 IN THE MATTER OF THE ESTATE OF WALTER ARTHUR KRIEGEL,
DECEASED; from Parmer County

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

09-0287 YIQING FENG v. SABIC AMERICAS, INC.; from Harris County; 14th
district (14-07-00699-CV, ___ SW3d ___, 03-17-09)

09-0376 ROSE MCCULLOUGH v. DEVON ENERGY PRODUCTION COMPANY,
LLP.; from Johnson County; 10th district
(10-08-00005-CV, ___ SW3d ___, 07-30-08)

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)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

09-0795 IN RE GUARDIANSHIP OF MARIE MAGDALENA KRIEGEL; from
Parmer County

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

08-1039 IN RE SHIPPERS STEVEDORING COMPANY; from Harris County; 14th
district (14-08-00438-CV, 274 SW3d 840, 11-20-08)

(Justice Hecht not sitting)

09-0118 IN RE POSTEL INDUSTRIES, INC.; from Harris County
(01-08-00981-CV, ___ SW3d ___, 02-02-09)

09-0485 IN RE N.I.A. NATIONAL INSURANCE AGENCY, INC., NIA-ASSET
PROTECTION GROUP, INC. AND LARRY G. MCCLENDON; from Dallas
County; 5th district (05-09-00499-CV, ___ SW3d ___, 05-13-09)

09-0489 IN RE CHERYL PARKER; from Harris County; 1st district
(01-09-00439-CV, ___ SW3d ___, 05-29-09)

09-0493 IN RE SHEILA RENEE HALEY; from Montgomery County; 9th district
(09-08-00268-CV, ___ SW3d ___, 08-14-08)
motion to dismiss denied
motion for damages 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)

09-0695 IN RE JOHN KOO-HYUN KIM; from Travis County; 3rd district
(03-07-00320-CV, ___ SW3d ___, 07-06-07)

09-0803 IN RE ADVOCARE INTERNATIONAL, LP; from Dallas County; 5th district
(05-08-01626-CV, ___ SW3d ___, 01-30-09)
motion for emergency stay denied

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

09-0806 IN RE MEDICALEDGE HEALTHCARE GROUP, P.A., ET AL.; from
Dallas County; 5th district (05-09-01126-CV, ___ SW3d ___, 09-24-09)
emergency motion for temporary relief granted
stay order issued
requested response due by 3:00 p.m., October 12, 2009

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

THE FOLLOWING MOTIONS ARE DENIED:

09-0761 IN RE ART HARRIS; from Harris County; 1st district
motion to reconsider grant of temporary relief denied
stay order issued September 11, 2009, remains in place

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

(Justice Hecht not sitting)

09-0768 IN RE LIFEGUARD BENEFIT SERVICES, INC. AND THE AMACORE
GROUP, INC.; from Tarrant County; 2nd district
motion for reconsideration of temporary order denied
stay order issued September 14, 2009, remains in place

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

THE SUPREME COURT OF TEXAS

Orders Pronounced September 28, 2009

ORDERS ON CAUSES

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

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)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0816 IN RE THE HONORABLE JAMES FOSTER; from Dallas County; 5th district
emergency motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced September 29, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0817 IN RE JONATHAN J. JIMINEZ, AS NEXT FRIEND OF JONATHAN JIMINEZ, JR., PHYLLIS SCOTT, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF VICTORIA DE LA ROSA SCOTT AND DENNIS DE LA ROSA; from Harris County; 1st district (01-09-00700-CV, ___ SW3d ___, 09-25-09)
motion for emergency stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced October 2, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0589 ABDER EL HAMAD v. COMMERCIAL BOARD OF ADJUSTMENT, A DIVISION OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF FORT WORTH; from Tarrant County; 2nd district (02-08-00294-CV, ___ SW3d ___, 05-14-09)
- 09-0615 KATHRYN ANN RACKLEY v. ADVANCED CYCLING CONCEPTS, INC. D/B/A PUMP IT UP!; from Dallas County; 13th district (13-08-00254-CV, ___ SW3d ___, 03-19-09)
- 09-0629 HEALTHSOUTH MEDICAL CENTER AND HEALTHSOUTH PLANO REHABILITATION HOSPITAL v. PRICEWATERHOUSECOOPERS L.L.P. AND ROYAL & SUN ALLIANCE INSURANCE PLC; from Dallas County; 5th district (05-06-01041-CV, ___ SW3d ___, 08-31-07)
- 09-0632 APRIL AND JOSHUA RAY VAN HOOSE v. VANDERBILT MORTGAGE AND FINANCE, INC.; from Milam County; 3rd district (03-08-00573-CV, ___ SW3d ___, 05-08-09)
- 09-0689 JIMMY ZAMARRIPA v. SYLVIA ZAMARRIPA; from Fort Bend County; 14th district (14-08-00083-CV, ___ SW3d ___, 06-30-09)
- 09-0712 IN THE INTEREST OF D.H., S.H. AND B.H., CHILDREN; from Taylor County; 11th district (11-08-00294-CV, ___ SW3d ___, 07-30-09)
- 09-0722 ANNETTE MCCARTY v. CLINTON T. MONTGOMERY, AS MANAGING TRUSTEE OF THE TRIMONT IRREVOCABLE TRUSTS AND ELTON MONTGOMERY, THIRD-PARTY DEFENDENT; from Palo Pinto County; 11th district (11-07-00317-CV, 290 SW3d 525, 06-11-09)

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

09-0599 IN THE INTEREST OF J.T., A.T., AND D.T., CHILDREN; from Medina County; 4th district (04-08-00068-CV, ___ SW3d ___, 06-10-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(g), (h), 9.8(b), and 53.2(k)(1)(C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by October 12, 2009."

09-0633 JOSÉ F. VASQUEZ, JR. v. TEXAS WORKFORCE COMMISSION, MERCHANTS BUILDING MAINTENANCE, LLC AND PAT MONTES; from Bexar County; 4th district (04-08-00508-CV, ___ SW3d ___, 06-10-09) as redrafted

The Court strikes the redrafted petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(e) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by October 12, 2009."

ORDERS ON MOTIONS FOR REHEARING

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

09-0307 TURNER GERMANY, JR. v. RAYMOND MUNOZ, M.D.; from Dallas County; 5th district (05-08-01442-CV, ___ SW3d ___, 12-29-08)

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)

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

09-0550 IN RE JOHN ADDISON; from Liberty County; 9th district (09-09-00238-CV, ___ SW3d ___, 06-25-09)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

09-0819 IN RE GUARDIANSHIP OF MARIE MAGDALENA KRIEGEL; from
Parmer County

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0662 IN RE JEFFREY WAYNE PAGE; from Nueces County

09-0713 IN RE MICHAEL KENNEDY; from Anderson County

09-0747 IN RE IN THE INTEREST OF J.L.L.; from Hidalgo County; 13th district
(13-09-00467-CV, ___ SW3d ___, 08-31-09)
as redrafted
emergency motion to stay denied

09-0826 IN RE EDWARD HUERTA AND MARGARITA HUERTA,
INDIVIDUALLY AND AS NEXT FRIENDS OF HEATHER L. HUERTA,
EDWARD TIMOTHY HUERTA AND DANARA L. HUERTA; from Duval
County; 4th district (04-09-00216-CV, ___ SW3d ___, 09-23-09)
motion for emergency temporary relief denied

(Justice Johnson not sitting)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

09-0518 IN RE CONTINENTAL AIRLINES, INC.; from Hidalgo County; 13th district
(13-09-00320-CV, ___ SW3d ___, 06-22-09)
motion to dismiss granted
stay order issued July 1, 2009, lifted

**THE FOLLOWING APPEAL FROM A DECISION OF THE BOARD OF
DISCIPLINARY APPEALS IS DISMISSED:**

08-0561 EPHRAIM ABERRA v. COMMISSION FOR LAWYER'S DISCIPLINE

THE SUPREME COURT OF TEXAS

Orders Pronounced October 5, 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 seating at counsel tables at oral argument granted

MISCELLANEOUS

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

09-0833 IN RE SCOTT VAN DYKE; from Harris County; 14th district
emergency motion for stay denied

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

THE SUPREME COURT OF TEXAS

Orders Pronounced October 9, 2009

ORDERS ON CAUSES

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

08-0958 PRESIDIO INDEPENDENT SCHOOL DISTRICT v. ROBERT SCOTT, AS COMMISSIONER OF EDUCATION; from Travis County; 3rd district (03-07-00319-CV, 266 SW3d 531, 08-28-08)
motion to reset oral argument granted

[**Note:** This case has been reset for oral argument at 9:00 a.m., January 19, 2010.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0424 FREDRICK GILANI v. MOJGAN JALAILI-NAEINI; from Denton County; 2nd district (02-09-00015-CV, ___ SW3d ___, 03-19-09)
- 09-0507 CARLOS A.L. VAUGHN v. NATRENIA L. HICKS, ET AL.; from Anderson County; 14th district (14-08-00726-CV, ___ SW3d ___, 04-16-09)
- 09-0551 CLAIRE STANARD PHILLIPS v. TROY D. PHILLIPS; from Dallas County; 8th district (08-06-00171-CV, ___ SW3d ___, 03-26-09)
- 09-0624 BOBBY LUCKY v. KITCHEN CAPTAIN HAINES ET AL.; from Taylor County; 11th district (11-08-00252-CV, ___ SW3d ___, 05-07-09)
- 09-0631 ELIJAH W. RATCLIFF v. LHR, INC.; from Polk County; 9th district (09-07-00566-CV, ___ SW3d ___, 05-28-09)
- 09-0656 GEORGE DIEHL DOLAN v. ZELIE M. DOLAN; from Harris County; 1st

district (01-07-00694-CV, ___ SW3d ___, 06-18-09)

09-0687 BOBBIE WASHINGTON v. ANNIE MARIE GARRETT SMITH, ET AL.;
from Harrison County; 6th district
(06-08-00121-CV, 289 SW3d 362, 06-30-09)

09-0727 JOHN FOX v. CITY OF EL PASO, THOMAS MAGUIRE, WILLIAM
STERN, MARIO D'AGOSTINO, SAM JARVIS AND JOHN DOE(S); from
El Paso County; 8th district (08-08-00093-CV, ___ SW3d ___, 07-22-09)

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

09-0832 IN THE MATTER OF D.A.B., A JUVENILE; from Angelina County; 12th
district (12-08-00406-CV, ___ SW3d ___, 08-28-09)

The Court strikes the petition for review with the following notation: "The
petition violates Texas Rules of Appellate Procedure 9.4(f), (g), 9.8(c), and
53.2 (a)-(c), (f), (g), (k)(A) and is struck. Petitioner is ordered to redraw; the
redrawn petition is due to be filed by October 19, 2009."

ORDERS ON MOTIONS FOR REHEARING

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

09-0240 FREQUENT FLYER DEPOT, INC., GEORGE PIRKLE AND ROBERT
PIRKLE v. AMERICAN AIRLINES, INC.; from Tarrant County; 2nd district
(02-08-00386-CV, 281 SW3d 215, 02-26-09)

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)

09-0516 HABIBOLLAH YAZDCHI, ABBAS YAZDCHI AND AHMAD YAZDCHI
v. TED L. WALKER; from Harris County; 1st district
(01-05-00177-CV, ___ SW3d ___, 05-07-09)

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

09-0106 IN RE ALLIED CHEMICAL CORPORATION ET AL.; from Hidalgo
County; 13th district (13-08-00678-CV, 287 SW3d 115, 01-27-09)
motion to dismiss motion for rehearing granted

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

09-0806 IN RE MEDICALEDGE HEALTHCARE GROUP, P.A., ET AL.; from
Dallas County; 5th district (05-09-01126-CV, ___ SW3d ___, 09-24-09)
motion to abate mandamus granted
abatment order issued

[**Note:** The petition for writ of mandamus is abated pending further order of
this Court.]

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

09-0786 IN RE ODYSSEY HEALTHCARE, INC. AND GEORGE PORTILLO; from
El Paso County; 8th district (08-09-00174-CV, ___ SW3d ___, 08-12-09)
motion 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 October 16, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0575 BOBBY FERACHI v. SHAWN CADY; from Denton County; 2nd district (02-07-00355-CV, ___ SW3d ___, 05-28-09)
- 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, 287 SW3d 452, 06-12-09)
as redrafted
- 09-0621 BIELA'S GLASS AND ALUMINUM PRODUCTS, INC. AND ALERT LOCK AND KEY v. SONIA VALVERDE; from Bexar County; 4th district (04-08-00587-CV&04-08-00857-CV, ___ SW3d ___, 06-10-09)
- 09-0663 MICHAEL G. BYBOTH v. WOOD LIMITED PARTNERSHIP; AMS STAFF LEASING, INC.; AND CHARLES D. WOOD, JR.; from Collin County; 5th district (05-08-00915-CV, ___ SW3d ___, 05-21-09)
- 09-0674 JOHN CLYDE GUERRA v. WAL-MART STORES, INC. AND ED GARZA, INDIVIDUALLY AND AS AGENT FOR WAL-MART; from Starr County; 4th district (04-08-00146-CV, ___ SW3d ___, 07-01-09)
- 09-0680 WILLIAM D. BEARD v. COMMISSION FOR LAWYER DISCIPLINE; from Dallas County; 5th district (05-07-00428-CV, ___ SW3d ___, 03-17-09)
- 09-0682 ROY JONES v. POLK MECHANICAL COMPANY, LLC; from Bexar County; 4th district (04-08-00509-CV, ___ SW3d ___, 07-01-09)
- 09-0718 R.W. ROGERS, SR. v. LAYNE HARWELL AND NELDA HARRIS; from Tarrant County; 2nd district (02-08-00376-CV, ___ SW3d ___, 05-28-09)

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0119 IN THE INTEREST OF L.A.F., C.D.F., AND N.C.F.; from Collin County; 5th district (05-07-00051-CV, 270 SW3d 735, 11-10-08)
- 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)
- 09-0478 ZOILA V. LONGORIA, ET AL. v. EDWARD A. LASATER, ET AL.; from Brooks County; 4th district (04-08-00078-CV, ___ SW3d ___, 04-08-09)

MISCELLANEOUS

THE FOLLOWING MOTIONS TO CONSOLIDATE ARE GRANTED:

- 09-0782 OAIC COMMERCIAL ASSETS, LLC. v. LARRY WHITE AND SUSAN WHITE, INDIVIDUALLY, CAWC FINANCIAL, INC., U.E. TEXAS FIVE PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP AND LEGAL FUND, I, LTD, ET AL.; from Dallas County; 5th district (05-07-01680-CV, ___ SW3d ___, 05-07-09)
motion to consolidate granted

consolidated with

- 09-0829 OAIC COMMERCIAL ASSETS, LLC v. CARLTON FITE, UNITY ENTERPRISES PROPERTY CORPORATION, ET AL.; from Dallas County; 5th district (05-07-01681-CV, ___ SW3d ___, 08-17-09)
motion to consolidate granted

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 09-0750 IN RE DANNY WILBURN GREEN; from Montgomery County; 9th district (09-09-00323-CV, ___ SW3d ___, 08-27-09)
- 09-0861 IN RE EDWARD AND MARGIE WILHITE; from Harris County; 1st district (01-09-00387-CV, ___ SW3d ___, 09-25-09)
motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced October 22, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0880 IN RE CARLA I. VELASCO; from Harris County
(01-09-00901-CV, ___ SW3d ___, 10-20-09)
emergency motion to stay proceedings denied

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

09-0362 IN RE ROBERT (BOBBY) R. WIGHTMAN-CERVANTES; from Cameron
County; 13th district (13-09-00232-CV, ___ SW3d ___, 04-23-09)
emergency application for stay denied

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

THE SUPREME COURT OF TEXAS

Orders Pronounced October 23, 2009

ORDERS ON CAUSES

06-0023 MISSOURI PACIFIC RAILROAD COMPANY D/B/A UNION PACIFIC RAILROAD COMPANY v. PATRICIA LIMMER, BILLYE JOYCE SMITH, AND BOBBY JEAN NOTHNAGEL; from Harris County; 14th district (14-02-00688-CV, 180 SW3d 803, 11-29-05)
2 petitions

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 Medina, Justice Green, Justice Johnson, and Justice Willett joined.

(Justice O'Neill and Justice Guzman not sitting)

07-0123 DENNIS L. MIGA v. RONALD L. JENSEN; from Tarrant County; 2nd district (02-05-00277-CV, ___ SW3d ___, 11-30-06)

The Court affirms the court of appeals' judgment.

Chief Justice Jefferson delivered the opinion of the Court.

07-0970 LAURI SMITH AND HOWARD SMITH v. PATRICK W.Y. TAM TRUST; from Collin County; 5th district (05-06-00356-CV, 235 SW3d 819, 07-31-07)

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.

08-1026 UNIFUND CCR PARTNERS v. JAVIER VILLA; from Webb County; 4th district (04-07-00465-CV, 273 SW3d 385, 09-17-08)

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

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) stay order of February 24, 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 CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

07-0284 CITY OF DALLAS v. KENNETH E. ALBERT, DAVID R. BARBER, ANTHONY ARREDONDO, AND KEVIN MICHAEL WILLIS, ET AL.; from Collin County; 5th district (05-03-01297-CV, 05-03-01298-CV, 05-03-01299-CV & 05-03-01300-CV, 214 SW3d 631, 12-21-06)
8 petitions

- consolidated for oral argument with -

07-0288 CITY OF DALLAS v. DAVID S. MARTIN AND GEORGE G. PARKER, ET AL.; from Rockwall County; 5th district (05-03-01310-CV, 05-03-01334-CV, 214 SW3d 638, 12-21-06)
4 petitions

[**Note:** These cases have been set for oral argument at 9:00 a.m., December 17, 2009.]

Time allotted to argue: 20/20 minutes

07-1042 ERI CONSULTING ENGINEERS, INC. AND LARRY G. SNODGRASS v. J. MARK SWINNEA, BRADY ENVIRONMENTAL, INC., AND MALMEBA COMPANY, LTD.; from Smith County; 12th district (12-05-00428-CV, 236 SW3d 825, 08-30-07)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 17, 2009.]

Time allotted to argue: 20/20 minutes

08-0265 CITY OF DALLAS v. VSC, LLC; from Dallas County; 5th district
(05-05-01227-CV, 242 SW3d 584, 01-04-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 19,
2010.]

Time allotted to argue: 20/20 minutes

08-0528 THE JOHN G. AND MARIE STELLA KENEDY MEMORIAL
FOUNDATION v. ANN M. FERNANDEZ; from Nueces County; 13th
district (13-06-00170-CV, ___ SW3d ___, 05-22-08)

- *consolidated for oral argument with* -

08-0529 THE JOHN G. AND MARIE STELLA KENEDY MEMORIAL
FOUNDATION v. ANN M. FERNANDEZ; from Kenedy County; 13th
district (13-06-00539-CV, ___ SW3d ___, 05-22-08)

- *consolidated for oral argument with* -

08-0534 FROST NATIONAL BANK, FORMER EXECUTOR OF THE ESTATE OF
ELENA SUESS KENEDY, DECEASED, AND FROST NATIONAL BANK
AND PABLO SUESS, TRUSTEES OF THE JOHN G. KENEDY, JR.
CHARITABLE TRUST v. ANN M. FERNANDEZ; from Kenedy County;
13th district (13-06-00149-CV, 267 SW3d 75, 05-22-08)

[**Note:** These cases have been set for oral argument at 9:00 a.m., December
15, 2009.]

Time allotted to argue: 20/20 minutes

08-1003 KIRBY LAKE DEVELOPMENT, LTD., MITER DEVELOPMENT CO.,
L.L.C. AND TAYLOR LAKE, LTD. AND FRIENDSWOOD
DEVELOPMENT COMPANY, LTD. v. CLEAR LAKE CITY WATER
AUTHORITY; from Harris County; 14th district
(14-08-00013-CV, 274 SW3d 41, 08-07-08, 14-06-00924-CV__SW3d__, 08-
05-08, & 14-07-00404-CV, __SW3d__, 12-09-08)
3 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., January 19,
2010.]

Time allotted to argue: 20/20 minutes

08-1044 IN THE MATTER OF B.W.; from Harris County; 1st district
(01-07-00274-CV, 274 SW3d 179, 10-02-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 20,
2010.]

Time allotted to argue: 20/20 minutes

09-0005 TRANSCONTINENTAL INSURANCE COMPANY v. JOYCE CRUMP;
from Fort Bend County; 14th district
(14-06-00905-CV, 274 SW3d 86, 08-26-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 20,
2010.]

Time allotted to argue: 20/20 minutes

09-0073 MERCK & CO., INC. v. FELICIA GARZA ET AL.; from Starr County; 4th
district (04-07-00234-CV, 277 SW3d 430, 12-10-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 20,
2010.]

Time allotted to argue: 20/20 minutes

(Justice Willett not sitting)

09-0159 SAMUEL GARCIA, JR., M.D. v. MARIA GOMEZ, INDIVIDUALLY AND
AS REPRESENTATIVE OF THE ESTATE OF OFELIA MARROQUIN,
ET. AL. AND SAVANNAH ROBINSON; from Hidalgo County; 13th
district (13-08-00054-CV, 286 SW3d 445, 12-04-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 21,
2010.]

Time allotted to argue: 20/20 minutes

09-0313 TERRI LOFTIN v. JANICE LEE AND BOB LEE; from Angelina County;
12th district (12-07-00143-CV, 277 SW3d 519, 01-30-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 21,
2010.]

Time allotted to argue: 20/20 minutes

Justice Guzman did not participate in the following orders:

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0890 OFFSHORE SPECIALTY FABRICATORS, INC., ET AL. v. WELLINGTON
UNDERWRITING AGENCIES, LTD., ET AL.; from Harris County; 14th
district (14-07-00970-CV, 267 SW3d 277, 07-17-08)
2 petitions

- 08-0946 CLEAR CHANNEL OUTDOOR, INC. F/K/A/ ELLER MEDIA COMPANY v. DALLAS COUNTY COMMUNITY COLLEGE DISTRICT; from Dallas County; 5th district (05-07-00701-CV, ___ SW3d ___, 07-31-08)
- 08-0949 RANGE RESOURCES CORPORATION AND RANGE PRODUCTION I, L.P., STEADFAST FINANCIAL, L.L.C., RJ SIKES, ROGER SIKES, KATHY SIKES, CHRISTY ROME, GREG LOUVIER, PAM LOUVIER, DACOTA INVESTMENTS HOLDINGS, L.L.P., AND R. CRIST VIAL v. BETTY LOU BRADSHAW; from Hood County; 2nd district (02-07-00263-CV, 266 SW3d 490, 08-14-08)
3 petitions
- 08-1027 DUSTY RAY PAINTER, INDIVIDUALLY AND AS NEXT FRIEND OF DEZARAY NICOLE SPEER AND SUMMER DAWN PAINTER, MINORS, AND TINA PERKINS, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JESSE PERKINS, DECEASED v. MOMENTUM ENERGY CORPORATION, MCGUIRE INDUSTRIES, INC. AND XACT TECHNOLOGIES, INC.; from Upton County; 8th district (08-07-00112-CV, 271 SW3d 388, 11-20-08)
- 08-1057 ROBERT LAGUARTA AND CARPAINT, INC. v. PELICAN PARTNERS, L.P.; from Calhoun County; 13th district (13-07-00751-CV, ___ SW3d ___, 08-28-08)
- 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)

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)
- 09-0169 LANKFORD COMPANY, INCORPORATED v. PATRICK LACOUR; from Nueces County; 13th district (13-07-00017-CV, 287 SW3d 105, 01-15-09)

- 09-0230 GEORGE E. GUIDRY, DWIGHT W. ANDRUS III AND DWIGHT W. ANDRUS INSURANCE, INC. v. ENVIRONMENTAL PROCEDURES, INC. AND ADVANCED WIRECLOTH, INC.; from Harris County; 14th district (14-05-01090-CV, 282 SW3d 602, 02-03-09)
- 09-0323 LEXICON GENETICS, INC. v. TERESA STEWART, SUSAN THOMPSON, PEGGY SCHULTE, GLADYS VASQUEZ, HEATHER CARROLL, RACHAEL WOOD AND MICHELLE WOODMAN; from Montgomery County; 9th district (09-08-00180-CV, 279 SW3d 364, 02-12-09)
- 09-0350 NAZIR BAQDOUNES v. SELENE LARA MATEOS BAQDOUNES; from Harris County; 1st district (01-07-01102-CV, ___ SW3d ___, 01-29-09)
- 09-0417 JOSEPH EARL WATSON v. PARKER COUNTY'S SQUAW CREEK DOWN, LP AND JAMES R. DUNNAGAN; from Parker County; 2nd district (02-08-00255-CV, ___ SW3d ___, 04-02-09)
- 09-0445 IN THE MATTER OF J.B.L.; from Montgomery County; 11th district (11-07-00221-CV, ___ SW3d ___, 03-05-09)
- 09-0453 IN THE INTEREST OF S.B.S., A CHILD; from Lynn County; 7th district (07-07-00494-CV, 282 SW3d 711, 03-18-09)
- 09-0463 GUILLERMO GONZALEZ v. GUILLERMO TAPIA; from Cameron County; 13th district (13-08-00039-CV, 287 SW3d 805, 04-23-09)
as redrafted
- 09-0529 AMEGY BANK, N.A. F/K/A SOUTHWEST BANK OF TEXAS, N.A. v. SOUTHERN CRUSHED CONCRETE, INC.; from Harris County; 1st district (01-07-00359-CV, ___ SW3d ___, 04-09-09)
- 09-0537 ROSE M. BREWER v. SCIENTIFIC IMAGE CENTER MANAGEMENT, INC. D/B/A LIFESTYLE LIFT; from Dallas County; 5th district (05-08-00488-CV, ___ SW3d ___, 03-31-09)
- 09-0571 KENNETH HUFFAKER v. WYLIE LP GAS, INC., INDIVIDUALLY AND AS GENERAL PARTNER OF T&B, LTD., A TEXAS LIMITED PARTNERSHIP AND T&B, LTD., A TEXAS LIMITED PARTNERSHIP; from Lubbock County; 7th district (07-08-00133-CV, ___ SW3d ___, 05-29-09)
- 09-0584 PERVIS J. BALLEW, JR. v. JUDE NDUDI; from Denton County; 7th district

(07-08-00019-CV, ___ SW3d ___, 04-30-09)

- 09-0599 IN THE INTEREST OF J.T., A.T., AND D.T., JR. CHILDREN; from Medina County; 4th district (04-08-00068-CV, ___ SW3d ___, 06-10-09)
as redrafted
- 09-0616 GAYLA DEWS, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF MARJORIE LENORE BLACK DEWS, DECEASED v. PALO PINTO NURSING CENTER, ET AL.; from Palo Pinto County; 11th district (11-07-00274-CV, ___ SW3d ___, 06-11-09)
- 09-0646 MARY FOGAL AND ROBERT FOGAL v. STATURE CONSTRUCTION, INC., JORGE CASIMIRO, TOM THIBODEAU AND BERNIE KANE ; from Harris County; 1st district (01-07-00456-CV, ___ SW3d ___, 06-18-09)
- 09-0667 DONNA SOLOMON-WILLIAMS v. SHETAL NICHOLAS DESAI, INDIVIDUALLY AND D/B/A FOOT CENTERS OF AMERICA, FOOT CENTERS OF TEXAS, P.L.L.C.; from Fort Bend County; 1st district (01-08-00733-CV, ___ SW3d ___, 06-25-09)
- 09-0686 IN THE INTEREST OF A.T.M., A CHILD; from Smith County; 12th district (12-07-00243-CV, ___ SW3d ___, 05-29-09)
- 09-0777 BURNWOOD, INC. v. RUSTY CAGLE D/B/A RED BOTTOMS A/K/A FLATLANDERS; from Lubbock County; 7th district (07-07-00492-CV, ___ SW3d ___, 06-08-09)

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

- 09-0775 BERNARD DOLENZ, TRUSTEE v. JUAN BANDA; from Tarrant County; 2nd district (02-08-00456-CV, ___ SW3d ___, 06-25-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(f), (h), 53.2(k)(1)(A), and 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by November 2, 2009."

- 09-0879 ABEL LUCIO, JR., ET AL. v. JOHN G. AND MARIE STELLA KENEDY MEMORIAL FOUNDATION; from Victoria County; 13th district (13-08-00077-CV, ___ SW3d ___, 06-25-09)

The Court strikes the petition for review with the following notation: "The

petition violates Texas Rules of Appellate Procedure 9.4(h) and 53.6 and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by November 2, 2009."

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

09-0577 DARREN REAGAN v. NPOT PARTNERS I, L.P.; from Dallas County; 6th district (06-08-00071-CV, ___ SW3d ___, 03-25-09)

ORDERS ON MOTIONS FOR REHEARING

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

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)

Supplemental Per Curiam Opinion

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

09-0134 S. STACY EASTLAND AND NANCY E. LEATON v. CAMP MYSTIC, INC., RICHARD G. EASTLAND, WILLETTA ("TWEETY") EASTLAND AND JAMES M. EASTLAND; from Kerr County; 4th district
(04-08-00675-CV, ___ SW3d ___, 02-04-09)
motion to appoint additional justices denied

(Justice Hecht, Justice O'Neill, and Justice Guzman not sitting)

09-0259 IN THE INTEREST OF R.S., A CHILD; from Harris County; 14th district
(14-08-00598-CV, ___ SW3d ___, 08-28-08)

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)

09-0539 GENERAL NEON SIGN COMPANY v. DAILEY & WELLS COMMUNICATIONS, INC.; from Bexar County; 4th district (04-08-00488-CV, ___ SW3d ___, 03-18-09)

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

09-0136 IN RE S. STACY EASTLAND AND NANCY E. LEATON; from Kerr County; 4th district (04-08-00741-CV, ___ SW3d ___, 02-04-09)
motion to appoint additional justices denied

(Justice Hecht, Justice O'Neill, and Justice Guzman not sitting)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

08-0882 IN RE JAMES H. MAPLES AND KATHY MAPLES; from Hidalgo County; 13th district (13-08-00524-CV, ___ SW3d ___, 10-08-08)

09-0176 IN RE CREDIT SUISSE FIRST BOSTON MORTGAGE CAPITAL, L.L.C. AND CREDIT SUISSE FIRST BOSTON, L.L.C.; from Harris County; 14th district (14-08-00132-CV, ___ SW3d ___, 06-17-08)

09-0416 IN RE JOSEPH EARL WATSON; from Parker County; 2nd district (02-08-00354-CV, ___ SW3d ___, 04-02-09)

09-0455 IN RE ABRAHAM CAMPOS; from Brazoria County
as amended

09-0583 IN RE BENJIE F. JOHNSON; from Jasper County; 9th district
(09-09-00194-CV, ___ SW3d ___, 06-11-09)
motion to dismiss denied

09-0586 IN RE WELLS FARGO BANK, N.A.; from Bexar County; 4th district
(04-09-00108-CV, ___ SW3d ___, 06-10-09)

(Justice Johnson not sitting)

09-0740 IN RE ALLAN CLAYTON AND MIRIAM CLAYTON; from Denton
County; 8th district (08-07-00197-CV, ___ SW3d ___, 03-12-09)

09-0781 IN RE PHILIP J. POHL; from Travis County; 3rd district
(03-09-00386-CV, ___ SW3d ___, 07-08-09)

THE SUPREME COURT OF TEXAS

Orders Pronounced October 28, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0898 IN RE COSTCO WHOLESALE CORPORATION; from Tarrant County; 2nd district (02-09-00387-CV, ___ SW3d ___, 10-27-09)
relator's emergency motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced October 29, 2009

ORDERS ON PETITIONS FOR REVIEW

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

09-0800 IN THE INTEREST OF J.J.W.; from Gregg County; 6th district
(06-09-00030-CV, ___ SW3d ___, 08-11-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(h) and 9.8(b) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by November 9, 2009."

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0902 IN RE DONNA INDEPENDENT SCHOOL DISTRICT, ALFREDO LUGO,
GEORGE HERNANDEZ, NICK CASTILLO AND RENE REYNA; from
Hidalgo County; 13th district (13-09-00494-CV, ___ SW3d ___, 10-06-09)
motion for temporary stay denied
motion to exceed page limit denied

THE SUPREME COURT OF TEXAS

Orders Pronounced October 30, 2009

ORDERS ON CAUSES

07-0818 AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P. v. NATIONAL DEVELOPMENT AND RESEARCH CORPORATION; from Dallas County; 5th district (05-06-01024-CV, 232 SW3d 883, 08-29-07)
2 petitions

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

Justice Johnson delivered the opinion of the Court.

(Justice Guzman not sitting)

08-0280 AQUAPLEX, INC. AND JAMES EDWARD JONES, JR. v. RANCHO LA VALENCIA, INC. AND CHARLES R. "RANDY" TURNER; from Travis County; 7th district (07-06-00157-CV, 253 SW3d 728, 11-02-07)

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 that court.

Per Curiam Opinion

08-0413 CITY OF HOUSTON, TEXAS v. TRAIL ENTERPRISES, INC. D/B/A WILSON OIL COMPANY, ET AL.; from Harris County; 10th district (10-05-00382-CV, 255 SW3d 105, 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

08-0780 CHRYSLER INSURANCE COMPANY, FORMERLY KNOWN AS DAIMLERCHRYSLER INSURANCE COMPANY v. GREENSPOINT DODGE OF HOUSTON, INC.; from Harris County; 1st district

(01-05-01115-CV, 265 SW3d 52, 04-10-08)

2 petitions

motion to dismiss the cross-petition on behalf of Jack Apple, Jr. granted

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 renders judgment.

Per Curiam Opinion

(Justice Guzman not sitting)

08-0829 INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA v. EDWARD LEJEUNE; from Red River County; 6th district (06-07-00142-CV, 261 SW3d 852, 08-20-08)

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 IN THE FOLLOWING CAUSES ARE GRANTED:

08-0544 IN RE SCOGGINS CONSTRUCTION COMPANY, INC.; from Hidalgo County; 13th district (13-08-00317-CV, ___ SW3d ___, 06-30-08)
motion to lift stay granted
stay order issued August 29, 2008, lifted

08-0660 IN RE SATTERFIELD & PONTIKES CONSTRUCTION, INC.; from Duval County; 4th district (04-08-00343-CV, ___ SW3d ___, 08-13-08)
motion to lift stay granted
stay order issued October 17, 2008, lifted

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0677 ROBIN BLACKMON-DUNDA v. MARY KAY, INC.; from Dallas County; 5th district (05-08-00192-CV, ___ SW3d ___, 04-01-09)
- 09-0729 A.J. STOLL, JR. AND CAROLYN STOLL v. TOM LEWIS AND ANITA LEWIS; from Montgomery County; 1st district (01-08-00556-CV, ___ SW3d ___, 05-14-09)
- 09-0756 ELIDA LOPEZ OLIVER v. LONG ISLAND OWNERS' ASSOCIATION, INC.; from Cameron County; 13th district (13-08-00385-CV, ___ SW3d ___, 06-11-09)

(Justice Guzman not sitting)

- 09-0758 LARRY KALINA, DIANE KALINA, AND CLINT KALINA v. CODY WILLS BURNS; from Madison County; 14th district (14-08-00589-CV, ___ SW3d ___, 07-23-09)
- 09-0762 JON ERIC JACKS, INDIVIDUALLY AND D/B/A JON ERIC JACKS DEVELOPMENT v. G.A. BOBO, JR.; from Gregg County; 12th district (12-07-00420-CV, ___ SW3d ___, 07-31-09)

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

- 09-0887 RAFAEL ARMENDARIZ v. GLORIA TRONCOSO; from El Paso County; 8th district (08-07-00270-CV, ___ SW3d ___, 09-09-09)

The Court strikes the petition for review with the following notation: "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 by November 9, 2009."

THE MOTION IN THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

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)
agreed motion to lift stay granted
stay order issued February 20, 2009, lifted

ORDERS ON MOTIONS FOR REHEARING

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

09-0500 NASHVILLE TEXAS, INC. v. CITY OF BURLESON, ROVIN, INC. AND PARADIGMS FOR SUCCESS, INC.; from Johnson County; 1st district (01-08-00274-CV, ___ SW3d ___, 03-12-09)

(Justice Guzman not sitting)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF HABEAS CORPUS ARE DENIED:

09-0554 IN RE VICTOR DEL RIO; from Harris County

09-0702 IN RE VICTOR DEL RIO; from Harris County
motion for intervention denied

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

08-0884 IN RE SCOGGINS CONSTRUCTION COMPANY, INC.; from Hidalgo County; 13th district (13-08-00548-CV, ___ SW3d ___, 10-15-08)
motion to lift stay granted
stay order issued October 24, 2008, lifted

THE SUPREME COURT OF TEXAS

Orders Pronounced November 4, 2009

MISCELLANEOUS

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

09-0916 IN RE AMERICARE NURSING SERVICES, INC. AND MARTHA
ARANGO; from Hidalgo County; 13th district
emergency motion for stay denied
requested response due by 3:00 p.m., November 16, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced November 6, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0092 CHRISTOPHER J. MCCLOSKEY v. ANNE M. MCCLOSKEY; from Fort Bend County; 14th district (14-06-00470-CV, ___ SW3d ___, 09-09-08) as reinstated
- 09-0502 RICARDO BARRERA, M.D. v. ISELA RICO AND MANUEL RICO, INDIVIDUALLY AND AS PARENTS AND NEXT FRIENDS OF GLORIA RICO, A MINOR; from Hidalgo County; 13th district (13-04-00480-CV, ___ SW3d ___, 11-06-08)
- 09-0517 RELIANCE CAPITAL, INC. v. G.R. HMAIDAN, INC., G.R. HMAIDAN AND ISAM HMAIDAN; from Harris County; 14th district (14-07-01059-CV, ___ SW3d ___, 05-14-09)
- 09-0731 JOHN FOX v. CITY OF EL PASO, THOMAS MAGUIRE, WILLIAM STERN, MARIO D'AGOSTINO, SAM JARVIS AND JOHN DOE(S); from El Paso County; 8th district (08-08-00092-CV, 292 SW3d 247, 07-22-09)
- 09-0796 JERRY GUMPert AND MARTIN COYNE v. ABF FREIGHT SYSTEM, INC., BARRY SIRCY, TOMMY WALKER, ROBERT GRAVES, GEORGE WARREN, PERRY WAYNE MIDDLEBROOK, RICHARD CRAWFORD, RICHARD FISER, DAN NOONKESTER, RICHARD MARTINEZ, RICHARD PASSMORE AND LEONARD ESNER; from Dallas County; 5th district (05-07-01717-CV, 293 SW3d 256, 05-20-09)

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

09-0645 CAROL PASELK v. DAVID AND PAT RABUN; from Hopkins County; 6th district (06-08-00093-CV, ___ SW3d ___, 06-16-09)

The Court strikes the petition for review with the following notation: "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 by November 16, 2009."

09-0783 MARY ANN DEMARS AND ROBERT DEMARS v. THOMAS A. LAUCIUS AND EDDIE M. KRENEK AND ALTHEA M. BAILEY AND DIANA "CHUANG-LING" HSIUNG AND NIEY BOR HSYUNG, ET AL.; from Harris County; 1st district (01-07-00788-CV, ___ SW3d ___, 05-21-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.3(b) and 53.2(a)-(k) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by November 16, 2009."

09-0812 CHARLES THOMAS IVEY v. DENYCE ANN IVEY; from Dallas County; 5th district (05-07-01311-CV, ___ SW3d ___, 05-12-09)

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)(1)(A) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by November 16, 2009."

09-0869 EXPO MOTORCARS, LLC v. HARRIS COUNTY APPRAISAL DISTRICT, HARRIS COUNTY APPRAISAL REVIEW BOARD; from Harris County; 1st district (01-08-00473-CV, ___ SW3d ___, 07-23-09)

The Court strikes the petition for review with the following notation: "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 by November 16, 2009."

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 09-0249 TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, ET AL. v. CARL MITZ, ET AL.; from Travis County; 3rd district (03-08-00077-CV, 278 SW3d 17, 11-14-08)
unopposed motion to withdraw petition for review granted

ORDERS ON MOTIONS FOR REHEARING

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

- 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)
- 09-0578 MICHAEL KENNEDY v. CHARLES STEEN AND DETECTIVE MUNNIZ, IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY; from Anderson County; 14th district (14-08-00603-CV, ___ SW3d ___, 06-18-09)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 09-0778 IN RE H&M RESOURCES, LLC; from Martin County; 11th district (11-09-00193-CV, ___ SW3d ___, 08-13-09)
as redrafted
- 09-0867 IN RE REGINALD RAY SPIVEY; from Limestone County; 10th district (10-09-00263-CV, ___ SW3d ___, 08-26-09)
- 09-0910 IN RE JOHN ERIC JACKSON; 6th district (06-09-00092-CV, ___ SW3d ___, 10-22-09)
motion for appointment of counsel denied
- 09-0913 IN RE NIRVANA APTS., ET AL.; from Bexar County; 4th district (04-09-00647-CV, ___ SW3d ___, 10-28-09)
motion for immediate temporary relief denied
- 09-0915 IN RE VICTOR DEL RIO; from Harris County
motion for immediate relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

09-0706 IN RE TEXAS TORNADO HOCKEY CLUB, L.P. AND SCHLEGEL
SPORTS & ENTERTAINMENT GROUP, LLC; from Collin County; 5th
district (05-09-00807-CV, ___ SW3d ___, 08-12-09)
stay order issued September 4, 2009, lifted
abatement order issued September 4, 2009, lifted
petition reinstated
unopposed motion to dismiss petition for writ of mandamus granted

THE SUPREME COURT OF TEXAS

Orders Pronounced November 9, 2009

MISCELLANEOUS

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

09-0924 IN RE EXMARK MANUFACTURING COMPANY INCORPORATED;
from Hidalgo County; 13th district
(13-09-00438-CV, ___ SW3d ___, 10-30-09)
motion for temporary relief granted
stay order issued
requested response due by 3:00 p.m., November 19, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced November 13, 2009

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0237 STEPHEN LISSON v. MARY PADGETT; from Travis County; 3rd district
(03-08-00037-CV, ___ SW3d ___, 02-05-09)
- 09-0238 STEPHEN LISSON v. MARY PADGETT; from Travis County; 3rd district
(03-08-00039-CV, ___ SW3d ___, 02-05-09)
- 09-0671 MITCHELL MUSGROVE AND JULIAN ARD v. WESTRIDGE STREET
PARTNERS I, LLC; from Tarrant County; 2nd district
(02-07-00281-CV, ___ SW3d ___, 04-09-09)
- 09-0721 MARC H. RICHMAN AND ANN B. RICHMAN v. JON AND SARAH
STACK; from Dallas County; 5th district
(05-07-00190-CV, 286 SW3d 44, 03-16-09)
- 09-0724 DEAN JONES AND MALIA SCOTT, HEIRS AT LAW OF THE ESTATE
OF SCOTT JONES, DECEASED; AND PATRICIA NANDEN
HOLLENBACK, BOBBY NANDIN, SR., HELEN NANDIN AND MARY L.
GIPLIN-GIBSON, HEIRS AT LAW OF THE ESTATE OF SEBATIANA
JONES, DECEASED v. PIONEER/ECLIPSE CORPORATION; from Ellis
County; 5th district (05-08-00446-CV, ___ SW3d ___, 05-20-09)
- 09-0748 EUROPA INTERNATIONAL, LTD., EUROPA SECURITIES, L.L.C. AND
JEFFREY R. STEWART v. INVESTIN.COM CORP. AND LAURENCE D.
BRIGGS; from Dallas County; 5th district
(05-07-00797-CV, 293 SW3d 819, 07-28-09)
- 09-0751 MIGUEL R. AND GLORIA DANIEL v. R. LOWELL AND PATRICIA E.
GAUT, ET AL.; from Duval County; 4th district
(04-08-00506-CV, 293 SW3d 764, 06-24-09)

- 09-0760 VICTOR HADDAD, M.D. v. CESAR MARROQUIN AND OLGA BROWN;
from Hidalgo County; 13th district
(13-08-00139-CV, ___ SW3d ___, 07-23-09)
- 09-0788 LAKEISHA THOMAS v. UGOCHI UZOKA; from Harris County; 14th
district (14-08-00182-CV, 290 SW3d 437, 05-28-09)
- 09-0800 IN THE INTEREST OF J.J.W.; from Gregg County; 6th district
(06-09-00030-CV, ___ SW3d ___, 08-11-09)
as redrafted
- 09-0827 BARBARA O'NEAL v. THOMAS FOREHAND; from Live Oak County; 13th
district (13-08-00457-CV, ___ SW3d ___, 07-02-09)
- 09-0839 IN THE GUARDIANSHIP OF MARTHA JANE VALDEZ, AN
INCAPACITATED PERSON; from Bexar County; 4th district
(04-08-00886-CV, ___ SW3d ___, 07-15-09)

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

- 09-0775 BERNARD DOLENZ, TRUSTEE v. JUAN BANDA; from Tarrant County;
2nd district (02-08-00456-CV, ___ SW3d ___, 06-25-09)

The Court strikes the petition for review with the following notation: "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 by November 23, 2009."

- 09-0931 SPIN DOCTOR GOLF, INC. v. PAYMENTECH, L.P.; from Dallas County;
5th district (05-08-00458-CV, ___ SW3d ___, 09-18-09)

The Court strikes the petition for review with the following notation: "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 by November 23, 2009."

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0138 CITY OF AUSTIN, ET AL. v. NORTHWEST AUSTIN MUNICIPAL
UTILITY DISTRICT NO. 1, ET AL.; from Travis County; 3rd district
(03-04-00240-CV, 274 SW3d 820, 11-14-08)
motion to expedite motion for rehearing dismissed as moot
- 09-0527 XTRIA LLC v. INTERNATIONAL INSURANCE ALLIANCE
INCORPORATED; from Dallas County; 6th district
(06-08-00073-CV, 286 SW3d 583, 05-15-09)
- 09-0611 YIGAL BOSCH v. MARK S. ARMSTRONG, PAUL BAILIFF AND
SQUIRE, SANDERS AND DEMPSEY, L.L.P.; from Harris County; 1st
district (01-08-00847-CV, ___ SW3d ___, 06-11-09)
- 09-0749 PHILL RAIJE RIAN v. TEXAS DEPARTMENT OF FAMILY AND
PROTECTIVE SERVICES; from Williamson County; 3rd district
(03-08-00155-CV, ___ SW3d ___, 07-31-09)

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

- 08-1039 IN RE SHIPPERS STEVEDORING COMPANY; from Harris County; 14th
district (14-08-00438-CV, 274 SW3d 840, 11-20-08)

(Justice Hecht and Justice Guzman not sitting)

- 09-0695 IN RE JOHN KOO-HYUN KIM; from Travis County; 3rd district
(03-07-00320-CV, ___ SW3d ___, 07-06-07)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0362 IN RE ROBERT (BOBBY) R. WIGHTMAN-CERVANTES; from Cameron County; 13th district (13-09-00232-CV, ___ SW3d ___, 04-23-09)
as supplemented
motion to stay, as amended, denied
motion for leave to use alternative service denied

09-0841 IN RE KEVIN L. REVELS

09-0844 IN RE ETOCO, L.P.; from Jefferson County; 9th district
(09-09-00079-CV, 293 SW3d 353, 07-30-09)

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

09-0945 IN RE GERALD W. HADDOCK; from Tarrant County; 2nd district
(02-07-00048-CV, ___ SW3d ___, 02-26-09)

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rule of Appellate Procedure 52.6 and is struck. Relator is ordered to redraw; the redrawn petition is due to be filed November 23, 2009."

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

09-0914 IN RE SMITH/ENRON COGENERATION LIMITED PARTNERSHIP
AND RAYTHEON-EBASCO OVERSEAS LIMITED; from Jefferson
County; 9th district (09-09-00085-CV, ___ SW3d ___, 08-27-09)
emergency motion for temporary relief granted
stay order issued

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

THE MOTION IN THE FOLLOWING CASE IS DENIED:

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 modify stay denied
stay order issued August 27, 2009, remains in effect

THE SUPREME COURT OF TEXAS

Orders Pronounced November 16, 2009

MISCELLANEOUS

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

09-0942 IN RE MARK A. JACOBS, M.D., DEBRA C. GUNN, M.D. AND
OBSTETRICAL AND GYNECOLOGICAL ASSOCIATES, P.A.; from Harris
County; 14th district (14-09-00123-CV, ___ SW3d ___, 10-20-09)
emergency motion for temporary relief granted
stay order issued
requested response due by 3:00 p.m., November 30, 2009

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

THE SUPREME COURT OF TEXAS

Orders Pronounced November 20, 2009

ORDERS ON CAUSES

07-0404 EXXON MOBIL CORPORATION v. DAN GILL, ET AL.; from Nueces County; 13th district (13-06-00048-CV, ___ SW3d ___, 04-12-07)

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

(Justice O'Neill and Justice Guzman not sitting)

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
motion to dismiss denied

The Court withdraws its order of May 15, 2009, granting the petitions for review, as the petitions were improvidently granted. The petitions for review are denied.

Per Curiam Opinion

(Justice Willett not sitting)

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)
motion for rehearing denied

The Court's opinion of June 26, 2009 is withdrawn and the opinion of this date is issued.

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.

(Justice Guzman not sitting)

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)

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

Justice Green delivered the opinion of the Court, in which Justice Hecht, Justice O'Neill, Justice Wainwright, Justice Medina, Justice Johnson, Justice Willett, and Justice Guzman joined as to Parts I–V, and in which Chief Justice Jefferson joined as to Part IV.

08-0504 MIDLAND WESTERN BUILDING L.L.C. v. FIRST SERVICE AIR CONDITIONING CONTRACTORS, INC.; from Midland County; 11th district (11-06-00222-CV, ___ SW3d ___, 03-13-08)

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

09-0122 IN RE GOLDEN PEANUT COMPANY, LLC; from Gaines County; 11th district (11-08-00215-CV, 269 SW3d 302, 11-13-08)

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

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE
GRANTED:

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)

(Justice O'Neill and Justice Guzman 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)
2 motions for rehearing

(Justice O'Neill and Justice Guzman not sitting)

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

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)

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)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 08-0961 IN THE ESTATE OF MIGUEL ANGEL LUIS GONZALEZ Y VALLEJO v. MIGUEL ANGEL GONZALEZ GUILBOT, CARLOS A. GONZALEZ GUILBOT, AND MARIA ROSA DEL ARENA DE GONZALEZ; from Harris County; 14th district (14-07-00047-CV, 267 SW3d 556, 09-30-08)
2 petitions
motion to strike, being treated as motion to dismiss for want of jurisdiction denied
motion to substitute granted

[**Note:** This case has been set for oral argument at 9:00 a.m., January 21, 2010.]

Time allotted to argue: 20/20 minutes

(Justice Guzman not sitting)

- 09-0257 CITY OF DALLAS v. HEATHER STEWART; from Dallas County; 5th district (05-07-01244-CV, ___ SW3d ___, 12-11-08)

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

[**Note:** This case has been set for oral argument at 9:00 a.m., February 16, 2010.]

Time allotted to argue: 20/20 minutes

- 09-0269 JEFFERSON STATE BANK v. CHRISTA C. LENK, ADMINISTRATRIX OF THE ESTATE OF MICKEY CARL MARCUS; from Bexar County; 4th district (04-07-00828-CV, ___ SW3d ___, 03-11-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 16, 2010.]

Time allotted to argue: 20/20 minutes

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

09-0264 IN RE ALLIED CHEMICAL CORPORATION ET AL.; from Hidalgo County; 13th district (13-09-00160-CV, ___ SW3d ___, 03-31-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 16, 2010.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0386 J. STEPHEN SPENCER & KIPPLING L. SPENCER v. NOEL DOUGLAS VAUGHN, CATHERINE GAY VAUGHN, & SCOTT ALAN YEATS; from Hays County; 3rd district (03-05-00077-CV, ___ SW3d ___, 03-06-08)

08-0418 IRIS BURNETT-DUNHAM v. CARDIS SPURGIN; from Dallas County; 5th district (05-06-01190-CV, 245 SW3d 14, 12-11-07)

08-0636 ANNETTE M. HENRY, R. CHRISTOPHER BELL AND BELL & HENRY, L.L.P. v. LENIETA WYLENE TROUSDALE; from Harris County; 14th district (14-06-00848-CV, 261 SW3d 221, 06-24-08)
2 petitions

(Justice Guzman not sitting)

08-0893 SCI, TEXAS FUNERAL SERVICES, INC. D/B/A SUNSET MEMORIAL GARDENS v. ESTELLA ARAGON, INDIVIDUALLY AND ON BEHALF OF HER MINOR SON, CHRISTIAN ARAGON, ERICA ARAGON, REBECCA ARAGON RIZO AND STEPHEN ARAGON; from Ector County; 11th district (11-07-00008-CV, 268 SW3d 112, 08-07-08)

08-1013 ADOLFO PALOMINO-HERNANDEZ, M.D. v. ALFREDO MORENO AND FRANCES MORENO, INDIVIDUALLY AND AS HEIRS AND REPRESENTATIVES OF THE ESTATE OF BERNADETTE MORENO, DECEASED; from El Paso County; 8th district (08-07-00010-CV, 269 SW3d 236, 10-23-08)

09-0157 IRVING HOLDINGS, INC. AND ISAIAS TEWELDE v. HERMAN

BROWN AND EMPLOYERS INSURANCE OF WAUSAU; from Dallas County; 5th district (05-06-01654-CV, 274 SW3d 926, 01-05-09)

(Justice Johnson not sitting)

09-0372 SOUTHWESTERN BELL YELLOW PAGES, INC. 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 (03-07-00638-CV, ___ SW3d ___, 01-30-09)

(Justice Hecht not sitting)

09-0499 DAMON LEE WOOD v. MARCUS P. BOLDT, INDEPENDENT EXECUTOR OF THE ESTATE OF JUDY GAIL WOOD AND JOHN CARROLL OSBORNE; from Parker County; 2nd district (02-08-00171-CV, ___ SW3d ___, 04-09-09)

09-0523 TARA PARTNERS, LTD, GRANADA TERRACE, LTD, DAVID R. WISE, 1606 SAVANNAH LLC, WINDSOR GARDENS, LTD, FREEPORT VILLA BRAZOS APARTMENTS, LTD v. CITY OF SOUTH HOUSTON; from Harris County; 14th district (14-07-00330-CV, 282 SW3d 564, 01-13-09)

(Justice Guzman not sitting)

09-0532 BRAZOS VALLEY MHMR v. GENA TAYLOR; from Brazos County; 10th district (10-08-00323-CV, ___ SW3d ___, 05-13-09)

09-0534 CRANDALL MEDICAL CONSULTING SERVICES, INC. v. JOHN A. HARRELL; from Comal County; 3rd district (03-07-00689-CV, ___ SW3d ___, 02-05-09)

09-0538 VERIZON NORTH INC. 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 (03-08-00151-CV, ___ SW3d ___, 05-22-09)

(Justice Hecht not sitting)

09-0552 THE AMERICAN BOARD OF OBSTETRICS AND GYNECOLOGY, INC. v. MAHMOOD YOONESSI, M.D.; from Dallas County; 5th district (05-08-00513-CV, 286 SW3d 624, 05-28-09)

09-0568 DAVID A. WHITE v. MARTHA HARRIS-WHITE; from Harris County; 1st district (01-07-00521-CV, ___ SW3d ___, 05-28-09)

09-0591 IN THE MATTER OF A.D.; from Lamar County; 6th district (06-08-00014-CV, 287 SW3d 356, 05-15-09)

09-0604 CITY OF MCALLEN v. DAHLILA GUERRA CASSO; from Hidalgo County; 13th district (13-08-00618-CV, ___ SW3d ___, 03-26-09) as amended

09-0630 LONG BEACH MORTGAGE COMPANY v. ROBB EVANS, AS RECEIVER FOR TLC AMERICA, INC.; from Dallas County; 5th district (05-07-00435-CV, 284 SW3d 406, 03-06-09)

09-0670 TRAVIS, WOLFF & COMPANY, L.L.P., MOORE STEPHENS TRAVIS WOLFF, LLP, EDWARD A. WOLFF, JR., INDIVIDUALLY AND ON BEHALF OF EDWARD A. WOLFF, JR., P.C. v. TOWNES TELECOMMUNICATIONS, INC., NORTHEAST FLORIDA TELEPHONE COMPANY, WALNUT HILL TELEPHONE COMPANY, CHOCTAW TELEPHONE COMPANY, TATUM TELEPHONE COMPANY, ELECTRA TELEPHONE COMPANY, HAXTUN TELEPHONE COMPANY AND MOKAN DIAL, INC.; from Dallas County; 5th district (05-08-00079-CV, 291 SW3d 490, 06-29-09)

(Justice Hecht not sitting)

09-0698 KEVIN KONECNY v. HUNT CONSTRUCTION GROUP, INC., DESERT PLAINS, INC., WAY ENGINEERING, LTD. AND WAY ENGINEERING SERVICE, LTD.; from Harris County; 1st district (01-06-01155-CV, 290 SW3d 238, 12-04-08)

- 09-0708 NELSON THIBODEAUX AND TONY NOWAK v. USLD COMMUNICATIONS, INC. AND QWEST SERVICES CORPORATION; from Tarrant County; 2nd district (02-08-00092-CV, 291 SW3d 518, 07-09-09)
- 09-0716 IN RE COMMITMENT OF JACK KIRSCH; from Montgomery County; 9th district (09-08-00004-CV, ___ SW3d ___, 07-16-09)
- 09-0720 JASON BLAKENEY v. STATE OF TEXAS; from Rusk County; 6th district (06-09-00131-CR, ___ SW3d ___, 06-26-09)
- 09-0773 JIM CONNELLY MASONRY, INC. v. MATL CONSTRUCTION COMPANY F/K/A STEWART-MATL, LTD. AND TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA; from Bastrop County; 3rd district (03-08-00559-CV, ___ SW3d ___, 07-31-09)
- 09-0774 WILLIE H. GOFFNEY AND GLADYS R. GOFFNEY v. HOUSTON INDEPENDENT SCHOOL DISTRICT, ET AL.; from Harris County; 1st district (01-08-00063-CV, ___ SW3d ___, 07-30-09)
- 09-0785 TIMOTHY OSONMA, M.D. AND IPC THE HOSPITALIST COMPANY, INC. v. CATHY L. SMITH, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF BOBBY JACK SMITH, DECEASED; from Bexar County; 4th district (04-08-00841-CV, ___ SW3d ___, 07-01-09)
- 09-0790 GARY MURCHISON v. MINH QUOC PHAM; from Harris County; 14th district (14-08-00080-CV, ___ SW3d ___, 08-11-09)

(Justice Guzman not sitting)

- 09-0814 CHARLES GLEN HYDE AND HYDE-WAY, INC. v. JOHN R. DAVIS; from Denton County; 2nd district (02-08-00313-CV, ___ SW3d ___, 08-13-09)
- 09-0938 IN THE INTEREST OF K.F.K., ET AL., CHILDREN; from Bexar County; 4th district (04-08-00186-CV, ___ SW3d ___, 08-31-09)

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

- 09-0949 CHRISTOPHER BROWN v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Harris County; 14th district

(14-08-00851-CV, ___ SW3d ___, 07-30-09)

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 November 30, 2009."

(Justice Guzman not sitting)

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

09-0479 KATRINA RUNNELS AND ALL OTHER OCCUPANTS OF 2514 WATERSTONE DRIVE, CEDAR HILL, TEXAS 75104 v. COUNTRYWIDE HOME LOANS, INC. FOR THE BENEFIT OF VIEWPOINT BANK; from Dallas County; 5th district (05-07-01025-CV, ___ SW3d ___, 01-30-09)

ORDERS ON MOTIONS FOR REHEARING

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

05-0755 HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 170 v. HARRIS COUNTY, TEXAS AND HARRIS COUNTY FLOOD CONTROL DISTRICT; from Harris County; 1st district (01-03-01045-CV, ___ SW3d ___, 06-09-05)

07-0145 THOMAS SUEHS, 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)

08-0437 MOTOR VEHICLE BOARD OF THE TEXAS DEPARTMENT OF TRANSPORTATION AND METRO FORD TRUCK SALES, INC. v. FREIGHTLINER CORPORATION AND FORD MOTOR COMPANY; 3rd district (03-05-00289-CV, 255 SW3d 356, 05-01-08)

(Justice Wainwright not sitting)

08-0454 MOTOR VEHICLE BOARD OF THE TEXAS DEPARTMENT OF TRANSPORTATION AND METRO FORD TRUCK SALES, INC. v. FORD MOTOR CO. AND STERLING TRUCK CO.; 3rd district (03-05-00288-CV, 255 SW3d 368, 05-01-08)

(Justice Wainwright not sitting)

08-0457 MOTOR VEHICLE BOARD OF THE TEXAS DEPARTMENT OF TRANSPORTATION AND METRO FORD TRUCK SALES, INC. v. FORD MOTOR CO.; 3rd district (03-05-00290-CV, ___ SW3d ___, 05-01-08)

(Justice Wainwright not sitting)

09-0166 SHANE WATSON v. SHIRLEY NEWMAN AND JILL WATKINS; from Potter County; 7th district (07-08-00203-CV, ___ SW3d ___, 11-21-08)

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

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)

- 09-0360 CHESTER D. EASTIN, JR. v. PRESTON H. DIAL, JR., DEBRA LYNN DIAL, AND ROBERT SCOTT DIAL; from Zavala County; 4th district (04-06-00377-CV, 288 SW3d 491, 01-28-09)
- 09-0385 DONALD RAY MCCRAY v. HARRIS COUNTY, ET AL.; from Travis County; 3rd district (03-08-00210-CV, ___ SW3d ___, 02-18-09)
- 09-0622 GARRY JENKINS v. STATE AND COUNTY MUTUAL INSURANCE COMPANY; from Tarrant County; 2nd district (02-08-00279-CV, 287 SW3d 891, 06-11-09)

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

- 09-0493 IN RE SHEILA RENEE HALEY; from Montgomery County; 9th district (09-08-00268-CV, ___ SW3d ___, 08-14-08)
- 09-0781 IN RE PHILIP J. POHL; from Travis County; 3rd district (03-09-00386-CV, ___ SW3d ___, 07-08-09)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-0977 IN RE RUBEN S. MARTIN III; from Harris County; 1st district (01-08-00782-CV, ___ SW3d ___, 11-14-08)
as reinstated
as amended
motion to dismiss petition denied
- 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)
stay order issued May 27, 2009, lifted
- 09-0572 IN RE JAMES NORTON, JR.; from Bell County; 3rd district (03-08-00651-CV, ___ SW3d ___, 11-14-08)

- 09-0592 IN RE LARRY C. NAIL; from Bexar County; 4th district
(04-08-00933-CV, 293 SW3d 742, 06-10-09)
stay order issued July 23, 2009, lifted
- 09-0614 IN RE HARTFORD LIFE INSURANCE COMPANY, JAN MOHAMED
AND KING, MOHAMED & ASSOCIATES, INC.; from Cameron County;
13th district (13-08-00603-CV, ___ SW3d ___, 06-03-09)
- 09-0691 IN RE ALLIED HOME MORTGAGE CAPITAL CORP.; from Tarrant
County; 2nd district (02-09-00101-CV, ___ SW3d ___, 06-16-09)
- 09-0824 IN RE MARY T. ARD; from Tarrant County; 2nd district
(02-09-00230-CV, ___ SW3d ___, 09-03-09)
- 09-0838 IN RE ERVIN DUANE WILLCOXSON; from Jones County; 11th district
(11-09-00157-CR, ___ SW3d ___, 06-04-09)
- 09-0873 IN RE KRISTOFER THOMAS; from Harris County; 14th district
(14-09-00653-CV, ___ SW3d ___, 09-03-09)

(Justice Guzman not sitting)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 09-0916 IN RE AMERICARE NURSING SERVICES, INC. AND MARTHA
ARANGO; from Hidalgo County; 13th district
motion to dismiss petition for writ of mandamus as moot granted

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

- 09-0963 IN RE VICTOR DEL RIO; from Harris County

THE SUPREME COURT OF TEXAS

Orders Pronounced November 24, 2009

MISCELLANEOUS

THE FOLLOWING MOTION TO CONSOLIDATE IS GRANTED:

09-0601 GERALD W. HADDOCK v. WILLIAM F. QUINN, PAUL E. ROWSEY, III, JOHN GOFF, TERRY N. WORRELL, CRESCENT REAL ESTATE EQUITIES COMPANY, CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP AND CRESCENT REAL ESTATE EQUITIES, LTD.; from Tarrant County; 2nd district
(02-06-00472-CV, 287 SW3d 158, 02-26-09)

consolidated with

09-0945 IN RE GERALD W. HADDOCK; from Tarrant County; 2nd district
(02-07-00048-CV, 287 SW3d 158, 02-26-09)
unopposed motion to consolidate with case no. 09-0601 granted

(Justice Hecht not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced November 25, 2009

ORDERS ON MOTIONS FOR REHEARING

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

- 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)
emergency motion for rehearing of order denying petition for writ of
mandamus denied
emergency motion for rehearing of order lifting stay denied

MISCELLANEOUS

THE FOLLOWING CASE IS ABATED:

- 09-0971 IN RE JULIUS G. TALTON; from Dallas County; 5th district
abatement order issued

[**Note:** This case is removed from the Court's active docket until further order of this Court. It is the responsibility of the parties to immediately notify this Court of the decision in the court of appeals, and in any event to provide a status update no later than January 11, 2010.]

THE SUPREME COURT OF TEXAS

Orders Pronounced December 3, 2009

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-0992 IN RE LIFE TIME FITNESS, INC.; from Travis County; 3rd district
(03-09-00642-CV, ___ SW3d ___, 11-24-09)
emergency motion for stay denied

(Chief Justice Jefferson and Justice Wainwright not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced December 4, 2009

ORDERS ON CAUSES

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS GRANTED:

08-0265 CITY OF DALLAS v. VSC, LLC; from Dallas County; 5th district (05-05-01227-CV, 242 SW3d 584, 01-04-08)
unopposed motion of the State of Texas to participate in oral argument as amicus curiae granted

Time allotted to argue: 15/20/5 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0741 CAPSTONE HEALTHCARE EQUIPMENT SERVICES, INC., BY AND THROUGH ITS ASSIGNEE, HEALTH SYSTEM GROUP, L.L.C. v. QUALITY HOME HEALTH CARE, INC., DONNA VANSICKLE; from Grayson County; 5th district (05-08-00526-CV, ___ SW3d ___, 08-04-09)
- 09-0759 MAYUKO SAEKI MARTIN v. TIMOTHY E. MARTIN; from Fort Bend County; 1st district (01-09-00136-CV, ___ SW3d ___, 06-25-09)
as redrafted
motion to expedite dismissed as moot
- 09-0766 LOTTIE HUNNICUT v. DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD, A POLITICAL SUBDIVISION OF THE CITY OF DALLAS AND THE CITY OF FORT WORTH; from Tarrant County; 2nd district (02-08-00297-CV, ___ SW3d ___, 07-30-09)
- 09-0771 GILBERT LIMON AND MARTHA LIMON INDIVIDUALLY AND D/B/A LIMON HAULING CO. v. J.T.B. SERVICES, INC.; from Travis County; 3rd district (03-07-00453-CV, ___ SW3d ___, 04-30-09)

- 09-0787 R. BRYAN GULLEY, D.D.S. v. WINSTON COOPER; from Nueces County; 13th district (13-08-00281-CV, ___ SW3d ___, 08-06-09)
- 09-0791 VONDA GRIFFIN v. DORANITA CARSON; from Harris County; 1st district (01-08-00340-CV, ___ SW3d ___, 05-28-09)
- 09-0797 XIUM CORPORATION AND GREG DOCKERY v. MIKE LEWIS AND GERI KINCANNON; from Potter County; 7th district (07-08-00219-CV, ___ SW3d ___, 07-08-09)
- 09-0808 UNITED FIRE LLOYDS v. CHUSUKDI AND SOPINTRA TEMCHAROEN; from Jefferson County; 11th district (11-08-00031-CV, 293 SW3d 332, 07-23-09)
- 09-0810 BERNARD DOLENZ v. NANCY VAIL, EXECUTRIX OF THE DIMITRI VAIL ESTATE; from Dallas County; 5th district (05-08-00034-CV, 293 SW3d 842, 07-30-09)
- 09-0821 ASLAM VIRANI v. PAT CUNNINGHAM; from Galveston County; 14th district (14-08-01166-CV, ___ SW3d ___, 08-20-09)
motion to dismiss for lack of jurisdiction denied
- (Justice Guzman not sitting)
- 09-0831 CAMBRIDGE PRODUCTION, INC. v. GEODYNE NOMINEE CORPORATION, WILLIAM L. ARRINGTON, AMARILLO NATIONAL BANK, ET AL.; from Hemphill County; 7th district (07-08-00355-CV, 292 SW3d 725, 06-23-09)
- 09-0876 ESTATE OF SANTIAGO RODRIGUEZ, JR., DECEASED v. APOLINAR RODRIGUEZ, ET AL.; from Starr County; 4th district (04-08-00230-CV, ___ SW3d ___, 07-29-09)
- 09-0892 MARIANA TEIXEIRA NAVES v. NATIONAL WESTERN LIFE INSURANCE COMPANY; from Travis County; 3rd district (03-08-00525-CV, ___ SW3d ___, 09-10-09)
- 09-0988 M.C. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from El Paso County; 8th district (08-08-00053-CV, ___ SW3d ___, 10-28-09)

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

09-0962 NORMA FLORES LAGOS v. FELA B. OLIVAREZ AND DR. GENE
TREVINO; from Hidalgo County; 13th district
(13-07-00425-CV, ___ SW3d ___, 07-23-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.2(k)(1)(A) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by December 14, 2009."

ORDERS ON MOTIONS FOR REHEARING

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

09-0503 RICHARD LOUIS SIMMONS AND LINDIG CONSTRUCTION AND
TRUCKING, INC. v. EDMOND L. BISLAND III AND RHONDA
BISLAND; from Hays County; 3rd district
(03-08-00141-CV, ___ SW3d ___, 04-09-09)

09-0545 JAMES KENNETH COLLINS v. STACEY LEIGH COLLINS; from
Montgomery County; 13th district
(13-07-00240-CV, ___ SW3d ___, 03-12-09)

09-0727 JOHN FOX v. CITY OF EL PASO, THOMAS MAGUIRE, WILLIAM
STERN, MARIO D'AGOSTINO, SAM JARVIS AND JOHN DOE(S); from
El Paso County; 8th district (08-08-00093-CV, 292 SW3d 249, 07-22-09)

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

09-0592 IN RE LARRY C. NAIL; from Bexar County; 4th district
(04-08-00933-CV, 293 SW3d 742, 06-10-09)

09-0642 IN RE PATRICK OLAJIDE AKINWAMIDE; from Harris County; 13th
district (13-00-00609-CV, ___ SW3d ___, 08-31-04)

09-0861 IN RE EDWARD AND MARGIE WILHITE; from Harris County; 1st district
(01-09-00387-CV, ___ SW3d ___, 09-25-09)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0878 IN RE GUS LEE BRITE; from Travis County; 3rd district
(03-09-00352-CV, ___ SW3d ___, 08-27-09)

(Justice Guzman not sitting)

09-0903 IN RE (JOHN) KOO-HYUN KIM
motion for permission to impeach judges of district courts of Travis County,
Texas denied

THE SUPREME COURT OF TEXAS

Orders Pronounced December 9, 2009

ORDERS ON CAUSES

THE FOLLOWING MOTIONS TO PARTICIPATE IN ORAL ARGUMENT ARE GRANTED:

07-0284 CITY OF DALLAS v. KENNETH E. ALBERT, DAVID R. BARBER, ANTHONY ARREDONDO, AND KEVIN MICHAEL WILLIS, ET AL.; from Collin County; 5th district
(05-03-01297-CV, 05-03-01298-CV, 214 SW3d 631, 12-21-06)

- consolidated for oral argument with -

07-0288 CITY OF DALLAS v. DAVID S. MARTIN AND GEORGE G. PARKER, ET AL.; from Rockwall County; 5th district
(05-03-01310-CV, 214 SW3d 638, 12-21-06)
State of Texas's motion to participate in oral argument granted
State of Texas's motion to expand time allotted for oral argument denied

Time allotted to argue: 15/20/5 minutes

THE SUPREME COURT OF TEXAS

Orders Pronounced December 11, 2009

ORDERS ON CAUSES

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)

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

Justice Wainwright delivered the opinion of the Court.

(Justice Guzman not sitting)

07-1032 METRO ALLIED INSURANCE AGENCY, INC. AND C. MICHAEL MCGLOTHLIN v. SHIHCHE E. LIN, INDIVIDUALLY AND D/B/A APTUS COMPANY, AND SUNG-PING H. LIN; from Harris County; 1st district (01-05-00196-CV, ___ SW3d ___, 08-31-07)

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

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

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

Justice Johnson delivered the opinion of the Court.

(Justice Guzman not sitting)

THE FOLLOWING CAUSES ARE DENIED:

- 08-0544 IN RE SCOGGINS CONSTRUCTION COMPANY, INC.; from Hidalgo County; 13th district (13-08-00317-CV, ___ SW3d ___, 06-30-08)
motion to dismiss for mootness denied
- 08-0660 IN RE SATTERFIELD & PONTIKES CONSTRUCTION, INC.; from Duval County; 4th district (04-08-00343-CV, ___ SW3d ___, 08-13-08)
motion to dismiss for mootness denied

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

- 08-0780 CHRYSLER INSURANCE COMPANY v. GREENSPOINT DODGE OF HOUSTON, INC.; from Harris County; 1st district
(01-05-01115-CV, 265 SW3d 52, 04-10-08)

(Justice Guzman not sitting)

THE MOTIONS IN THE FOLLOWING CAUSE ARE DISMISSED:

- 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)
motion to expand the time allotted for oral argument dismissed
The State of Texas's motion to participate in oral argument as amicus curiae
dismissed

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 the time allotted to that party for oral argument.

ORDERS ON CASES GRANTED

THE FOLLOWING DISCIPLINARY APPEAL IS SET FOR ORAL ARGUMENT:

- 09-0277 IN THE MATTER OF TEXAS ATTORNEY

[**Note:** This case has been set for oral argument at 9:00 a.m., February 17, 2010.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 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)
- 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)
as reinstated
- 09-0212 IN THE INTEREST OF R.S., A CHILD; from Harris County; 14th district (14-08-01013-CV, ___ SW3d ___, 10-01-09)
motion to transfer denied
second motion to transfer denied
motion for counsel denied
second motion for counsel denied
- 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 ___, 07-24-09)
as reinstated
as amended
- 09-0299 U.S. BANK, NATIONAL ASSOCIATION, AS TRUSTEE AND ORIX CAPITAL MARKETS, LLC v. AMERICAN REALTY TRUST, INC.; from Dallas County; 5th district (05-07-00328-CV, 275 SW3d 647, 02-03-09)
- 09-0361 SHIRLINDA CASEY v. SONYA CHEREE SANDERS; from Bexar County; 4th district (04-08-00593-CV, ___ SW3d ___, 03-18-09)
- 09-0490 JAMES W. FAIRCHILD, INDIVIDUALLY AND IN THE NAME AND RIGHT OF EXETER ENERGY SERVICES, L.P. AND FAIRCHILD & WELLS, INC. v. THOMAS F. BARRON, TETRA PRIME, INC. AND JOHN WELLS, INDIVIDUALLY; from Harris County; 1st district (01-07-00534-CV, ___ SW3d ___, 01-30-09)

- 09-0618 THE HEIRS OF HENRY CLAY v. JAMES A. BOULIGNY AND LARRY SALLEE, AS INDEPENDENT EXECUTOR OF THE ESTATE OF ELSIE SALLEE; from Matagorda County; 13th district (13-08-00566-CV, ___ SW3d ___, 03-26-09)
- 09-0635 DONALD EUGENE CARTER v. ATTORNEY GENERAL OF TEXAS; from Bexar County; 4th district (04-08-00557-CV, ___ SW3d ___, 07-08-09)
- 09-0679 CANO PETROLEUM, INC., W.O. ENERGY OF NEVADA, INC., W.O. OPERATING COMPANY, LTD. AND W.O. ENERGY, INC. v. BURNETT RANCHES, LTD., THE TOM L. AND ANNE BURNETT TRUST, BY ANNE BURNETT WINDFOHR, WINDI PHILLIPS, BEN FORTSON, JR., GEORGE BEGGS, III, ED HUDSON, JR., AS CO-TRUSTEES, ANNE BURNETT WINDFOHR AND TEXAS CHRISTIAN UNIVERSITY; from Carson County; 7th district (07-07-00321-CV, 289 SW3d 862, 03-11-09)
- (Justice Johnson not sitting)
- 09-0709 JOHN WILLIAM FINE FURNITURE & INTERIORS, INC. v. BEXAR APPRAISAL DISTRICT AND BEXAR APPRAISAL REVIEW BOARD; from Bexar County; 4th district (04-08-00873-CV, ___ SW3d ___, 07-08-09)
- 09-0763 NONA PARKERSON v. PHILLIP R. BYFORD; from Van Zandt County; 6th district (06-09-00007-CV, ___ SW3d ___, 06-25-09)
- 09-0764 EMPIRE PIPELINE CORPORATION, EMPIRE EXPLORATION, L.P. AND EMPIRE EXPLORATION CORPORATION v. H. GLENN GUNTER; from Dallas County; 5th district (05-08-00824-CV, ___ SW3d ___, 07-24-09) as amended
- 09-0782 OAIC COMMERCIAL ASSETS, LLC. v. LARRY WHITE AND SUSAN WHITE, INDIVIDUALLY, CAWC FINANCIAL, INC., U.E. TEXAS FIVE PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP AND LEGAL FUND, I, LTD, ET AL.; from Dallas County; 5th district (05-07-01680-CV&05-07-01681-CV, 293 SW3d 883, 08-10-09)
- 09-0784 ANDRES ENRIQUEZ, M.D., INDIVIDUALLY AND D/B/A FRANKLIN MEDICAL CENTER v. WENDY AMAYA; from El Paso County; 8th district (08-07-00086-CV, ___ SW3d ___, 07-31-09)

- 09-0793 DOLORES GABRILES ET VIR v. SAM'S EAST, INC. D/B/A SAM'S CLUB; from Galveston County; 1st district (01-08-00893-CV, ___ SW3d ___, 05-28-09)
- 09-0835 ERIK LARSEN v. SANTA FE INDEPENDENT SCHOOL DISTRICT; from Galveston County; 14th district (14-07-01038-CV, ___ SW3d ___, 07-28-09)
- 09-0840 PRO M&E, INC. D/B/A JC STONEWALL CONSTRUCTORS, LP v. DB STERLING INVESTMENTS, LP; from Montgomery County; 9th district (09-08-00381-CV, ___ SW3d ___, 07-16-09)
- 09-0847 ADRIAN ROBINSON v. ALIEF INDEPENDENT SCHOOL DISTRICT AND LOUIS STOERNER, IN HIS OFFICIAL CAPACITY ONLY; from Harris County; 14th district (14-08-00949-CV, ___ SW3d ___, 08-25-09)
- 09-0868 DONALD RAY MCCRAY v. CHARLOTTE BOOKER; from Jefferson County; 9th district (09-08-00401-CV, ___ SW3d ___, 08-27-09)
- 09-0870 DBMS INVESTMENTS, L.P. v. EXXON MOBIL CORPORATION F/K/A HUMBLE OIL AND REFINING CO.; from Nueces County; 13th district (13-08-00449-CV, ___ SW3d ___, 06-11-09)

(Justice O'Neill not sitting)

- 09-0879 ABEL LUCIO, JR., ET AL. v. JOHN G. AND MARIE STELLA KENEDY MEMORIAL FOUNDATION; from Victoria County; 13th district (13-08-00077-CV, ___ SW3d ___, 06-25-09)
as redrafted

(Justice Guzman not sitting)

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

09-0896 DARLENE C. AMRHEIN v. LA MADELEINE, INC.; from Dallas County;
5th district (05-08-00350-CV, ___ SW3d ___, 06-30-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rule of Appellate Procedure 9.4(e) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by December 21, 2009."

09-0928 BRETT ARNOLD AND PATRICIA A. RUDDER v. B.R. ISRAEL; from
Tarrant County; 2nd district (02-08-00281-CV, ___ SW3d ___, 08-26-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.3(b), 9.4(d), 9.5, 53.2(a), and (k), and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by December 21, 2009."

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

09-0894 DONALD COGGSWELL v. MEMPHIS, INC.; from Dallas County; 5th
district (05-07-01605-CV, ___ SW3d ___, 03-18-09)

ORDERS ON MOTIONS FOR REHEARING

THE MOTIONS FOR REHEARING OF 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)

08-0755 CITY OF DEL RIO v. CLAYTON SAM COLT HAMILTON TRUST, BY
AND THROUGH ITS TRUSTEE, J.R. HAMILTON; from Val Verde County;
4th district (04-06-00782-CV, 269 SW3d 613, 02-27-08)

- 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&05-07-01747-CV, 272 SW3d 691, 11-24-08)
- 09-0686 IN THE INTEREST OF A.T.M., A CHILD; from Smith County; 12th district (12-07-00243-CV, ___ SW3d ___, 05-29-09)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-0884 IN RE SCOGGINS CONSTRUCTION COMPANY, INC.; from Hidalgo County; 13th district (13-08-00548-CV, ___ SW3d ___, 10-15-08)
motion to dismiss for mootness denied
- 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)
as reinstated
motion for temporary relief dismissed as moot
unopposed motion for expedited dismissed as moot
- 09-0312 IN RE PAUL DOUG SMITH; from Montgomery County; 9th district (09-09-00099-CV, ___ SW3d ___, 03-19-09)
- 09-0342 IN RE BOWNE & CO.; from Dallas County; 5th district (05-09-00283-CV, ___ SW3d ___, 04-08-09)
as redrafted
stay order issued May 12, 2009, lifted
motion to reconsider grant of temporary relief dismissed as moot
motion to dismiss dismissed as moot
motion to strike denied
- 09-0370 IN RE CORYELL COUNTY AND WILLIAM J. HIX; from Coryell County; 10th district (10-09-00005-CV, ___ SW3d ___, 04-15-09)
stay order issued May 13, 2009, lifted
- 09-0570 IN RE T & L DISTRIBUTING, L.P. AND WALTER J. AUTRY; from Harris County; 1st district (01-09-00573-CV, ___ SW3d ___, 07-01-09)

09-0833 IN RE SCOTT VAN DYKE; from Harris County; 14th district
(14-09-00822-CV, ___ SW3d ___, 10-20-09)
as supplemented

(Justice Guzman not sitting)

09-1000 IN RE GERALD KING; 14th district
(14-09-00793-CV, ___ SW3d ___, 09-29-09)

09-1019 IN RE BISHOP LIFTING PRODUCTS, INC.; from Hidalgo County; 13th
district (13-09-00658-CV, ___ SW3d ___, 12-09-09)
motion for emergency temporary relief denied

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DISMISSED:

09-0971 IN RE JULIUS G. TALTON; from Dallas County; 5th district
abatement order issued November 25, 2009, lifted
petition reinstated
petition dismissed as moot
amended motion for emergency relief dismissed as moot

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DISMISSED
FOR WANT OF JURISDICTION:

09-1012 IN RE DAVID RICHARD LUTZ; from Medina County; 4th district
(04-08-00496-CV, ___ SW3d ___, 02-11-09)

THE SUPREME COURT OF TEXAS

Orders Pronounced December 14, 2009

MISCELLANEOUS

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

09-1025 IN RE 24R, INC., D/B/A THE BOOT JACK; from Hidalgo County; 13th district (13-09-00359-CV, ___ SW3d ___, 09-22-09)
emergency motion for temporary relief granted
stay order issued
requested response due by 3:00 p.m., January 4, 2010

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

THE SUPREME COURT OF TEXAS

Orders Pronounced December 15, 2009

ORDERS ON CAUSES

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

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)
petitioner's motion for leave to share time allotted for oral argument with The
State of Texas granted

Time allotted to argue: 15/20/5 minutes

THE SUPREME COURT OF TEXAS

Orders Pronounced December 16, 2009

MISCELLANEOUS

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

09-0486 IN RE MIKE HOOKS, INC.; from Starr County; 4th district
(04-09-00240-CV, ___ SW3d ___, 05-27-09)
relator's supplemental motion to stay all trial court proceedings, and for an
expedited ruling on a stay, granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced December 18, 2009

ORDERS ON CAUSES

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)

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

Justice Green delivered the opinion of the Court.

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)

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

Justice Green delivered the opinion of the Court.

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)
motion to dismiss dismissed as moot
stay order issued October 2, 2008, lifted

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

08-1076 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) stay order issued January 14, 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:

09-0633 JOSÉ F. VASQUEZ, JR. v. TEXAS WORKFORCE COMMISSION, MERCHANTS BUILDING MAINTENANCE, LLC AND PAT MONTES; from Bexar County; 4th district (04-08-00508-CV, ___ SW3d ___, 06-10-09) as redrafted

09-0792 JOHN ROBERT WHIRTY v. JOE GRIMES AND TYRAN COMPTON; from Potter County; 7th district (07-08-00394-CV, ___ SW3d ___, 04-14-09)

09-0798 GRAY LAW, L.L.P. v. T & H PARTNERS, LTD.; from Tarrant County; 2nd district (02-08-00387-CV, ___ SW3d ___, 08-06-09)

09-0862 BAY AREA BLVD, LTD. v. BARRIOS TECHNOLOGIES, INC.; from Harris County; 13th district (13-07-00309-CV, ___ SW3d ___, 06-11-09)

09-0909 CHRISTUS HEALTH AND CHRISTUS HEALTH GULF COAST v.
KONE, INC.; from Harris County; 14th district
(14-07-00786-CV, ___ SW3d ___, 06-25-09)

(Justice Guzman not sitting)

09-0949 CHRISTOPHER BROWN v. TEXAS DEPARTMENT OF FAMILY AND
PROTECTIVE SERVICES; from Harris County; 14th district
(14-08-00851-CV, ___ SW3d ___, 07-30-09)
as redrafted

(Justice Guzman not sitting)

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

09-0852 ELIZABETH OKORAFOR v. UNCLE SAM & ASSOCIATES; from Fort
Bend County; 1st district (01-07-00908-CV, 295 SW3d 27, 04-23-09)

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 December 28, 2009."

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

09-0049 SPA PIPE, INC. D/B/A SMITH PIPE OF ABILENE AND SPA PIPE &
SUPPLY, LP v. AEP TEXAS NORTH COMPANY, F/K/A WEST TEXAS
UTILITIES COMPANY; from Tom Green County; 3rd district
(03-06-00122-CV, ___ SW3d ___, 12-12-08)
agreed motion to dismiss petition for review granted

ORDERS ON MOTIONS FOR REHEARING

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

- 08-1057 ROBERT LAGUARTA AND CARPAINT, INC. v. PELICAN PARTNERS, L.P.; from Calhoun County; 13th district
(13-07-00751-CV, ___ SW3d ___, 08-28-08)
- 09-0577 DARREN REAGAN v. NPOT PARTNERS I, L.P.; from Dallas County; 6th district (06-08-00071-CV, ___ SW3d ___, 03-25-09)
- 09-0762 JON ERIC JACKS, INDIVIDUALLY AND D/B/A JON ERIC JACKS DEVELOPMENT v. G.A. BOBO, JR.; from Gregg County; 12th district
(12-07-00420-CV, ___ SW3d ___, 07-31-09)

MISCELLANEOUS

THE ABATEMENT ORDER IN THE FOLLOWING CASE IS LIFTED:

- 09-0806 IN RE MEDICALEDGE HEALTHCARE GROUP, P.A., ET AL.; from Dallas County; 5th district (05-09-01126-CV, ___ SW3d ___, 09-24-09)
abatement order issued October 9, 2009, lifted
petition reinstated

[**Note:** The stay order issued September 25, 2009 remains in effect.]

(Justice Guzman not sitting)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 09-0925 IN RE J.W. RESOURCES EXPLORATION AND DEVELOPMENT, INC., JOE WATKINS AND JIM BLANKENSHIP; from Randall County; 7th district (07-09-00189-CV, ___ SW3d ___, 08-25-09)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

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 agreed motion to abate mandamus proceeding granted abatement order issued

[**Note:** This case is removed from the Court's active docket until February 24, 2010, by which time the parties must file either a status report or a motion to dismiss.]

THE FOLLOWING CASE IS ABATED:

09-0896 DARLENE C. AMRHEIN v. LA MADELEINE, INC.; from Dallas County; 5th district (05-08-00350-CV, ___ SW3d ___, 06-30-09) abatement order issued

[**Note:** Effective as of December 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 SUPREME COURT OF TEXAS

Orders Pronounced December 21, 2009

MISCELLANEOUS

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

09-1047 IN RE RVOS FARM MUTUAL INSURANCE COMPANY; from Orange
County; 9th district (09-09-00298-CV, ___ SW3d ___, 08-27-09)

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 December 30, 2009

MISCELLANEOUS

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

09-0357 IN RE JOHN LELAND, D.D.S.; from Bandera County; 4th district
(04-09-00246-CV, ___ SW3d ___, 04-29-09)
real parties in interest's motion to dismiss petition for writ of mandamus as
moot granted
stay order issued April 30, 2009, lifted

THE SUPREME COURT OF TEXAS

Orders Pronounced January 4, 2010

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 09-1060 IN RE UNION PACIFIC RAILROAD COMPANY AND CONNELLY
BAKER WOTRING LLP; from Anderson County; 12th district
(12-08-00497-CV, ___ SW3d ___, 11-25-09)
motion for temporary relief denied
- 10-0001 IN RE MEMORIAL HERMANN HEALTHCARE SYSTEM AND
MEMORIAL HERMANN HOSPITAL SYSTEM; from Harris County; 14th
district (14-09-01071-CV,)
motion for temporary relief denied

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

- 09-1072 IN RE RICHARD SCHELLER; from Travis County; 3rd district
(03-09-00678-CV, ___ SW3d ___, 12-23-09)
motion to stay granted
stay order issued
requested response due by 3:00 p.m., January 14, 2010

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

THE SUPREME COURT OF TEXAS

Orders Pronounced January 5, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

09-1085 IN RE DAVID M. BRADSHAW; from Harris County; 14th district
(14-08-00957-CV, ___ SW3d ___, 12-16-08)
emergency motion for petition for writ of mandamus denied

THE SUPREME COURT OF TEXAS

Orders Pronounced January 6, 2010

ORDERS ON MOTIONS FOR REHEARING

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

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)
motion for temporary relief, as corrected, denied

THE SUPREME COURT OF TEXAS

Orders Pronounced January 8, 2010

ORDERS ON CAUSES

THE MOTION IN THE FOLLOWING CAUSE IS GRANTED:

08-0175 WHIRLPOOL CORPORATION v. MARGARITA CAMACHO, ET AL.;
from Hidalgo County; 13th district
(13-05-00361-CV, 251 SW3d 88, 01-17-08)
unopposed motion to expedite issuance of mandate granted

(Justice Guzman not sitting)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

09-0574 CARL L. YECKEL v. GREG ABBOTT, ATTORNEY GENERAL OF THE
STATE OF TEXAS AND THE CARL B. AND FLORENCE E. KING
FOUNDATION; from Travis County; 3rd district
(03-04-00713-CV, ___ SW3d ___, 06-04-09)
2 petitions

(Justice Willett not sitting)

09-0780 DALE DARDEAU v. WEST ORANGE-COVE, CONSOLIDATED
INDEPENDENT SCHOOL DISTRICT AND O.T. COLLINS, HARRY
BARCLAY, NANCY BYERS, PETE AMY AND ERIC MITCHELL; from
Orange County; 9th district (09-08-00167-CV, ___ SW3d ___, 07-30-09)
as amended

09-0818 EX PARTE KIRK WAYNE MCBRIDE, SR.; from Bee County; 13th district
(13-08-00271-CV, ___ SW3d ___, 08-25-09)

- 09-0832 IN THE MATTER OF D.A.B., A JUVENILE; from Angelina County; 12th district (12-08-00406-CV, ___ SW3d ___, 08-28-09)
as redrafted
- 09-0849 REMIGIO A. MARTINEZ III v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL.; from Dawson County; 11th district (11-08-00327-CV, ___ SW3d ___, 07-30-09)
- 09-0877 CHESAPEAKE ZAPATA, L.P. AND CHESAPEAKE OPERATING, INC. v. DERLY VILLARREAL, ET AL.; from Zapata County; 4th district (04-08-00171-CV, ___ SW3d ___, 07-08-09)
- 09-0884 BERNARD DOLENZ, LIFE ESTATE v. DALLAS CENTRAL APPRAISAL DISTRICT AND DALLAS COUNTY APPRAISAL REVIEW BOARD; from Dallas County; 5th district (05-08-00485-CV, 293 SW3d 920, 08-13-09)
- 09-0886 CHARLES M. HADEN, JR., INDIVIDUALLY AND CHARLES MCINTYRE HADEN & COMPANY D/B/A HADEN & COMPANY v. DAVID J. SACKS, P.C. D/B/A SACKS & ASSOCIATES; from Harris County; 1st district (01-03-00025-CV, ___ SW3d ___, 05-07-09)
- 09-0887 RAFAEL ARMENDARIZ v. GLORIA TRONCOSO; from El Paso County; 8th district (08-07-00270-CV, ___ SW3d ___, 09-09-09)
as redrafted
- 09-0888 VALERIE THOMAS BAHAR, M.D., P.A. AND VALERIE THOMAS BAHAR, INDIVIDUALLY v. LYON FINANCIAL SERVICES, INC., A MINNESOTA CORPORATION D/B/A US BANCORP MANIFEST FUNDING SERVICES; from Travis County; 3rd district (03-07-00469-CV, ___ SW3d ___, 07-28-09)
- 09-0897 RUSSELL CREECH v. CHRIS CHRISTIAN; from Dallas County; 5th district (05-08-00952-CV, ___ SW3d ___, 09-11-09)
- 09-0920 MICHAEL ANTHONY EVANS v. ANDREA ELDRIDGE; from De Witt County; 13th district (13-08-00634-CV, ___ SW3d ___, 08-13-09)
- 09-0923 MICHAEL KEITH HAHN v. RAILROAD COMMISSION OF TEXAS; from Travis County; 3rd district (03-07-00183-CV, ___ SW3d ___, 07-30-09)

- 09-0926 CRAIG NICKELS AND SHEILA NICKELS v. JAMES CASBURG, ET AL.; from Travis County; 3rd district (03-05-00027-CV, ___ SW3d ___, 06-18-09)
- 09-0927 COTTMAN TRANSMISSION SYSTEMS, LLC AND COTTMAN TRANSMISSION CENTER, INC. AND AMERICAN DRIVELINE CENTERS, INC. v. FVLR ENTERPRISES, LLC; from Dallas County; 5th district (05-08-01087-CV, 295 SW3d 372, 08-17-09)
- 09-0944 KENNETH D. LEE, JR. v. CINGULAR WIRELESS, LLC; from Cameron County; 13th district (13-07-00132-CV, ___ SW3d ___, 04-02-09)
- 09-0969 CAMMACK THE COOK, L.L.C., JASON CAMMACK, LAUREN CAMMACK AND MILTON CAMMACK v. MARTA BEYEN EASTBURN; from Gregg County; 6th district (06-09-00020-CV, 296 SW3d 884, 09-25-09)
- 09-0970 BARON C. CLARK, AS PREDECESSOR IN INTEREST TO CENTERVIEW PROFESSIONAL BUILDING, L.P. v. CARLOS PORTER; from Bexar County; 4th district (04-08-00520-CV, ___ SW3d ___, 08-26-09)
- 09-1052 DASHONNON D. JOHNSON, SR. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Harris County; 1st district (01-08-00795-CV, ___ SW3d ___, 07-23-09)

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

- 09-0799 JAIRO PUENTES, M.D. v. SPOHN HEALTH NETWORK AND CHRISTUS SPOHN HEALTH SYSTEM CORPORATION D/B/A CHRISTUS SPOHN HOSPITAL; from Nueces County; 12th district (13-08-00100-CV, ___ SW3d ___, 06-11-09)

The Court strikes the petition for review with the following notation: "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 by January 19, 2010."

09-0980 AARON KEITH WHITE AND LANCE WHITE v. JONAH WATER SPECIAL UTILITY DISTRICT; from Williamson County; 3rd district (03-06-00626-CV, ___ SW3d ___, 08-31-09)
unopposed motion to exceed page limit of petition for review denied

The Court strikes the petition for review with the following notation: "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 by January 19, 2010."

09-1059 IN THE MATTER OF FIFTY-ONE GAMBLING DEVICES TWENTY SIX THOUSAND EIGHT HUNDRED EIGHTY DOLLARS IN UNITED STATES CURRENCY; from Randall County; 7th district (07-08-00068-CV, ___ SW3d ___, 09-28-09)

The Court strikes the petition for review with the following notation: "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 by January 19, 2010."

09-1073 DIANE GARRETT, AS NEXT FRIEND OF CHEYENNE GARRETT v. PATTERSON-UTI DRILLING COMPANY, L.P. AND RICKY WHITE; from Scurry County; 11th district (11-08-00230-CV, ___ SW3d ___, 11-05-09)

The Court strikes the petition for review with the following notation: "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 by January 19, 2010."

ORDERS ON MOTIONS FOR REHEARING

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

09-0157 IRVING HOLDINGS, INC. AND ISAIAS TEWELDE v. HERMAN BROWN AND EMPLOYERS INSURANCE OF WAUSAU; from Dallas County; 5th district (05-06-01654-CV, 274 SW3d 926, 01-05-09)

09-0523 TARA PARTNERS, LTD, GRANADA TERRACE, LTD, DAVID R. WISE, 1606 SAVANNAH LLC, WINDSOR GARDENS, LTD, FREEPORT VILLA BRAZOS APARTMENTS, LTD v. CITY OF SOUTH HOUSTON; from Harris County; 14th district (14-07-00330-CV, 282 SW3d 564, 01-13-09)

(Justice Guzman not sitting)

09-0548 CLIFTON JERRY LANDRY v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE - INSTITUTIONAL DIVISION, COMMISSARY AND TRUST FUND DEPARTMENT, ET AL.; from Walker County; 10th district (10-09-00108-CV, ___ SW3d ___, 05-20-09)
as amended

09-0716 IN RE COMMITMENT OF JACK KIRSCH; from Montgomery County; 9th district (09-08-00004-CV, ___ SW3d ___, 07-16-09)

09-0748 EUROPA INTERNATIONAL, LTD., EUROPA SECURITIES, L.L.C. AND JEFFREY R. STEWART v. INVESTIN.COM CORP. AND LAURENCE D. BRIGGS; from Dallas County; 5th district (05-07-00797-CV, 293 SW3d 819, 07-28-09)

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

09-0691 IN RE ALLIED HOME MORTGAGE CAPITAL CORP.; from Tarrant County; 2nd district (02-09-00101-CV, ___ SW3d ___, 06-16-09)

MISCELLANEOUS

THE MOTION IN THE FOLLOWING CASE IS DISMISSED AS MOOT:

- 09-0889 LOWE'S HOME CENTERS, INC. AND NATASHA TANNER v. GSW MARKETING, INC. F/K/A SALESMAKER, INC. D/B/A CSA SERVICES SOUTHWEST ("CSA SOUTHWEST") AND SNOW MOUNTAIN CONSTRUCTION, INC.; from Harris County; 14th district (14-07-00953-CV, 293 SW3d 283, 06-30-09)
motion to recuse Justice Eva Guzman dismissed as moot, Justice Guzman having voluntarily recused

(Justice Guzman not sitting)

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0007 IN RE ADAM E. SALAZAR, ET AL.; from Bexar County; 4th district
request for emergency relief denied
- 10-0012 IN RE WILLIAM R. VANCE, JR., INDEPENDENT EXECUTOR OF THE ESTATE OF FLORENE K. GRACE, DECEASED; from Brazos County; 10th district (10-09-00211-CV, ___ SW3d ___, 11-25-09)
as amended
motion for temporary relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 09-0605 IN RE DALLAS COUNTY, TEXAS; from Dallas County; 5th district (05-09-00461-CV, ___ SW3d ___, 05-14-09)
motion to dismiss granted

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

- 10-0014 IN RE TANGO TRANSPORT, L.L.C. D/B/A TANGO TRANSPORT, INC.; from Bexar County; 4th district (04-09-00804-CV, ___ SW3d ___, 12-23-09)

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rule of Appellate Procedure 52.6 and is struck. Relator is ordered to redraw; the redrawn petition is due to be filed January 12, 2010."

THE SUPREME COURT OF TEXAS

Orders Pronounced January 14, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0027 IN RE STEVE DORMAN; from Harris County; 14th district
(14-10-00024-CV, ___ SW3d ___, 01-12-10)
emergency motion to expedite review dismissed as moot

THE SUPREME COURT OF TEXAS

Orders Pronounced January 15, 2010

ORDERS ON CAUSES

08-0644 JOHNNY CARROLL, INDIVIDUALLY AND AS TRUSTEE OF THE JOHNNY CARROLL TRUST v. LETHA FRANCES CARROLL AND DONALD CARROLL; from Hill County; 10th district (10-07-00006-CV, ___ SW3d ___, 05-14-08)

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, vacates the county court's judgment, and remands the case to the county court.

Per Curiam Opinion

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)

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

Justice Guzman delivered the opinion of the Court.

09-0403 IN RE UNITED SCAFFOLDING, INC.; from Jefferson County; 9th district (09-09-00098-CV, 287 SW3d 274, 04-16-09)
stay order issued June 29, 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

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

06-0023 MISSOURI PACIFIC RAILROAD COMPANY D/B/A UNION PACIFIC RAILROAD COMPANY v. PATRICIA LIMMER, BILLYE JOYCE SMITH, AND BOBBY JEAN NOTHNAGEL; from Harris County; 14th district (14-02-00688-CV, 180 SW3d 803, 11-29-05)

(Justice O'Neill and Justice Guzman not sitting)

07-0123 DENNIS L. MIGA v. RONALD L. JENSEN; from Tarrant County; 2nd district (02-05-00277-CV, ___ SW3d ___, 11-30-06)

07-0404 EXXON MOBIL CORPORATION v. DAN GILL, ET AL.; from Nueces County; 13th district (13-06-00048-CV, ___ SW3d ___, 04-12-07)

(Justice O'Neill and Justice Guzman not sitting)

07-0818 AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P. v. NATIONAL DEVELOPMENT AND RESEARCH CORPORATION; from Dallas County; 5th district (05-06-01024-CV, 232 SW3d 883, 08-29-07)

(Justice Guzman not sitting)

08-1026 UNIFUND CCR PARTNERS v. JAVIER VILLA; from Webb County; 4th district (04-07-00465-CV, 273 SW3d 385, 09-17-08)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

08-0941 THE TRAVELERS INSURANCE COMPANY (THE AUTOMOBILE INSURANCE COMPANY OF HARTFORD CONNECTICUT) v. BARRY JOACHIM; from Lubbock County; 7th district (07-06-00322-CV, 279 SW3d 812, 09-25-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., February 17, 2010.]

Time allotted to argue: 20/20 minutes

08-0964 THE EDWARDS AQUIFER AUTHORITY AND THE STATE OF TEXAS v. BURRELL DAY AND JOEL MCDANIEL; from Atascosa County; 4th district (04-07-00103-CV, 274 SW3d 742, 08-29-08)
3 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., February 17, 2010.]

Time allotted to argue: 20/20 minutes

08-1066 MICHAEL T. JELINEK, M.D. AND COLUMBIA RIO GRANDE HEALTHCARE, L.P. D/B/A RIO GRANDE REGIONAL HOSPITAL v. FRANCISCO CASAS AND ALFREDO DELEON, JR., AS PERSONAL REPRESENTATIVES OF THE ESTATE OF ELOISA CASAS, DECEASED; from Hidalgo County; 13th district (13-06-00088-CV, ___ SW3d ___, 07-29-08)
2 petitions

[**Note:** Oral argument of this case will be conducted on Thursday, February 18, 2010 at 9:00 a.m. at The University of Texas, Austin, Texas. See Tex. Const. art. V, § 3(a).]

Time allotted to argue: 20/20 minutes

09-0236 THE STATE OF TEXAS v. K.E.W.; from Galveston County; 1st district (01-08-00371-CV&01-08-00372-CV, 276 SW3d 686, 12-31-08)

[**Note:** Oral argument of this case will be conducted on Thursday, February 18, 2010 at 9:00 a.m. at The University of Texas, Austin, Texas. See Tex. Const. art. V, § 3(a).]

Time allotted to argue: 20/20 minutes

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

08-0995 IN RE COLUMBIA VALLEY HEALTHCARE SYSTEM, L.P. D/B/A VALLEY REGIONAL MEDICAL CENTER; from Cameron County; 13th district (13-08-00136-CV, ___ SW3d ___, 11-06-08)

[**Note:** Oral argument of this case will be conducted on Thursday, February 18, 2010 at 9:00 a.m. at The University of Texas, Austin, Texas. See Tex. Const. art. V, § 3(a).]

Time allotted to argue: 20/20 minutes

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)

- consolidated for oral argument only with -

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)

- consolidated for oral argument only with -

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)

- consolidated for oral argument only with -

09-0703 IN RE OLSHAN FOUNDATION REPAIR COMPANY, LLC AND OLSHAN FOUNDATION REPAIR COMPANY OF DALLAS, LTD.; from Ellis County; 10th district (10-09-00119-CV, ___ SW3d ___, 07-01-09)

[**Note:** These cases have been set for oral argument at 9:00 a.m., March 23, 2010.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 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)
as reinstated
- 09-0091 RAYMON POLAND, INDIVIDUALLY AND AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF JESSIE POLAND, ROBERT MARTIN AND FRANK MARTIN v. DAVID OTT; from Harris County; 1st district (01-07-00199-CV, 278 SW3d 39, 12-19-08)
- 09-0155 CITY OF MIDLAND v. JUD WALTON; from Midland County; 11th district (11-08-00053-CV, ___ SW3d ___, 12-04-08)
- 09-0181 AEP TEXAS CENTRAL COMPANY, ET AL. v. PUBLIC UTILITY COMMISSION OF TEXAS; from Travis County; 13th district (13-06-00311-CV, 286 SW3d 450, 12-22-08)
2 petitions

- 09-0199 CONEX INTERNATIONAL CORPORATION v. FLUOR ENTERPRISES, INC. F/K/A FLUOR DANIEL, INC. AND LESLIE ANTALFFY; from Jefferson County; 9th district (09-07-00100-CV, 273 SW3d 426, 12-18-08)
2 petitions
- 09-0229 RAYMON POLAND, INDIVIDUALLY AND AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF JESSIE POLAND, ROBERT MARTIN AND FRANK MARTIN v. ST. LUKE'S EPISCOPAL HOSPITAL AND TEXAS HEART INSTITUTE; from Harris County; 1st district (01-06-01038-CV, 288 SW3d 38, 02-06-09)
- 09-0358 FELICIA STEELE AND RUSSELL STEELE v. METHODIST CHARLTON MEDICAL CENTER, METHODIST HOSPITALS OF DALLAS AND METHODIST DALLAS MEDICAL CENTER; from Dallas County; 5th district (05-07-01762-CV, 274 SW3d 47, 08-19-08)
- 09-0405 THE CITY OF HOUSTON v. JOHN O'FIEL AND WIFE MAY JANE O'FIEL; from Harris County; 1st district (01-08-00242-CV, ___ SW3d ___, 01-29-09)
- 09-0488 STATE FARM LLOYDS v. RAMON AND ANITA GARCIA; from Hidalgo County; 13th district (13-07-00381-CV, 287 SW3d 809, 04-30-09)
- 09-0560 Y NGOC MAI AND HUONG MAI-NGUYEN v. FARMERS TEXAS COUNTY MUTUAL INSURANCE COMPANY; from Harris County; 14th district (14-07-00958-CV, ___ SW3d ___, 05-07-09)
- 09-0573 SI KYU KIM AND SARAH KYUNG AL-KIM v. SUNNY PARK, INDIVIDUALLY, KENNY GROSS, INDIVIDUALLY AND D/B/A PRIORITY ONE REAL ESTATE SERVICES CO.; from El Paso County; 8th district (08-07-00144-CV, 286 SW3d 629, 05-29-09)
- 09-0602 JESUS MENDOZA v. JUSTICE OF THE PEACE ISMAEL "MELO" OCHOA; from Hidalgo County; 13th district (13-08-00588-CV, ___ SW3d ___, 05-21-09)
- 09-0607 DBHL, INC. AND DEARBORN HL, S. DE R.L. DE C.V. v. MOEN INCORPORATED AND MOEN SONORA S.A. DE C.V.; from Harris County; 1st district (01-08-00046-CV, ___ SW3d ___, 06-25-09)

- 09-0623 THE MONEY BOX v. LAWRENCE ALEXANDER ZAMORA D/B/A SOUTHERN PLUMBING; from Bexar County; 4th district (04-08-00549-CV, ___ SW3d ___, 07-15-09)
- 09-0634 VICTOR GARCIA AND WIFE, BECKY GARCIA AND LORENZO RAMOS AND WIFE, SILVIA RAMOS v. THE CITY OF BORGER; from Hutchinson County; 7th district (07-08-00444-CV, 290 SW3d 325, 04-23-09)
- 09-0640 CLEARVIEW PROPERTIES, L.P., CLEARVIEW INVESTMENTS, LTD. AND MICHAEL STARCHER, TRUSTEE FOR THE CROWN HILL TRUST AND CRAIG WALKER D/B/A CLEARVIEW PROPERTIES, L.P. v. PROPERTY TEXAS SC ONE CORP., CLARION PARTNERS, LLC, GRANITE PARTNERS, LLC. D/B/A GRANITE PARTNERS I, LLC, TRIPLE NET PROPERTIES, LLC, TRIPLE NET PROPERTIES REALTY, INC., T REIT, L.P. AND T REIT, INC.; from Harris County; 14th district (14-06-00716-CV, 287 SW3d 132, 01-29-09)
- 09-0651 DARLENE BALAS, AS NEXT FRIEND OF CHASE LOGAN HOELSCHER, AERIAL ELIZABETH HOELSCHER AND LAUREN PAGE HOELSCHER v. SMITHKLINE BEECHAM CORPORATION D/B/A GLAXOSMITHKLINE; from Travis County; 3rd district (03-06-00254-CV, ___ SW3d ___, 06-18-09)
- 09-0653 NAKEISHA ANN ROUNDTREE v. TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES; from Hunt County; 5th district (05-07-01662-CV, 287 SW3d 471, 06-15-09)
- 09-0681 BILLY C. MELTON, DAISY B. MELTON, MARIA DEL ROSARIO P. LOPEZ AND MIGUEL G. LOPEZ, JR. v. ESTATE OF JOSE ERNESTO TREVINO, DECEASED, ET AL.; from Starr County; 4th district (04-07-00654-CV, ___ SW3d ___, 04-03-09)
- 09-0697 AZTECK COMMUNICATIONS v. UPI COMMUNICATIONS; from Harris County; 1st district (01-07-00907-CV; 01-09-00544-CV, ___ SW3d ___, 07-09-09)
- 09-0699 ISLAMIC SOCIETY OF ARLINGTON TEXAS, INC., ISLAMIC CENTER OF IRVING, INC., DFW ISLAMIC EDUCATIONAL CENTER, INC., DAR EL SALAM ISLAMIC CENTER, INC., AL HEDAYAH ISLAMIC CENTER, ISLAMIC ASSOCIATION OF TARRANT COUNTY AND MUSLIM AMERICAN SOCIETY OF DALLAS v. JOE KAUFMAN; from Tarrant County; 2nd district (02-09-00023-CV, 291 SW3d 130, 06-25-09)

09-0700 OLD REPUBLIC INSURANCE COMPANY v. EDWARD WEEKS; from Liberty County; 13th district (13-07-00451-CV, ___ SW3d ___, 06-11-09)

09-0723 VIRGINIA POWER ENERGY MARKETING, INC. AND DOMINION RESOURCES, INC. v. APACHE CORPORATION; from Harris County; 14th district (14-07-00787-CV, 297 SW3d 397, 08-06-09)

(Justice Guzman not sitting)

09-0742 MILESTONE POTRANCO DEVELOPMENT, LTD. v. CITY OF SAN ANTONIO; from Bexar County; 4th district (04-08-00479-CV, ___ SW3d ___, 05-27-09)

09-0769 WAL-MART STORES TEXAS, L.P. v. ANTHONY CROSBY; from Dallas County; 5th district (05-08-01107-CV, 295 SW3d 346, 07-31-09)

09-0809 RAY K. HANSBERGER AND CONNIE B. HANSBERGER v. EMC MORTGAGE CORPORATION; from Bexar County; 4th district (04-08-00438-CV, ___ SW3d ___, 07-29-09)

09-0848 DALLAS AREA RAPID TRANSIT v. MONROE SHOP PARTNERS, LTD.; from Dallas County; 5th district (05-08-01526-CV, 293 SW3d 839, 07-28-09)

09-0855 IN THE INTEREST OF S.E.K. AND H.A.K., MINOR CHILDREN; from Dallas County; 5th district (05-08-00858-CV, 294 SW3d 926, 08-28-09)

09-0856 CROWN ASSET MANAGEMENT, L.L.C. v. SHANNON LORING; from Dallas County; 5th district (05-07-01418-CV, 294 SW3d 841, 08-25-09)

09-0860 CITY OF CELINA v. CITY OF PILOT POINT AND TALLEY RANCH MANAGEMENT, LTD.; from Denton County; 2nd district (02-08-00230-CV, ___ SW3d ___, 08-31-09)

09-0885 CHARLES M. HADEN, JR., INDIVIDUALLY AND CHARLES MCINTYRE HADEN & COMPANY D/B/A HADEN & COMPANY v. DAVID J. SACKS, P.C. D/B/A SACKS & ASSOCIATES; from Harris County; 1st district (01-01-00200-CV, ___ SW3d ___, 05-07-09)

09-0889 LOWE'S HOME CENTERS, INC. AND NATASHA TANNER v. GSW MARKETING, INC. F/K/A SALESMAKER, INC. D/B/A CSA SERVICES SOUTHWEST ("CSA SOUTHWEST") AND SNOW MOUNTAIN CONSTRUCTION, INC.; from Harris County; 14th district (14-07-00953-CV, 293 SW3d 283, 06-30-09)

(Justice Guzman not sitting)

09-0891 HARRIS COUNTY v. ELUID HINOJOSA; from Harris County; 1st district (01-08-00439-CV, 294 SW3d 737, 07-02-09)

09-0899 RONALD LEE MCMASTER v. MARY ROCHENE RAY; from Harris County; 1st district (01-08-00214-CV, 296 SW3d 344, 09-17-09)

09-0930 LOUIS SILVERMAN, M.D. v. CITY OF AUSTIN; from Travis County; 3rd district (03-06-00676-CV, ___ SW3d ___, 05-21-09)

09-0946 TERRY JAMES RICHARD v. JESSIE NIXON TURNER; from Jefferson County; 13th district (13-08-00015-CV, ___ SW3d ___, 08-31-09)

09-0948 WILLIAM GILMORE D/B/A GILMORE OIL & GAS v. TED COLLINS, JR.; BRETT SMITH, INDEPENDENT CO-EXECUTOR OF THE ESTATE OF HERBERT E. WARE, JR. DECEASED; AND HERBERT E. WARE, III, INDEPENDENT CO-EXECUTOR OF THE ESTATE OF HERBERT E. WARE, JR. DECEASED; from Midland County; 11th district (11-08-00078-CV, ___ SW3d ___, 10-08-09)

(Justice Hecht not sitting)

09-0961 LUIS ZERTUCHE v. BEXAR COUNTY CIVIL SERVICE COMMISSION; from Bexar County; 4th district (04-08-00895-CV, ___ SW3d ___, 07-22-09)

09-0984 KYM VAN GELDER v. BRAZORIA COUNTY; from Brazoria County; 14th district (14-08-01092-CV, ___ SW3d ___, 09-17-09)

10-0011 IN THE INTEREST OF R.S., A CHILD; from Harris County; 14th district (14-09-00827-CV, ___ SW3d ___, 12-03-09)
motion for new counsel denied
motion to transfer denied

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

09-0967 JOHN T. JENKINS v. WM SPECIALTY MORTGAGE, LLC, ET AL.; from Dallas County; 5th district (05-08-00842-CV, ___ SW3d ___, 08-12-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.2(k)(1)(A)(C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by January 25, 2010."

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

09-0505 MICHAEL L. GAUBERT v. BANK OF TEXAS, N.A.; from Dallas County; 5th district (05-08-01080-CV, 286 SW3d 546, 05-08-09)

09-0754 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 (03-09-00010-CV, ___ SW3d ___, 06-05-09)

09-0858 CHARLES ANDREW HARRELL, SR. v. CITIZENS BANK & TRUST COMPANY OF VIVIAN, LOUISIANA; from Marion County; 6th district (06-09-00056-CV, 296 SW3d 321, 09-16-09)

ORDERS ON MOTIONS FOR REHEARING

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

09-0037 AIG ANNUITY INSURANCE COMPANY, ET AL. v. SEARS, ROEBUCK AND CO.; from Dallas County; 5th district (05-07-00758-CV, 270 SW3d 632, 08-21-08)

09-0092 CHRISTOPHER J. MCCLOSKEY v. ANNE M. MCCLOSKEY; from Fort Bend County; 14th district (14-06-00470-CV, ___ SW3d ___, 09-09-08)

(Justice Guzman not sitting)

09-0212 IN THE INTEREST OF R.S., A CHILD; from Harris County; 14th district
(14-08-01013-CV, ___ SW3d ___, 10-01-09)

09-0285 MICHAEL BLANC, M.D., AND COLUMBIA HOSPITAL AT MEDICAL
CITY DALLAS SUBSIDIARY, L.P. D/B/A MEDICAL CITY DALLAS
HOSPITAL v. DAVID MOELLER; from Dallas County; 5th district
(05-06-00063-CV, 276 SW3d 656, 12-30-08)

(Justice Guzman not sitting)

09-0619 MICHAEL JOSEPH LESSARD, DOROTHY ELAINE LESSARD,
MONICA JEAN LESSARD AND JEANNE MARIA LESSARD v.
VELSICOL CHEMICAL CORP.; from Live Oak County; 13th district
(13-00-00113-CV, ___ SW3d ___, 04-23-09)

(Justice Guzman not sitting)

09-0630 LONG BEACH MORTGAGE COMPANY v. ROBB EVANS, AS
RECEIVER FOR TLC AMERICA, INC.; from Dallas County; 5th district
(05-07-00435-CV, 284 SW3d 406, 03-06-09)

09-0785 TIMOTHY OSONMA, M.D. AND IPC THE HOSPITALIST COMPANY,
INC. v. CATHY L. SMITH, INDIVIDUALLY AND AS REPRESENTATIVE
OF THE ESTATE OF BOBBY JACK SMITH, DECEASED; from Bexar
County; 4th district (04-08-00841-CV, ___ SW3d ___, 07-01-09)

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

09-0873 IN RE KRISTOFER THOMAS KASTNER; from Harris County; 14th
district (14-09-00653-CV, ___ SW3d ___, 09-03-09)

(Justice Guzman not sitting)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 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) as reinstated
- 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) stay order issued May 21, 2009, lifted stay order issued August 27, 2009, lifted
- 09-0714 IN RE JAMES D. STRACHAN; from Fort Bend County; 14th district (14-09-00527-CV, ___ SW3d ___, 06-18-09) motion to take judicial notice denied
- 09-0743 IN RE CHERYL CHENAULT SHUMAKE AS NEXT FRIEND OF KAYLA CHENAULT; from Bexar County; 4th district (04-09-00303-CV, ___ SW3d ___, 08-19-09)
- (Chief Justice Jefferson and Justice Hecht not sitting)
- 09-0893 IN RE JEFFERY I. ROSIN AND BERCO & MELIORA ROSIN, MINORS BY NEXT FRIEND, EARLE COBB, JR.; from Bexar County; 4th district (04-08-00601-CV, ___ SW3d ___, 07-08-09)
- (Justice Guzman not sitting)
- 09-0907 IN RE WALTER LEE HALL, JR., IN ALL NECESSARY CAPACITY; from Travis County; 3rd district (03-09-00608-CV, ___ SW3d ___, 10-21-09)
- 09-0914 IN RE SMITH/ENRON COGENERATION LIMITED PARTNERSHIP AND RAYTHEON-EBASCO OVERSEAS LIMITED; from Jefferson County; 9th district (09-09-00085-CV, 294 SW3d 891, 08-27-09) stay order issued November 13, 2009, lifted
- 09-1013 IN RE ROBERT JOHN WRIGHT; from Collin County; 5th district (05-09-00935-CV, ___ SW3d ___, 09-16-09)

- 09-1074 IN RE PAUL FRANKLIN; from Walker County
petition for discretionary review, being treated as petition for writ of
mandamus, denied
- 09-1086 IN RE LAKEITH AMIR-SHARIF; from Dallas County; 5th district
- 10-0023 IN RE VICTOR DEL RIO; from Harris County
emergency motion for leave to file petition for expedited writ of mandamus
dismissed as moot
motion for temporary relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 10-0014 IN RE TANGO TRANSPORT, L.L.C. D/B/A TANGO TRANSPORT, INC.;
from Bexar County; 4th district (04-09-00804-CV, ___ SW3d ___, 12-23-09)
motion to dismiss petition for writ of mandamus and withdrawal of request for
emergency stay granted
motion for emergency stay dismissed as moot

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

- 10-0021 IN RE NRG ENERGY, INC.; from Bexar County; 4th district
(04-10-00014-CV, ___ SW3d ___, 01-11-10)
emergency motion to stay granted
stay order issued

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

(Chief Justice Jefferson not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced January 22, 2010

ORDERS ON CAUSES

09-0531 IN RE J.H.G.; from Collin County; 5th district
(05-08-00875-CV, 290 SW3d 400, 05-14-09)

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

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

09-0871 JOY B. ADAMS AND ELLYSON ABSTRACT & TITLE CO., L.L.C. v. DAVID BRUCE MCFADDEN AS INDEPENDENT EXECUTOR OF THE ESTATE OF FREIDA H. MCFADDEN; from Pecos County; 8th district
(08-07-00071-CV, 296 SW3d 743, 07-29-09)
joint motion to dismiss granted in part as follows:

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.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

09-0645 CAROL PASELK v. DAVID AND PAT RABUN; from Hopkins County; 6th district
(06-08-00093-CV, 293 SW3d 600, 06-16-09)
as redrafted

09-0783 MARY ANN DEMARS AND ROBERT DEMARS v. THOMAS A. LAUCIUS AND EDDIE M. KRENEK AND ALTHEA M. BAILEY AND DIANA "CHUANG-LING" HSIUNG AND NIEY BOR HSYUNG, ET AL.; from Harris County; 1st district (01-07-00788-CV, ___ SW3d ___, 05-21-09) as redrafted

09-0843 HIRAM MILES v. RICK PERRY, GOVERNOR FOR THE STATE OF TEXAS; HOPE ANDRADE, SECRETARY OF STATE FOR THE STATE OF TEXAS; TOM CRADDICK; DAVID DEWHURST, SHARON MCCRAE, LOUISE PEARSON ET AL.; from Travis County; 3rd district (03-07-00023-CV, ___ SW3d ___, 08-21-09)

(Justice Guzman not sitting)

09-0851 LANDON JONES AND LOREN JONES v. CITY OF HOUSTON, TEXAS; from Harris County; 1st district (01-08-00905-CV, 294 SW3d 917, 08-27-09)

(Justice Guzman not sitting)

09-0952 BEN E. JARVIS, ET AL. v. ROCANVILLE CORPORATION, ET AL.; from Kaufman County; 5th district (05-07-00091-CV, ___ SW3d ___, 08-24-09)

09-0959 LAINIE WHITMIRE v. NATIONAL CUTTING HORSE ASSOCIATION; from Tarrant County; 2nd district (02-08-00176-CV, ___ SW3d ___, 07-23-09)
2 petitions

(Justice Guzman not sitting)

09-1008 JIMMY LEE SWEED v. CITY OF EL PASO POLICE DEPARTMENT, CITY OF EL PASO, JAIME ESPARZA, DISTRICT ATTORNEY AND EL PASO COUNTY DISTRICT ATTORNEY'S OFFICE OF EL PASO, TEXAS; from El Paso County; 8th district (08-08-00224-CV, ___ SW3d ___, 09-30-09)

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

10-0037 MARGARET JOSEPHINE DELVIN-WEINHEIMER v. EDMUND A.
WEINHEIMER, JR.; from Wharton County; 13th district
(13-08-00546-CV, ___ SW3d ___, 12-03-09)

The Court strikes the petition for review with the following notation: "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 by February 1, 2010."

ORDERS ON MOTIONS FOR REHEARING

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

09-0054 PULMOSAN SAFETY EQUIPMENT CORPORATION v. WILLIAM
LAMB; from Harris County; 14th district
(14-08-00279-CV, 273 SW3d 829, 12-09-08)

(Justice Guzman not sitting)

09-0810 BERNARD DOLENZ v. NANCY VAIL, EXECUTRIX OF THE DIMITRI
VAIL ESTATE; from Dallas County; 5th district
(05-08-00034-CV, 293 SW3d 842, 07-30-09)

09-0831 CAMBRIDGE PRODUCTION, INC. v. GEODYNE NOMINEE
CORPORATION, WILLIAM L. ARRINGTON, AMARILLO NATIONAL
BANK, ET AL.; from Hemphill County; 7th district
(07-08-00355-CV, 292 SW3d 725, 06-23-09)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0040 IN RE EDWARD MANDEL; from Dallas County; 5th district
(05-10-00024-CV, ___ SW3d ___, 01-15-10)
emergency motion to stay denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

09-0991 IN RE MARTIN WILLIAMS
unopposed motion to dismiss granted

THE SUPREME COURT OF TEXAS

Orders Pronounced January 25, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0056 IN RE NRG ENERGY, INC.; from Bexar County; 4th district
as amended
emergency motion for stay denied

(Chief Justice Jefferson not sitting)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

09-1077 IN RE WILLIAMS FARMS PRODUCE SALES, INC.; from Cameron
County; 13th district (13-09-00507-CV, ___ SW3d ___, 09-11-09)
abatement order issued

[**Note:** Effective as of January 13, 2010, 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.]

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

10-0044 IN RE KEN HARVEY, JAN HARVEY AND DAVID HARVEY; from
Tarrant County; 2nd district
motion for emergency stay granted
stay order issued
requested response due by 3:00 p.m., February 4, 2010

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

THE SUPREME COURT OF TEXAS

Orders Pronounced January 28, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0017 IN RE MARK WYNNE AND PREMIER GENERAL HOLDINGS, LTD.;
from Bexar County; 4th district
motion for temporary relief to stay rule 24.2 order and enforcement of the
judgment denied

THE SUPREME COURT OF TEXAS

Orders Pronounced January 29, 2010

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0755 DAVID KURTZEMANN v. TEXAS DEPARTMENT OF PUBLIC SAFETY;
from Harris County; 1st district (01-08-00543-CV, ___ SW3d ___, 08-06-09)
- 09-0812 CHARLES THOMAS IVEY v. DENYCE ANN IVEY; from Dallas County;
5th district (05-07-01311-CV, ___ SW3d ___, 05-12-09)
as redrafted
- 09-0881 JOE GILBERT YOUNG, JR. v. JAMIE MICHELLE LEMONS YOUNG;
from Bexar County; 4th district (04-08-00925-CV, ___ SW3d ___, 09-02-09)
- 09-0951 ALBERTO PAGAN REYES v. THE BANK OF NEW YORK, TRUSTEE;
from Dallas County; 5th district (05-08-00069-CV, ___ SW3d ___, 07-08-09)
- 09-0989 IRWIN A. KATZ v. KATHERINE A. FLOOD, DAVID SPIKER, JOHN
SPIKER AND WILLIAM PETERSON; from Collin County; 5th district
(05-07-01262-CV, 294 SW3d 756, 08-06-09)
- 09-1023 IN THE INTEREST OF T.J.H., A CHILD; from Bee County; 13th district
(13-06-00407-CV, ___ SW3d ___, 08-26-09)
- 09-1053 J.A. ("JAY") ASAFI AS INDEPENDENT ADMINISTRATOR OF THE
ESTATE OF ALOSIA SMITH RAUSCHER, DECEASED AND TODD
REAGAN SMITH v. MARTIN J. RAUSCHER; from Harris County; 14th
district (14-09-00800-CV, ___ SW3d ___, 12-03-09)
emergency motion for temporary relief denied
- 10-0009 IN THE INTEREST OF J.N., A CHILD; from Wilbarger County; 7th district
(07-09-00166-CV, ___ SW3d ___, 11-23-09)
- 10-0045 IN THE INTEREST OF R.M.R., ET AL.; from Medina County; 4th district
(04-09-00253-CV, ___ SW3d ___, 12-09-09)

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

09-0990 SOUTHERN STONE PROPERTIES, INC. v. ROBERT A. TORRES, SR.;
from Cameron County; 13th district
(13-06-00515-CV, ___ SW3d ___, 08-28-09)

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 is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by February 8, 2010."

09-1055 NANCY MCKENNA v. W & W SERVICES, INC.; from Anderson County;
12th district (12-09-00116-CV, ___ SW3d ___, 11-12-09)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(d) and (e) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by February 8, 2010."

ORDERS ON MOTIONS FOR REHEARING

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

09-0709 JOHN WILLIAM FINE FURNITURE & INTERIORS, INC. v. BEXAR
APPRAISAL DISTRICT AND BEXAR APPRAISAL REVIEW BOARD;
from Bexar County; 4th district (04-08-00873-CV, ___ SW3d ___, 07-08-09)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-1058 IN RE ACCIDENT & INJURY PAIN CENTERS, INC. D/B/A ACCIDENT &
INJURY CHIROPRACTIC, ET AL.; from Dallas County; 5th district
(05-09-00999-CV, ___ SW3d ___, 09-15-09)

10-0026 IN RE JOHN DOE AND JANE DOE, INDIVIDUALLY AND A/N/F JAMES
DOE; from Harris County; 14th district
(14-09-01050-CV, ___ SW3d ___, 12-30-09)
emergency motion for stay denied

THE FOLLOWING CASE IS ABATED:

10-0039 IN RE JERRY BYROM; from Cherokee County; 12th district
abatement order issued

[**Note:** This case is removed from the Court's active docket until further order of this Court. It is the responsibility of the parties to immediately notify this Court of the decision in the court of appeals, and in any event to provide a status update no later than March 5, 2010.]

THE SUPREME COURT OF TEXAS

Orders Pronounced February 4, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0082 IN RE KRISTIN WILKINSON; from Harris County
motion for emergency relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced February 5, 2010

ORDERS ON CAUSES

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

- 08-0964 THE EDWARDS AQUIFER AUTHORITY AND THE STATE OF TEXAS v. BURRELL DAY AND JOEL MCDANIEL; from Atascosa County; 4th district (04-07-00103-CV, 274 SW3d 742, 08-29-08)
State of Texas's motion to expand the time allotted for oral argument denied

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

- 09-0982 ATRIUM COMPANIES, INC. v. GABLES CENTRAL CONSTRUCTION, INC.; from Dallas County; 5th district
(05-07-00438-CV, ___ SW3d ___, 03-31-09)
abatement order issued

[**Note:** Effective as of January 20, 2010, 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:

- 09-0710 JERRY WANZER v. BERNARD GARCIA, ET AL.; from Karnes County; 4th district (04-08-00582-CV, ___ SW3d ___, 07-01-09)
- 09-0852 ELIZABETH OKORAFOR v. UNCLE SAM & ASSOCIATES; from Fort Bend County; 1st district (01-07-00908-CV, 295 SW3d 27, 04-23-09)
as redrafted

- 09-0904 INNOVATIVE CONVEYOR CONCEPTS, INC., ET AL. v. TEXAS INTEGRATED CONVEYOR SYSTEMS, INC.; from Dallas County; 5th district (05-08-00654-CV, ___ SW3d ___, 10-06-09)
- 09-1001 DONALD RAY MCRA Y v. CLERK OF THE COURT; from Dallas County; 5th district (05-08-01398-CV, ___ SW3d ___, 10-01-09)
- 09-1020 BOBBY LOUIS COLLARD v. STATE OF TEXAS; from Dallas County; 5th district (05-09-01120-CR, ___ SW3d ___, 11-10-09)
- 09-1033 MIGUEL A. LOZANO, JR. v. BROUSSARD INTERNATIONAL; from Bexar County; 4th district (04-09-00047-CV, ___ SW3d ___, 10-07-09)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 09-1016 OFFICE BUILDINGS OF HOUSTON, INC. v. CARLTON B. NEWMAN; from Harris County; 14th district (14-08-00173-CV, ___ SW3d ___, 08-04-09) motion to dismiss granted

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0568 DAVID A. WHITE v. MARTHA HARRIS-WHITE; from Harris County; 1st district (01-07-00521-CV, ___ SW3d ___, 05-28-09)
- 10-0011 IN THE INTEREST OF R.S., A CHILD; from Harris County; 14th district (14-09-00827-CV, ___ SW3d ___, 12-03-09)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0025 IN RE DALE BRAMLETT, INDIVIDUALLY AND AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF VICKI BRAMLETT, DECEASED, SHANE FULLER AND MICHAEL FULLER; from Lubbock County
emergency motion denied

10-0033 IN RE LAKEITH AMIR-SHARIF; from Dallas County; 5th district

10-0090 IN RE KAREN BLUDAU; from Montgomery County; 9th district
(09-10-00036-CV, ___ SW3d ___, 02-04-10)
motion for emergency relief denied

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DISMISSED:

09-0717 IN RE STAFFORD A. CONWAY, M.D. AND CONWAY NEUROLOGY
SPECIALTIES, PA; from Grayson County; 5th district
(05-09-00790-CV, ___ SW3d ___, 08-07-09)
unopposed motion to dismiss granted

10-0021 IN RE NRG ENERGY, INC.; from Bexar County; 4th district
(04-10-00014-CV, ___ SW3d ___, 01-11-10)
unopposed motion to dismiss granted
stay order issued January 15, 2010, lifted

(Chief Justice Jefferson not sitting)

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

10-0094 IN RE WILLIAM JAMES JONAS III; from Bexar County; 4th district
(04-10-00055-CV, ___ SW3d ___, 02-04-10)
motion for emergency relief denied

(Chief Justice Jefferson not sitting)

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

10-0077 IN RE PROGRESSIVE COUNTY MUTUAL INSURANCE COMPANY;
from Dallas County; 5th district (05-10-00094-CV, ___ SW3d ___, 01-27-10)
emergency motion for temporary relief granted in part
stay order issued
requested response due by 3:00 p.m., February 16, 2010

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

THE SUPREME COURT OF TEXAS

Orders Pronounced February 10, 2010

MISCELLANEOUS

THE FOLLOWING APPEAL FROM A DECISION OF THE BOARD OF
DISCIPLINARY APPEALS IS DISMISSED:

09-0277 IN THE MATTER OF TEXAS ATTORNEY
unopposed motion to vacate opinion and order and dismiss appeal granted

See TEX. R. DISC. P. 10.02 and TEX. R. APP. P.56.2

THE SUPREME COURT OF TEXAS

Orders Pronounced February 12, 2010

ORDERS ON CAUSES

09-0195 GALVESTON INDEPENDENT SCHOOL DISTRICT v. BRENT JACO;
from Galveston County; 14th district
(14-08-00271-CV, 278 SW3d 477, 01-20-09)

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

(Justice Guzman not sitting)

09-0343 IN THE MATTER OF R.D., A JUVENILE; from Bexar County; 8th district
(08-07-00100-CV, ___ SW3d ___, 03-12-09)

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

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES 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)

(Justice Guzman not sitting)

07-1032 METRO ALLIED INSURANCE AGENCY, INC. AND C. MICHAEL
MCGLOTHLIN v. SHIH CHE E. LIN, INDIVIDUALLY AND D/B/A
APTUS COMPANY, AND SUNG-PING H. LIN; from Harris County; 1st
district (01-05-00196-CV, ___ SW3d ___, 08-31-07)

Justice O'Neill would remand in the interest of justice.

- 08-0413 CITY OF HOUSTON, TEXAS v. TRAIL ENTERPRISES, INC. D/B/A WILSON OIL COMPANY, ET AL.; from Harris County; 10th district (10-05-00382-CV, 255 SW3d 105, 04-09-08)
- 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)
judgment issued December 18, 2009, withdrawn
corrected judgment issued

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 08-1049 THE UNIVERSITY OF TEXAS AT EL PASO v. ALFREDO HERRERA; from El Paso County; 8th district (08-06-00271-CV, 281 SW3d 575, 11-25-08)

[**Note:** Oral argument of this case will be conducted on Thursday, March 25, 2010 at 9:00 a.m. at St. Mary's University School of Law, San Antonio, Texas. *See* TEX. CONST. ART. V, § 3(a).]

Time allotted to argue: 20/20 minutes

- 09-0039 BIC PEN CORPORATION v. JANACE M. CARTER , AS NEXT FRIEND OF BRITTANY CARTER; from Matagorda County; 13th district (13-03-00560-CV, ___ SW3d ___, 08-18-05)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., March 23, 2010.]

Time allotted to argue: 20/20 minutes

(Justice Green not sitting)

- 09-0048 MCI SALES AND SERVICE, INC., F/K/A HAUSMAN BUS SALES, INC. AND 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 & 10-08-00353-CV, 272 SW3d 17, 09-10-08)
3 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., March 24,
2010.]

Time allotted to argue: 20/20 minutes

(Justice Green not sitting)

09-0223 SHARYLAND WATER SUPPLY CORPORATION v. CITY OF ALTON,
CARTER & BURGESS, INC., CRIS EQUIPMENT COMPANY AND
TURNER, COLLIE & BRADEN, INC.; from Hidalgo County; 13th district
(13-06-00038-CV, 277 SW3d 132, 02-05-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., March 24,
2010.]

Time allotted to argue: 20/20 minutes

09-0446 DEBBIE STOCKTON, AS PARENT AND NEXT FRIEND OF WILLIAM
STOCKTON, A MINOR v. HOWARD A. OFFENBACH, M.D.; from Dallas
County; 5th district (05-08-01185-CV, 285 SW3d 517, 03-11-09)

[**Note:** Oral argument of this case will be conducted on Thursday, March 25,
2010 at 9:00 a.m. at St. Mary's University School of Law, San Antonio,
Texas. *See* TEX. CONST. ART. V, § 3(a).]

Time allotted to argue: 20/20 minutes

09-0481 SUSAN COMBS, COMPTROLLER OF PUBLIC ACCOUNTS OF THE
STATE OF TEXAS AND GREG ABBOTT, ATTORNEY GENERAL OF
THE STATE OF TEXAS v. TEXAS ENTERTAINMENT ASSOCIATION,
INC. AND KARPOD, INC.; from Travis County; 3rd district
(03-08-00213-CV, 287 SW3d 852, 06-05-09)

[**Note:** Oral argument of this case will be conducted on Thursday, March 25,
2010 at 9:00 a.m. at St. Mary's University School of Law, San Antonio,
Texas. *See* TEX. CONST. ART. V, § 3(a).]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

08-0773 GALLAGHER HEADQUARTERS RANCH DEVELOPMENT, LTD.,
CHRIS HILL AND JULIE HOOPER v. CITY OF SAN ANTONIO AND
CITY PUBLIC SERVICE; from Bexar County; 4th district
(04-07-00325-CV, 269 SW3d 628, 07-23-08)
abatement order issued

[**Note:** The petition is abated and remanded to the trial court for findings of fact. The trial court shall submit its findings to this Court no later than May 3, 2010. The parties may, within thirty days after the trial court's findings are submitted, provide a supplementary brief to this Court.]

Per Curiam Opinion

(Justice Hecht not sitting)

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

07-0659 CAMERON VILLAGE, LTD. v. JIM WELLS COUNTY APPRAISAL
DISTRICT AND JIM WELLS COUNTY APPRAISAL REVIEW BOARD;
from Jim Wells County; 4th district
(04-06-00284-CV, 238 SW3d 769, 07-18-07)

(Justice Green not sitting)

07-0879 PRIMROSE HOUSTON 7 HOUSING, LP. v. HARRIS COUNTY
APPRAISAL DISTRICT AND HARRIS COUNTY APPRAISAL REVIEW
BOARD; from Harris County; 1st district
(01-06-00691-CV, 238 SW3d 782, 08-16-07)

08-1004 THE HOUSING AUTHORITY OF THE CITY OF BEAUMONT v.
BERNADETTE LANDRIO, ET AL.; from Jefferson County; 9th district
(09-08-00136-CV, 269 SW3d 735, 10-30-08)

09-0146 FRED SAMSON v. JAMES MANLEY AND DON JACKSON; from Harris
County; 14th district (14-07-01085-CV, ___ SW3d ___, 10-06-09)

(Justice Guzman not sitting)

09-0302 DAN TURNER AND HENRY BONAPARTE v. TROY PERRY; from

Harris County; 14th district (14-07-01060-CV, 278 SW3d 806, 01-27-09)

(Justice Guzman not sitting)

09-0368 CITY OF GRANITE SHOALS, PAT CROCHET, DAVID DITTMAR,
BESSIE JACKSON, SHIRLEY KING AND MERILYN NATIONS v. TED
WINDER, JAMIE PARKER, BEAVER ISLAND PROPERTY OWNERS
ASSOCIATION, DENIS SNYDER AND TED O. KOSTICH; from Burnet
County; 3rd district (03-08-00323-CV, 280 SW3d 550, 03-19-09)

09-0601 GERALD W. HADDOCK v. WILLIAM F. QUINN, PAUL E. ROWSEY, III, JOHN GOFF, TERRY N. WORRELL, CRESCENT REAL ESTATE EQUITIES COMPANY, CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP AND CRESCENT REAL ESTATE EQUITIES, LTD.; from Tarrant County; 2nd district (02-06-00472-CV, 287 SW3d 158, 02-26-09)

(Justice Hecht not sitting)

09-0609 EMAG SOLUTIONS, L.L.C., BRENDAN SULLIVAN, AND QUENTIN GREGOR v. RENEWDATA CORPORATION; from Travis County; 3rd district (03-05-00509-CV, ___ SW3d ___, 05-06-09)

(Justice Hecht not sitting)

09-0625 BAY ROCK OPERATING COMPANY v. ST. PAUL SURPLUS LINES INSURANCE CO. AS SUBROGEE & REAL PARTY IN INTEREST FOR HOLLIMON OIL CORP., FELICIANA CORP., DUNCAN UNDERWOOD, EVERETT DESHA, & SEELIGSON OIL COMPANY, LTD.; from Bexar County; 4th district (04-08-00180-CV, 298 SW3d 216, 04-01-09)

09-0641 THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS v. JOHN A. TORRES; from Harris County; 14th district (14-07-00642-CV, 294 SW3d 238, 06-18-09)
2 petitions

09-0647 THE DANESHJOU COMPANY, INC. AND M.B. "BENNY" DANESHJOU v. SANDRA BULLOCK, ET AL.; from Travis County; 3rd district (03-05-00106-CV, ___ SW3d ___, 03-27-09)

(Justice O'Neill not sitting)

09-0654 GAMETECH INTERNATIONAL, INC. v. GREG ABBOTT, ATTORNEY GENERAL OF TEXAS; from Travis County; 3rd district (03-06-00257-CV, ___ SW3d ___, 06-17-09)

09-0659 IN THE MATTER OF B.D.S.D.; from Harris County; 14th district
(14-07-01079-CV, 289 SW3d 889, 06-18-09)

(Justice Guzman not sitting)

09-0672 JOHN D. BYRAM AND AIRPORT 71 LAND, LTD. v. BRADLEY S.
SCOTT AND AUSTIN AIRPORT PARKING, LTD.; from Travis County; 3rd
district (03-07-00741-CV, ___ SW3d ___, 07-01-09)

09-0694 CONSTANCE LAURA BORDAGES FREUDEN v. HIBERNIA NATIONAL
BANK IN ITS CAPACITY AS THE TRUSTEE OF THE MARIA B.
BORDAGES REAL ESTATE TRUST; from Jefferson County; 9th district
(09-08-00398-CV, ___ SW3d ___, 07-16-09)

09-0696 IDAHO NORTHERN & PACIFIC RAILROAD COMPANY v. FAWCETT,
LTD.; from Palo Pinto County; 11th district
(11-07-00154-CV, 293 SW3d 240, 05-14-09)

09-0775 BERNARD DOLENZ, TRUSTEE v. JUAN BANDA; from Tarrant County;
2nd district (02-08-00456-CV, ___ SW3d ___, 06-25-09)
as redrafted

09-0815 DONMICHAEL TRIOLO v. ROGER DEWAYNE BROWN; from Brazos
County; 10th district (10-08-00321-CV, 293 SW3d 788, 07-08-09)

09-0820 JEFFERY ROSIN AND VINETTA ROSIN v. THE BERCO & LEJA ROSIN
TRUST, ROSE ROSIN, TRUSTEE; from Bexar County; 4th district
(04-08-00601-CV, ___ SW3d ___, 07-08-09)
2 petitions

09-0836 JESUS PALACIOS v. MARY PALACIOS; from Lubbock County; 7th district
(07-08-00006-CV, ___ SW3d ___, 06-10-09)

09-0837 TRAVIS HESS AND SABRA HESS v. SHAWN MCDONALD; from Dallas
County; 5th district (05-08-00501-CV, 291 SW3d 463, 06-24-09)

09-0933 CARMEN ELAINE PERRY v. DOYLE P. PERRY; from San Jacinto County;
11th district (11-08-00017-CV, ___ SW3d ___, 09-24-09)

- 09-0964 JAMES DE MOSS v. CHARLES COTHRO, ET AL.; from Jones County; 11th district (11-09-00074-CV, ___ SW3d ___, 09-10-09)
- 09-0981 PAUL M. WERCHAN AND MARY A. WERCHAN v. LAKEWOOD ESTATES ASSOCIATION; from Travis County; 3rd district (03-08-00417-CV, ___ SW3d ___, 08-21-09)
- 09-1005 CITIES OF ABILENE, ET AL. v. PUBLIC UTILITY COMMISSION OF TEXAS; from Travis County; 3rd district (03-05-00644-CV, 297 SW3d 435, 08-31-09)
2 petitions
- 09-1021 O AND B FARMS, INC. AND B AND O FARMS, LLC v. ELTON JAY BLACK, KEVIN LEE DONAHOO, THOMAS D. HORRELL, JR., CHARLES R. WEEKS, RONALD R. SWISSHELM AND CASEY ROSS GRAY; from Hamilton County; 14th district (14-08-00595-CV, ___ SW3d ___, 10-29-09)
- 09-1024 MR. W FIREWORKS, INC. v. MARIANA OZUNA, ET AL.; from Bexar County; 4th district (04-08-00820-CV, ___ SW3d ___, 10-28-09)
- 09-1042 BARBARA HARGRAVE, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF DOROTHY MONTGOMERY AND VERNON LLOYD PIERCE, INDIVIDUALLY v. REGENT CARE CENTER OF SAN ANTONIO II, LIMITED PARTNERSHIP D/B/A REGENT CARE CENTER OF OAKWELL FARMS AND RCCSA II, INC.; from Bexar County; 4th district (04-05-00274-CV, ___ SW3d ___, 08-31-09)
- 09-1057 IN RE COMMITMENT OF ROBERT BEASLEY; from Montgomery County; 9th district (09-08-00371-CV, ___ SW3d ___, 11-12-09)
- 09-1071 GARRY L. PLOTKIN v. CHARLES L. JOEKEL, INDIVIDUALLY AND D/B/A TRENDSETTER STAFFING; TEXAS STAFFING SERVICES, INC., D/B/A TRENDSETTER STAFFING; from Harris County; 1st district (01-06-00624-CV, ___ SW3d ___, 09-25-09)
- 10-0103 ANTOINE SHIELDS v. THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Coryell County; 10th district (10-09-00076-CV, ___ SW3d ___, 10-28-09)

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

- 09-0482 IN THE MATTER OF A.F.; from Collin County; 5th district
(05-08-00707-CV, ___ SW3d ___, 05-08-09)
- 09-0636 GERALD EARL GILBERT v. THE STATE OF TEXAS; from Harris County;
1st district (01-09-00109-CR, ___ SW3d ___, 07-09-09)
- 09-0866 JERRY WAYNE BRIDGES v. THE STATE OF TEXAS; from Denton
County; 2nd district (02-07-00069-CR, ___ SW3 ___, 08-29-08)

ORDERS ON MOTIONS FOR REHEARING

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

- 08-0418 IRIS BURNETT-DUNHAM v. CARDIS SPURGIN; from Dallas County; 5th
district (05-06-01190-CV, 245 SW3d 14, 12-11-07)
- 08-0949 RANGE RESOURCES CORPORATION AND RANGE PRODUCTION I,
L.P., STEADFAST FINANCIAL, L.L.C., RJ SIKES, ROGER SIKES,
KATHY SIKES, CHRISTY ROME, GREG LOUVIER, PAM LOUVIER,
DACOTA INVESTMENTS HOLDINGS, L.L.P., AND R. CRIST VIAL v.
BETTY LOU BRADSHAW; from Hood County; 2nd district
(02-07-00263-CV, 266 SW3d 490, 08-14-08)
3 motions for rehearing
- 09-0479 KATRINA RUNNELS AND ALL OTHER OCCUPANTS OF 2514
WATERSTONE DRIVE, CEDAR HILL, TEXAS 75104 v. COUNTRYWIDE
HOME LOANS, INC. FOR THE BENEFIT OF VIEWPOINT BANK; from
Dallas County; 5th district (05-07-01025-CV, ___ SW3d ___, 01-30-09)
- 09-0499 DAMON LEE WOOD v. MARCUS P. BOLDT, INDEPENDENT
EXECUTOR OF THE ESTATE OF JUDY GAIL WOOD AND JOHN
CARROLL OSBORNE; from Parker County; 2nd district
(02-08-00171-CV, ___ SW3d ___, 04-09-09)
as supplemented

- 09-0618 THE HEIRS OF HENRY CLAY v. JAMES A. BOULIGNY AND LARRY SALLEE, AS INDEPENDENT EXECUTOR OF THE ESTATE OF ELSIE SALLEE; from Matagorda County; 13th district (13-08-00566-CV, ___ SW3d ___, 03-26-09)
- 09-0764 EMPIRE PIPELINE CORPORATION, EMPIRE EXPLORATION, L.P. AND EMPIRE EXPLORATION CORPORATION v. H. GLENN GUNTER; from Dallas County; 5th district (05-08-00824-CV, ___ SW3d ___, 07-24-09)
- 09-0774 WILLIE H. GOFFNEY AND GLADYS R. GOFFNEY v. HOUSTON INDEPENDENT SCHOOL DISTRICT, ET AL.; from Harris County; 1st district (01-08-00063-CV, ___ SW3d ___, 07-30-09)
- 09-0868 DONALD RAY MCCRAY v. CHARLOTTE BOOKER; from Jefferson County; 9th district (09-08-00401-CV, ___ SW3d ___, 08-27-09)

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

- 09-0586 IN RE WELLS FARGO BANK, N.A.; from Bexar County; 4th district (04-09-00108-CV, ___ SW3d ___, 06-10-09)

(Justice Johnson not sitting)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF QUO WARRANTO IS DENIED:

- 10-0088 IN RE VICTOR DEL RIO; from Harris County

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 09-0065 IN RE ALLIED CHEMICAL CORPORATION, ET AL.; from Hidalgo County; 13th district (13-08-00554-CV, ___ SW3d ___, 01-15-09)
- 09-0111 IN RE TCW GLOBAL PROJECT FUND II, LTD.; TCW ASSET MANAGEMENT COMPANY; AND TRUST COMPANY OF THE WEST; from Harris County; 14th district (14-08-00116-CV, 274 SW3d 166, 09-22-08)

(Justice Guzman not sitting)

- 09-0874 IN RE INVESTMENT PROFESSIONALS, INC.; from Bexar County; 4th district (04-09-00314-CV, ___ SW3d ___, 08-04-09)

(Justice Hecht not sitting)

- 10-0098 IN RE JANICE LOVE CRAVEN; from Tarrant County; 2nd district (02-09-00254-CV, ___ SW3d ___, 11-19-09)
motion for temporary relief denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 09-1067 IN RE SIERRA TITLE OF HIDALGO COUNTY, INC.; from Hidalgo County
relator's motion to dismiss granted
real parties' motion to dismiss for failure to follow appellate rules dismissed as moot

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

- 09-0068 IN THE MATTER OF PIPER ANN ROUNTREE STATE BAR CARD NO.
17323050

THE SUPREME COURT OF TEXAS

Orders Pronounced February 17, 2010

ORDERS ON CASES GRANTED

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

09-0264 IN RE ALLIED CHEMICAL CORPORATION ET AL.; from Hidalgo County; 13th district (13-09-00160-CV, ___ SW3d ___, 03-31-09) real parties in interests' motion to seal granted

[**Note:** Real Parties in Interests' motion to abate and Relators' motion to stay remain pending before the Court. It is the responsibility of the parties to immediately notify this Court of the status of the settlement, and in any event to provide a status update no later than March 3, 2010.]

[**Note:** This case has been reset for oral argument at 9:00 a.m., March 24, 2010.]

Time allotted to argue: 20/20 minutes

THE SUPREME COURT OF TEXAS

Orders Pronounced February 18, 2010

MISCELLANEOUS

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

10-0104 IN RE TOYOTA MOTOR CORPORATION AND TOYOTA MOTOR
SALES, U.S.A., INC.; from Johnson County; 10th district
(10-09-00371-CV, ___ SW3d ___, 01-20-10)
emergency motion to stay enforcement and proceedings granted
stay order issued
requested response due by 3:00 p.m., March 5, 2010

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

THE SUPREME COURT OF TEXAS

Orders Pronounced February 19, 2010

ORDERS ON CAUSES

05-0748 SOUTHWESTERN BELL TELEPHONE COMPANY v. MARKETING ON HOLD, INC. D/B/A SOUTHWEST TARIFF ANALYST; from Cameron County; 13th district (13-03-00287-CV, 170 SW3d 814, 08-04-05)
emergency motion for expedited decision dismissed as moot
motion to dismiss denied
motion for damages and sanctions denied

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

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

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

(Justice Guzman not sitting)

07-0485 CITY OF WACO, TEXAS v. LARRY KELLEY; from McLennan County; 10th district (10-03-00214-CV, 226 SW3d 672, 05-02-07)

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

Justice Johnson delivered the opinion of the Court.

07-0931 CITY OF DALLAS v. GREG ABBOTT, ATTORNEY GENERAL OF TEXAS; from Travis County; 7th district (07-06-00161-CV, 279 SW3d 806, 08-13-07)

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 Hecht, Justice Medina, Justice Green, and Justice Guzman joined.

Justice Wainwright delivered a dissenting opinion, in which Justice Johnson joined.

(Justice Willett not sitting)

08-0570 IN RE ADM INVESTOR SERVICES, INC.; from Rains County; 12th district (12-08-00125-CV, 257 SW3d 817, 06-30-08)

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

Justice Green delivered the opinion of the Court.

Justice Willett delivered a concurring opinion.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

09-0807 RENTECH STEEL, L.L.C. v. PRESTON TEEL, LESA CROSSWHITE AND JENNINGS TEEL; from Taylor County; 11th district (11-07-00318-CV, 299 SW3d 155, 08-13-09)
joint motion to abate granted
abatement order issued

[**Note:** This case is removed from the Court's active docket until March 22, 2010, by which time the parties must file either a status report or a motion to dismiss.]

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0801 JUNETH STEUBING v. CITY OF KILLEEN, TEXAS; from Bell County; 3rd district (03-08-00227-CV, 298 SW3d 673, 07-10-09)
- 09-1032 CENTURY REHABILITATION, LLC v. LEONARD MANOR, INC.; from Fannin County; 6th district (06-09-00036-CV, ___ SW3d ___, 09-10-09)
- 09-1044 ERIC COX v. WASTE MANAGEMENT OF TEXAS, INC. AND TONY WADLEY; from Tarrant County; 2nd district (02-08-00446-CV, 300 SW3d 424, 10-29-09)
- 09-1056 KEVIN CLEMENTS v. NICHOLAS FARHOOD; from Denton County; 7th district (07-08-00291-CV, ___ SW3d ___, 09-24-09)
- 10-0020 IN THE MATTER OF THE ESTATE OF WALTER ARTHUR KRIEDEL, DECEASED; from Parmer County
- 10-0032 \$585.00 IN U.S. CURRENCY v. THE STATE OF TEXAS; from Bell County; 3rd district (03-09-00012-CV, ___ SW3d ___, 08-31-09)
- 10-0034 IN RE GUARDIANSHIP OF MARIE MAGDALENA KRIEDEL; from Parmer County
motion to pay property taxes denied

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

- 09-0996 JAMES ISHMAEL TIBBS v. WARDEN SAVERS, ET AL.; from Hartley County; 7th district (07-08-00415-CV, ___ SW3d ___, 08-06-09)
- 09-1002 JOHN DOUGLAS MITCHELL v. ORANGE COUNTY, TEXAS, ORANGE COUNTY JAIL, MIKE WHITE, SHERIFF, ORANGE COUNTY, TEXAS; from Orange County; 9th district (09-08-00433-CV, ___ SW3d ___, 08-27-09)
- 09-1064 THOMAS G. SCHURING ET UX., ROSE M. SCHURING v. KINGWOOD HORSEMEN'S ASSOCIATION; from Harris County; 1st district (01-08-00760-CV, ___ SW3d ___, 07-23-09)

ORDERS ON MOTIONS FOR REHEARING

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

09-0731 JOHN FOX v. CITY OF EL PASO, THOMAS MAGUIRE, WILLIAM STERN, MARIO D'AGOSTINO, SAM JARVIS AND JOHN DOE(S); from El Paso County; 8th district (08-08-00092-CV, 292 SW3d 247, 07-22-09)

MISCELLANEOUS

THE ABATEMENT ORDER IN THE FOLLOWING CASE IS LIFTED:

08-0846 PETER HARDSTEEN, ET AL. v. DEAN'S CAMPIN' CO.; from Grimes County; 13th district (13-05-00468-CV, ___ SW3d ___, 08-29-08)
motion to reinstate case granted
abatement order issued March 16, 2009, lifted
petition reinstated

THE FOLLOWING DIRECT APPEAL IS DENIED:

10-0024 IN RE GUARDIANSHIP OF MARIE MAGDALENA KRIEGEL; from Parmer County

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0102 IN RE RUSSELL MILLER AND LISA MILLER; from Matagorda County

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

09-0968 IN RE JAMES O. DOUGLAS; from Tarrant County

See TEX. R. APP. P. 5.

THE SUPREME COURT OF TEXAS

Orders Pronounced February 23, 2010

MISCELLANEOUS

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

10-0129 IN RE BISHOP LIFTING PRODUCTS, INC.; from Hidalgo County; 13th district (13-10-00072-CV, ___ SW3d ___, 02-19-10)
motion for leave to exceed page limit denied

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 February 23, 2010."

THE SUPREME COURT OF TEXAS

Orders Pronounced February 24, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0129 IN RE BISHOP LIFTING PRODUCTS, INC.; from Hidalgo County; 13th district (13-10-00072-CV, ___ SW3d ___, 02-19-10)
as redrafted
motion for emergency temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced February 26, 2010

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

09-0805 IN THE INTEREST OF C.A.K., A CHILD; from Bexar County; 4th district
(04-08-00344-CV, ___ SW3d ___, 06-24-09)

(Chief Justice Jefferson not sitting)

09-0825 SAMUEL W. HUDSON III v. COMMISSION FOR LAWYER DISCIPLINE;
from Dallas County; 5th district (05-07-00775-CV, ___ SW3d ___, 02-02-09)

09-0962 NORMA FLORES LAGOS v. FELA B. OLIVAREZ AND DR. GENE
TREVINO; from Hidalgo County; 13th district
(13-07-00425-CV, ___ SW3d ___, 07-23-09)
as redrafted

09-1041 STANLEY H. ROSENTHAL v. RAILROAD COMMISSION OF TEXAS
AND K-3 RESOURCES LP; from Travis County; 3rd district
(03-09-00015-CV, ___ SW3d ___, 08-20-09)

09-1062 ELMER AND JOYCE HANNA, ET AL. v. TEXAS DEPARTMENT OF
TRANSPORTATION, IMPACT RECOVERY SYSTEMS, INC. AND JOHN
THOMAS, INC.; from Jefferson County; 9th district
(09-08-00090-CV, ___ SW3d ___, 08-27-09)

09-1065 CYNDA GUINN D/B/A PATTON RANCH v. FRANK VOLLEMAN; from
Comanche County; 11th district (11-08-00111-CV, ___ SW3d ___, 11-05-09)

10-0003 DENNIS WILKERSON v. ATASCOSA WILDLIFE SUPPLY, INC.; from
Atascosa County; 4th district (04-08-00468-CV, ___ SW3d ___, 11-18-09)

10-0122 IN THE INTEREST OF T.M., D.M., JR., C.M. A/K/A S.M. AND D.M.,
CHILDREN; from Tarrant County; 2nd district
(02-09-00145-CV, ___ SW3d ___, 12-31-09)

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0886 CHARLES M. HADEN, JR., INDIVIDUALLY AND CHARLES MCINTYRE HADEN & COMPANY D/B/A HADEN & COMPANY v. DAVID J. SACKS, P.C. D/B/A SACKS & ASSOCIATES; from Harris County; 1st district (01-03-00025-CV, ___ SW3d ___, 05-07-09)
- 09-0897 RUSSELL CREECH v. CHRIS CHRISTIAN; from Dallas County; 5th district (05-08-00952-CV, ___ SW3d ___, 09-11-09)
- 09-0923 MICHAEL KEITH HAHN v. RAILROAD COMMISSION OF TEXAS; from Travis County; 3rd district (03-07-00183-CV, ___ SW3d ___, 07-30-09)
- 09-0969 CAMMACK THE COOK, L.L.C., JASON CAMMACK, LAUREN CAMMACK AND MILTON CAMMACK v. MARTA BEYEN EASTBURN; from Gregg County; 6th district (06-09-00020-CV, 296 SW3d 884, 09-25-09)
- 09-0970 BARON C. CLARK, AS PREDECESSOR IN INTEREST TO CENTERVIEW PROFESSIONAL BUILDING, L.P. v. CARLOS PORTER; from Bexar County; 4th district (04-08-00520-CV, ___ SW3d ___, 08-26-09)
- 09-1023 IN THE INTEREST OF T.J.H., A CHILD; from Bee County; 13th district (13-06-00407-CV, ___ SW3d ___, 08-26-09)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 10-0066 IN RE WILLIAM H. WYTENBACH; from Hidalgo County; 13th district (13-09-00535-CV, ___ SW3d ___, 10-01-09)
request for emergency temporary stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced March 5, 2010

ORDERS ON CAUSES

08-0110 AMERICAN GENERAL FINANCE, INC. v. KYLE ALLEN; from Bexar County; 4th district (04-06-00273-CV, 251 SW3d 676, 11-28-07) unopposed motion to set aside judgment and remand pursuant to settlement granted

Pursuant to Texas Rule of Appellate Procedure 56.3, without considering the merits, the Court vacates the judgment of the court of appeals 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:

09-0882 JERRY WANZER v. CHRISTINA HERNANDEZ, ET AL.; from Karnes County; 4th district (04-08-00368-CV, ___ SW3d ___, 07-15-09)

09-0979 TERRA XXI, LTD., ET AL. v. AG ACCEPTANCE CORPORATION, AG SERVICES OF AMERICA, INC. AND THEIR SUCCESSOR, RABO AG SERVICES, INC.; from Deaf Smith County; 7th district (07-07-00374-CV, ___ SW3d ___, 07-21-09)

09-1082 ROBERT O'CONOR, JR. v. THE FROST NATIONAL BANK; from Harris County; 1st district (01-08-00229-CV, ___ SW3d ___, 10-08-09)

09-1087 ELIZABETH OVERSTREET v. JUDGE BRADLEY S. UNDERWOOD, INDIVIDUALLY AND IN HIS CAPACITY AS DISTRICT JUDGE OF THE 364TH JUDICIAL DISTRICT, LUBBOCK COUNTY, TEXAS; from Lubbock County; 7th district (07-08-00388-CV, 300 SW3d 905, 11-16-09)

10-0031 IN THE MATTER OF MCCULLER C. STEPHENS, III, STATE BAR NO. 19158750; from Harris County; 1st district (01-08-00210-CV, ___ SW3d ___, 10-08-09)

- 10-0036 GEORGE R. NEELY v. COMMISSION FOR LAWYER DISCIPLINE; from Harris County; 14th district (14-08-00526-CV, ___ SW3d ___, 09-10-09)
- 10-0057 CYNTHIA A. HOUCHINS AND DARRELL E. HOUCHINS v. DEVON ENERGY PRODUCTION COMPANY, L.P.; from Johnson County; 1st district (01-08-00273-CV, ___ SW3d ___, 10-15-09)

(Justice O'Neill not sitting)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 09-0069 CITY OF THE COLONY, TEXAS v. NORTH TEXAS MUNICIPAL WATER DISTRICT AND CITY OF FRISCO, TEXAS; from Denton County; 2nd district (02-07-00128-CV, 272 SW3d 699, 11-26-08)
agreed motion to dismiss petition for review granted

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0155 CITY OF MIDLAND v. JUD WALTON; from Midland County; 11th district (11-08-00053-CV, ___ SW3d ___, 12-04-08)
- 09-0488 STATE FARM LLOYDS v. RAMON AND ANITA GARCIA; from Hidalgo County; 13th district (13-07-00381-CV, 287 SW3d 809, 04-30-09)
- 09-0623 THE MONEY BOX v. LAWRENCE ALEXANDER ZAMORA D/B/A SOUTHERN PLUMBING; from Bexar County; 4th district (04-08-00549-CV, ___ SW3d ___, 07-15-09)
- 09-0742 MILESTONE POTRANCO DEVELOPMENT, LTD. v. CITY OF SAN ANTONIO; from Bexar County; 4th district (04-08-00479-CV, 298 SW3d 242, 05-27-09)
- 09-0818 EX PARTE KIRK WAYNE MCBRIDE, SR.; from Bee County; 13th district (13-08-00271-CV, ___ SW3d ___, 08-25-09)
- 09-0877 CHESAPEAKE ZAPATA, L.P. AND CHESAPEAKE OPERATING, INC. v. DERLY VILLARREAL, ET AL.; from Zapata County; 4th district (04-08-00171-CV, ___ SW3d ___, 07-08-09)

09-0879 ABEL LUCIO, JR., ET AL. v. JOHN G. AND MARIE STELLA KENEDY
MEMORIAL FOUNDATION; from Victoria County; 13th district
(13-08-00077-CV, 298 SW3d 663, 06-25-09)

(Justice Guzman not sitting)

09-0885 CHARLES M. HADEN, JR., INDIVIDUALLY AND CHARLES
MCINTYRE HADEN & COMPANY D/B/A HADEN & COMPANY v.
DAVID J. SACKS, P.C. D/B/A SACKS & ASSOCIATES; from Harris
County; 1st district (01-01-00200-CV, ___ SW3d ___, 05-07-09)

09-0961 LUIS ZERTUCHE v. BEXAR COUNTY CIVIL SERVICE COMMISSION;
from Bexar County; 4th district (04-08-00895-CV, ___ SW3d ___, 07-22-09)

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

09-0743 IN RE CHERYL CHENAULT SHUMAKE AS NEXT FRIEND OF KAYLA
CHENAULT; from Bexar County; 4th district
(04-09-00303-CV, ___ SW3d ___, 08-19-09)

(Chief Justice Jefferson and Justice Hecht not sitting)

MISCELLANEOUS

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

10-0136 IN RE C.B.; from Dallas County; 5th district
(05-09-01464-CV, ___ SW3d ___, 01-12-10)
motion for emergency stay denied
requested response due by 3:00 p.m., March 22, 2010

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

THE ABATEMENT ORDER IN THE FOLLOWING CASE IS LIFTED:

- 07-0393 BALLY TOTAL FITNESS CORPORATION v. BRIAN AKIN,
INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF TED AKIN;
from Tarrant County; 10th district
(10-05-00280-CV, ___ SW3d ___, 02-14-07)
abatement order issued August 31, 2007, lifted

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 10-0137 IN RE CAROL JOHNENE MORRIS; from Midland County; 11th district
(11-09-00072-CV, ___ SW3d ___, 06-25-09)
motion for leave to seek petition for mandamus in forma pauperis dismissed as
moot

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 09-0768 IN RE LIFEGUARD BENEFIT SERVICES, INC. AND THE AMACORE
GROUP, INC.; from Tarrant County; 2nd district
unopposed motion to dismiss granted
stay order issued September 14, 2009, lifted

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

- 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
joint motion to extend abatement granted
abatement order issued

[**Note:** The Court's abatement order of December 18, 2009 expired by its own terms on February 24, 2010. An extension is granted until June 24, 2010, by which time the parties must file either a status report or a motion to dismiss.]

THE FOLLOWING APPEAL FROM A DECISION OF THE BOARD OF
DISCIPLINARY APPEALS IS DISMISSED FOR WANT OF PROSECUTION:

08-0315 IN THE MATTER OF C. TOM ZARATTI

THE FOLLOWING APPEAL FROM A DECISION OF THE BOARD OF
DISCIPLINARY APPEALS IS DISMISSED:

09-0562 B. JOE THOMSON v. JERALD GRIMES MOLLESTON
motion to dismiss classification appeal for lack of jurisdiction granted

THE SUPREME COURT OF TEXAS

Orders Pronounced March 9, 2010

ORDERS ON CAUSES

THE FOLLOWING CAUSE IS ABATED:

09-0264 IN RE ALLIED CHEMICAL CORPORATION ET AL.; from Hidalgo County; 13th district (13-09-00160-CV, ___ SW3d ___, 03-31-09) real parties in interest's motion to abate granted abatement order issued

[**Note:** This case is removed from the Court's active docket subject to reinstatement upon proper motion. All motions and other documents pending or filed are abated subject to being reurged in the event the petition is reinstated. The parties shall immediately notify this Court about any changes in status in the settlement proceedings.]

THE SUPREME COURT OF TEXAS

Orders Pronounced March 10, 2010

MISCELLANEOUS

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

10-0139 IN RE JAMES ELBAOR, M.D.; from El Paso County; 8th district
(08-10-00053-CV, ___ SW3d ___, 02-24-10)
emergency motion for temporary relief granted in part
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced March 12, 2010

ORDERS ON CAUSES

07-0135 EAST TEXAS SALT WATER DISPOSAL COMPANY, INC. v. RICHARD LEON WERLINE; from Gregg County; 6th district
(06-06-00039-CV, 209 SW3d 888, 12-18-06)

The Court affirms the court of appeals' judgment.

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

Justice Willett delivered a concurring opinion.

Chief Justice Jefferson delivered a dissenting opinion, in which Justice Medina and Justice Green joined.

07-0340 SPIR STAR AG v. LOUIS KIMICH; from Harris County; 1st district
(01-06-00129-CV, ___ SW3d ___, 02-08-07)

The Court affirms the court of appeals' judgment.

Chief Justice Jefferson delivered the opinion of the Court.

07-0541 TXI TRANSPORTATION COMPANY, ET AL. v. RANDY HUGHES, ET AL.; from Wise County; 2nd district
(02-04-00242-CV, 224 SW3d 870, 05-24-07)

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 Chief Justice Jefferson, Justice Hecht, Justice O'Neill, Justice Green, Justice Willett, and Justice Guzman joined, and in Part III of which Justice Wainwright joined.

Justice Wainwright delivered an opinion concurring in part and dissenting in part.

(Justice Johnson not sitting)

07-0786 TEXAS DEPARTMENT OF INSURANCE v. RECONVEYANCE SERVICES, INC.; from Travis County; 3rd district (03-06-00313-CV, 240 SW3d 418, 08-31-07)

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

07-0787 SPECTRUM HEALTHCARE RESOURCES, INC., AND MICHAEL SIMS v. JANICE MCDANIEL AND PATRICK MCDANIEL; from Bexar County; 4th district (04-06-00185-CV, 238 SW3d 788, 08-22-07)

The Court reverses the court of appeals' judgment and reinstates the trial court's judgment.

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

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

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)

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

Justice Willett delivered the opinion of the Court.

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

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

Justice Willett delivered the opinion of the Court.

09-0733 IN RE COLUMBIA MEDICAL CENTER OF LAS COLINAS, INC. D/B/A
LAS COLINAS MEDICAL CENTER; from Dallas County
stay order issued September 11, 2009, lifted

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

Per Curiam Opinion

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

08-0497 RAILROAD COMMISSION OF TEXAS v. TEXAS CITIZENS FOR A SAFE FUTURE AND CLEAN WATER AND JAMES G. POPP; from Travis County; 3rd district (03-07-00025-CV, 254 SW3d 492, 12-06-07)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., April 14, 2010.]

Time allotted to argue: 20/20 minutes

08-0751 TEXAS MUTUAL INSURANCE COMPANY v. TIMOTHY J. RUTTIGER; from Galveston County; 1st district
(01-06-00897-CV, 265 SW3d 651, 07-31-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., April 14, 2010.]

Time allotted to argue: 20/20 minutes

08-0989 ITALIAN COWBOY PARTNERS, LTD., FRANCESCO SECCHI AND JANE SECCHI v. THE PRUDENTIAL INSURANCE COMPANY OF AMERICA AND FOUR PARTNERS, LLC D/B/A PRIZM PARTNERS AND D/B/A UNITED COMMERCIAL PROPERTY SERVICES; from Dallas County; 11th district (11-05-00264-CV, 270 SW3d 192, 07-24-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., April 14, 2010.]

Time allotted to argue: 20/20 minutes

08-1056 TGS-NOPEC GEOPHYSICAL COMPANY D/B/A TGS-NOPEC CORPORATION v. SUSAN COMBS, SUCCESSOR-IN-INTEREST TO CAROLE KEETON STRAYHORN, COMPTROLLER OF PUBLIC ACCOUNTS AND GREGG ABBOTT, ATTORNEY GENERAL OF TEXAS; from Travis County; 3rd district
(03-07-00640-CV, 268 SW3d 637, 08-15-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., April 15, 2010.]

Time allotted to argue: 20/20 minutes

(Justice Hecht not sitting)

09-0330 LIANA LEORDEANU v. AMERICAN PROTECTION INSURANCE COMPANY; from Travis County; 3rd district (03-06-00529-CV, 278 SW3d 881, 02-13-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., April 15, 2010.]

Time allotted to argue: 20/20 minutes

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

09-0491 IN RE RIO QUEEN CITRUS, INC. AND ELMORE STAHL, INC.; from Hidalgo County; 13th district (13-09-00214-CV, ___ SW3d ___, 06-01-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., April 15, 2010.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

07-0942 CAROLYN CIRILLO v. LISA A. KING, M.D., THE WOMEN'S PLACE, P.A., SY Q. LE, M.D., AND ADVANCED REPRODUCTIVE CARE CENTER OF IRVING; from Dallas County; 5th district (05-07-00081-CV, 233 SW3d 437, 07-19-07)

08-0220 LISA A. KING, M.D., THE WOMEN'S PLACE, P.A., SY Q. LE, M.D., AND ADVANCED REPRODUCTIVE CARE CENTER OF IRVING v. CAROLYN CIRILLO; from Dallas County; 5th district (05-07-00579-CV, ___ SW3d ___, 11-06-07)

08-0508 BETTY SUTTON v. CARE CENTER, LTD.; from Hardin County; 9th district (09-07-00469-CV, ___ SW3d ___, 04-17-08)

09-0009 CHRISTOPHER GREEN v. DWAINIA ALFORD, INDIVIDUALLY, AND AS NEXT FRIEND OF AARON ALFORD AND RONALD ALFORD; from Harris County; 14th district (14-05-00407-CV, 274 SW3d 5, 07-15-08)

(Justice Guzman not sitting)

- 09-0053 HARRISON CENTRAL APPRAISAL DISTRICT v. THE PEOPLES GAS,
LIGHT AND COKE COMPANY; from Harrison County; 6th district
(06-07-00103-CV, 270 SW3d 208, 09-24-08)
2 petitions
- 09-0273 MIDLAND CENTRAL APPRAISAL DISTRICT v. BP AMERICA
PRODUCTION COMPANY, AMERADA HESS TRADING COMPANY,
CHEVRON USA, INC., CHEVRON TEXACO PRODUCTS COMPANY,
CHEVRONTEXACO GLOBAL SUPPLY AND TRADING COMPANY,
TEPPCO CRUDE OIL, LLC AND TEPPCO CRUDE P/L LLC; from Midland
County; 11th district (11-07-00048-CV, 282 SW3d 215, 03-26-09)
- 09-0389 HOWARD S. GROSSMAN, P.A. v. MARK A. CANTU; from Harris
County; 14th district (14-06-00078-CV, ___ SW3d ___, 01-29-08)
Bankruptcy Trustee's motion to be substituted into case as true party
respondent dismissed as moot
Bankruptcy Trustee's motion for 30-days extension of time to file brief on the
merits dismissed as moot
- (Justice Guzman not sitting)
- 09-0617 AMERICA FIRST LLOYD'S INSURANCE COMPANY v. THE
SPICEWOOD SUMMIT OFFICE CONDOMINIUMS ASSOCIATION, INC.;
from Travis County; 3rd district (03-08-00408-CV, 287 SW3d 461, 06-12-09)

- 09-0693 LISA PLUNKETT, ET AL. v. CONNECTICUT GENERAL LIFE INSURANCE CO., ET AL.; from Dallas County; 5th district (05-07-00614-CV, ___ SW3d ___, 02-27-09)
- 09-0730 CLAIRMONT LONGVIEW, LP AND CLAIRMONT LONGVIEW GP, LLC v. STATE OF TEXAS; from Travis County; 3rd district (03-06-00573-CV, ___ SW3d ___, 07-14-09)
- 09-0799 JAIRO PUENTES, M.D. v. SPOHN HEALTH NETWORK AND CHRISTUS SPOHN HEALTH SYSTEM CORPORATION D/B/A CHRISTUS SPOHN HOSPITAL; from Nueces County; 12th district (13-08-00100-CV, ___ SW3d ___, 06-11-09)
as redrafted
- 09-0811 CAROLEE OKLAND, JEREMY ROGERS, DEEPAK MALHOTRA AND DINAH LEFFERT, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. TRAVELOCITY.COM, INC. AND TRAVELOCITY.COM, LP; from Tarrant County; 2nd district (02-08-00260-CV, ___ SW3d ___, 06-18-09)
- 09-0822 ANN E. MALONE v. GARY R. MALONE, INDIVIDUALLY AND AS FORMER TRUSTEE OF THE AGREEMENT OF TRUST FOR THE ANN E. MALONE TRUST; from Tarrant County; 2nd district (02-08-00157-CV, ___ SW3d ___, 08-20-09)
- 09-0864 TOWERS OF TOWN LAKE CONDOMINIUM ASSOCIATION, INC. v. VENUS ROUHANI; from Travis County; 3rd district (03-07-00034-CV, 296 SW3d 290, 08-31-09)
- 09-0931 SPIN DOCTOR GOLF, INC. v. PAYMENTECH, L.P.; from Dallas County; 5th district (05-08-00458-CV, 296 SW3d 354, 09-18-09)
as redrafted
- 09-0934 JANET LYN GRIMMET v. SHEILA ARTHUR AND DAVID MAGIERA; from Crockett County; 8th district (08-07-00040-CV, ___ SW3d ___, 08-12-09)
- 09-0955 ALLEN KELLER COMPANY v. BARBARA JEAN FOREMAN, ET AL.; from Gillespie County; 4th district (04-08-00490-CV, ___ SW3d ___, 08-31-09)

- 09-0975 MILLENNIUM RESTAURANT GROUP, INC. v. RHONDA DENISE CATCHINGS; from Dallas County; 5th district (05-08-00278-CV, ___ SW3d ___, 08-24-09)
- 09-0985 IN THE INTEREST OF W.J.W., II; from Harris County; 1st district (01-07-00867-CV, ___ SW3d ___, 06-18-09)
- 09-0993 D. MARK LOYD v. BOMAR OIL & GAS, INC.; from Freestone County; 10th district (10-08-00016-CV, 298 SW3d 832, 10-14-09)
- 09-0997 ANTHONY SHEPPARD v. TRAVELERS LLOYDS OF TEXAS INSURANCE COMPANY; from Harris County; 14th district (14-08-00248-CV, ___ SW3d ___, 10-15-09)
- (Justice Guzman not sitting)
- 09-1011 ROBERT BELL v. COUNTY COURT AT LAW NO. 2, THE HONORABLE TOM BACUS AND TIMOTHY SAWYER; from Wichita County; 2nd district (02-09-00157-CV, ___ SW3d ___, 10-15-09)
- 09-1018 MICHAEL WOLF MORRIS, M.D. v. MARY UMBERSON; from Harris County; 1st district (01-09-00644-CV, ___ SW3d ___, 11-05-09)
- 09-1026 CHRISTUS SPOHN HEALTH SYSTEM CORPORATION D/B/A CHRISTUS SPOHN HOSPITAL CORPUS CHRISTI-SHORELINE v. SANDRA SANCHEZ AND OMAR ALEMAN; from Nueces County; 13th district (13-09-00055-CV, 299 SW3d 868, 10-29-09)
- 09-1028 RICHARD JOHN FLORANCE, JR. v. STATE OF TEXAS; from Collin County; 5th district (05-08-00984-CR, ___ SW3d ___, 08-28-09)
- 09-1031 EDWIN DEJESUS AND ALAIN NJOH v. SANDRA SANCHEZ AND OMAR ALEMAN; from Nueces County; 13th district (13-09-00092-CV, 299 SW3d 868, 10-29-09)
- 09-1050 IN THE INTEREST OF J.D.D. & M.R.D.; from Bexar County; 4th district (04-08-00930-CV, ___ SW3d ___, 09-02-09)
- 10-0004 KATHLEEN DIDUR-JONES v. FAMILY DOLLAR, INC.; from Hood County; 2nd district (02-09-00069-CV, ___ SW3d ___, 11-19-09)

- 10-0071 OSCAR GONZALEZ, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF ENRIQUE GONZALEZ, EMMA GONZALEZ, ENRIQUE GONZALEZ, JR., ARMANDO GONZALEZ, RICARDO GONZALEZ AND HECTOR GONZALEZ v. MCALLEN MEDICAL CENTER, INC. AND JOSE I. IGOA; from Hidalgo County; 13th district (13-00-00296-CV, ___ SW3d ___, 10-29-10)
- 10-0143 IN THE INTEREST OF K.L.L.H. AND T.J.A., CHILDREN; from Gregg County; 6th district (06-09-00067-CV, ___ SW3d ___, 01-12-10)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 07-0681 JOHN S. BEESON, TRUSTEE, JOHN BEESON, AND PAUL SIROTA v. STATE OF TEXAS; from Harris County; 11th district (11-05-00064-CV, 232 SW3d 265, 07-19-07)
abatement order issued January 4, 2008, lifted
petition reinstated
agreed motion to dismiss granted

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

- 09-0917 SHARNETTE HYTER v. HSBC BANK USA NATIONAL ASSOCIATION, TRUSTEE FOR HOME EQUITY LOAN TRUST SERIES ACE 2005-HE7; from Dallas County; 5th district (05-08-00969-CV, ___ SW3d ___, 07-13-09)
- 09-0918 PAULA BOLEWARE AND SHARNETTE HYTER v. US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE STRUCTURED ASSET INVESTMENT LOAN TRUST, 2005-9; from Dallas County; 5th district (05-08-01102-CV, 293 SW3d 315, 07-14-09)
- 09-1046 JAMES WALKER v. CRAIG CROWELL; from Smith County; 12th district (12-09-00130-CV, 299 SW3d 512, 10-30-09)

ORDERS ON MOTIONS FOR REHEARING

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

08-0636 ANNETTE M. HENRY, R. CHRISTOPHER BELL AND BELL & HENRY,
L.L.P. v. LENIETA WYLENE TROUSDALE; from Harris County; 14th
district (14-06-00848-CV, 261 SW3d 221, 06-24-08)

(Justice Guzman not sitting)

09-0237 STEPHEN LISSON v. MARY PADGETT; from Travis County; 3rd district
(03-08-00037-CV, ___ SW3d ___, 02-05-09)

09-0238 STEPHEN LISSON v. MARY PADGETT; from Travis County; 3rd district
(03-08-00039-CV, ___ SW3d ___, 02-05-09)

09-0633 JOSÉ F. VASQUEZ, JR. v. TEXAS WORKFORCE COMMISSION,
MERCHANTS BUILDING MAINTENANCE, LLC AND PAT MONTES;
from Bexar County; 4th district (04-08-00508-CV, ___ SW3d ___, 06-10-09)

09-0792 JOHN ROBERT WHIRTY v. JOE GRIMES AND TYRAN COMPTON; from
Potter County; 7th district (07-08-00394-CV, ___ SW3d ___, 04-14-09)

09-0855 IN THE INTEREST OF S.E.K. AND H.A.K., MINOR CHILDREN; from
Dallas County; 5th district (05-08-00858-CV, 294 SW3d 926, 08-28-09)

09-0920 MICHAEL ANTHONY EVANS v. ANDREA ELDRIDGE; from De Witt
County; 13th district (13-08-00634-CV, ___ SW3d ___, 08-13-09)

09-0952 BEN E. JARVIS, ET AL. v. ROCANVILLE CORPORATION, ET AL.; from
Kaufman County; 5th district (05-07-00091-CV, 298 SW3d 305, 08-24-09)

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

09-0714 IN RE JAMES D. STRACHAN; from Fort Bend County; 14th district
(14-09-00527-CV, ___ SW3d ___, 06-18-09)

(Justice Guzman not sitting)

09-1013 IN RE ROBERT JOHN WRIGHT; from Collin County; 5th district
(05-09-00935-CV, ___ SW3d ___, 09-16-09)
as amended

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0735 IN RE RESHA ELLIS TIMBERLAKE; from Dallas County; 5th district
(05-08-01712-CV, ___ SW3d ___, 03-13-09)
motion to dismiss denied

09-1068 IN RE CASTRO ENTERPRISES, INC.; from El Paso County; 8th district
(08-09-00260-CV, ___ SW3d ___, 11-18-09)
as amended

10-0044 IN RE KEN HARVEY, JAN HARVEY AND DAVID HARVEY; from
Tarrant County; 2nd district
motion to dismiss petition for writ of mandamus denied
stay order issued January 25, 2010, lifted

10-0091 IN RE JOSEPH R. WILLIE, II; from Harris County; 1st district
(01-10-00069-CV, ___ SW3d ___, 01-29-10)

(Justice Guzman not sitting)

10-0162 IN RE MICHAEL KENNEDY; from Anderson County; 12th district
(12-09-00356-CV, ___ SW3d ___, 12-16-09)
motion for leave to file petitioner's notice of appeal, being treated as a petition
for writ of mandamus, denied

**THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED WITHOUT
PREJUDICE:**

10-0160 IN RE DAVID ALAN SHEPHERD; from Dallas County

See TEX. R. APP. P. 52.3(e)

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

09-0170 IN RE TRAVIS DAYNE BEGELTON; from Harris County
motion for entry of default judgment dismissed as moot
motion to be released on bail dismissed as moot

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

10-0155 IN RE SERVICE CORPORATION INTERNATIONAL AND SCI TEXAS
FUNERAL SERVICES, INC. D/B/A MAGIC VALLEY MEMORIAL
GARDENS; from Hidalgo County; 13th district
(13-09-00681-CV, ___ SW3d ___, 02-17-10)
emergency motion for temporary stay of arbitration proceedings granted
stay order issued
requested response due by 3:00 p.m., March 29, 2010

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

10-0156 IN RE BOMBARDIER INC., BOMBARDIER AEROSPACE
CORPORATION AND LEARJET INC.; from Dallas County; 5th district
(05-09-01513-CV, ___ SW3d ___. 01-26-10)
motion for immediate temporary relief granted
stay order issued
requested response due by 3:00 p.m., March 29, 2010

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

THE SUPREME COURT OF TEXAS

Orders Pronounced March 18, 2010

ORDERS ON CAUSES

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS DENIED:

09-0481 SUSAN COMBS, COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS AND GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS v. TEXAS ENTERTAINMENT ASSOCIATION, INC. AND KARPOD, INC.; from Travis County; 3rd district (03-08-00213-CV, 287 SW3d 852, 06-05-09)
unopposed motion for leave to participate in oral argument by amici curiae denied

MISCELLANEOUS

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

10-0136 IN RE C.B.; from Dallas County; 5th district (05-09-01464-CV, ___ SW3d ___, 01-12-10)
relator's second 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 March 19, 2010

ORDERS ON CAUSES

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS GRANTED:

09-0446 DEBBIE STOCKTON, AS PARENT AND NEXT FRIEND OF WILLIAM STOCKTON, A MINOR v. HOWARD A. OFFENBACH, M.D.; from Dallas County; 5th district (05-08-01185-CV, 285 SW3d 517, 03-11-09)
Unopposed request for leave for Texas Trial Lawyers Association to appear as Amicus Curiae at Oral Argument granted.

Time allotted to argue: 15/20/5

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-1015 SAVE OUR SPRINGS ALLIANCE, INC. v. SWEETWATER AUSTIN PROPERTIES, L.L.C., ET AL.; from Travis County; 3rd district (03-08-00619-CV, 299 SW3d 879, 10-30-09)
- 09-1017 JORGE FABIO LLAMAS-SOFORO, M.D. AND JORGE FABIO LLAMAS-SOFORO, M.D., P.A., D/B/A EL PASO EYE CARE CENTER v. ERIKA JIMENEZ, INDIVIDUALLY, AND AS NEXT FRIEND OF DOMINIC COMER; from Dallas County; 5th district (05-09-00102-CV, ___ SW3d ___, 10-21-09)
- 09-1059 IN THE MATTER OF FIFTY-ONE GAMBLING DEVICES AND TWENTY SIX THOUSAND EIGHT HUNDRED EIGHTY DOLLARS IN UNITED STATES CURRENCY; from Randall County; 7th district (07-08-00068-CV, 298 SW3d 768, 09-28-09)
as redrafted

- 10-0019 RICARDO BARRERA, M.D. v. CESAR SARMIENTO, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF ESMERALDA SARMIENTO, DECEASED, AND AS NEXT FRIEND OF JUAN MANUEL SARMIENTO; MARIA NATIVIDAD RODRIGUEZ GUILLEN; MANUEL GARCIA VASQUEZ AND LUIS M. CARDENAS; from Hidalgo County; 13th district (13-09-00094-CV, ___ SW3d ___, 11-24-09)
- 10-0065 RANDY MCCASKILL v. NORMAN RAY MCCASKILL; from Calhoun County; 13th district (13-08-00122-CV, ___ SW3d ___, 12-10-09)
- 10-0083 IN THE INTEREST OF D.E.H., A CHILD; from Tarrant County; 2nd district (02-07-00347-CV, 301 SW3d 825, 12-03-09)

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

- 09-1069 TONY CANTU v. JOHN E. MAHER, THOMAS TOLLETT, TOMMY'S RESTAURANT MANAGEMENT COMPANY; from Harris County; 14th district (14-07-00584-CV, ___ SW3d ___, 08-25-09)

The Court strikes the petition for review with the following notation: "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 by March 29, 2010."

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

- 10-0173 REZA VAFAIYAN v. WICHITA COUNTY, TEXAS; from Wichita County; 2nd district (02-08-00465-CV, ___ SW3d ___, 08-06-09)

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0098 IN RE JANICE LOVE CRAVEN; from Tarrant County; 2nd district (02-09-00254-CV, ___ SW3d ___, 11-19-09)
request for temporary relief denied
request for appointment of counsel denied

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0110 IN RE DANIEL K. JOHNSON; from Houston County; 12th district
(12-09-00386-CV, ___ SW3d ___, 11-25-09)
- 10-0177 IN RE CARRIE CLICK; from Bexar County; 4th district
(04-10-00051-CV, ___ SW3d ___, 01-27-10)
motion for emergency relief denied

(Justice Willett not sitting)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 09-0957 IN RE STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY; from Cameron County; 13th district
(13-09-00583-CV, ___ SW3d ___, 11-04-09)
joint motion to dismiss petition for writ of mandamus granted

THE SUPREME COURT OF TEXAS

Orders Pronounced March 26, 2010

ORDERS ON CAUSES

07-0871 IN RE UNITED SERVICES AUTOMOBILE ASSOCIATION; from Bexar County; 4th district (04-07-00464-CV, ___ SW3d ___, 10-17-07)

The Court conditionally grants the writ of mandamus.

Chief Justice Jefferson delivered the opinion of the Court.

(Justice Johnson not sitting)

09-0426 IN RE LAIBE CORPORATION; from Wise County; 2nd district (02-09-00089-CV, ___ SW3d ___, 04-24-09)

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

Per Curiam Opinion

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0035 LUCI MARTINEZ, ET AL. v. MOISES MELENDEZ, ET AL.; from Harris County; 1st district (01-08-00850-CV, ___ SW3d ___, 12-03-09)

10-0047 FORD MUSTANG SALEEN (CHAD DAVIS) v. THE STATE OF TEXAS; from San Jacinto County; 9th district (09-08-00437-CV, ___ SW3d ___, 08-27-09)

10-0051 SSC MISSOURI CITY OPERATING COMPANY, LP, SSC RICHMOND OPERATING COMPANY, LP, HMG PARK MANOR OF QUAIL VALLEY LLC AND NEXION HEALTH AT BEECHNUT, INC. v. TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES, ADELAIDE HORN, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS COMMISSIONER OF THE TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES; from Travis County; 3rd district (03-09-00299-CV, ___ SW3d ___, 12-08-09)

ORDERS ON MOTIONS FOR REHEARING

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

09-0229 RAYMON POLAND, INDIVIDUALLY AND AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF JESSIE POLAND, ROBERT MARTIN AND FRANK MARTIN v. ST. LUKE'S EPISCOPAL HOSPITAL AND TEXAS HEART INSTITUTE; from Harris County; 1st district (01-06-01038-CV, 288 SW3d 38, 02-06-09)

09-0697 AZTECK COMMUNICATIONS v. UPI COMMUNICATIONS; from Harris County; 1st district (01-07-00907-CV; 01-09-00544-CV, ___ SW3d ___, 07-09-09)

09-0783 MARY ANN DEMARS AND ROBERT DEMARS v. THOMAS A. LAUCIUS AND EDDIE M. KRENEK AND ALTHEA M. BAILEY AND DIANA "CHUANG-LING" HSIUNG AND NIEY BOR HSYUNG, ET AL.; from Harris County; 1st district (01-07-00788-CV, ___ SW3d ___, 05-21-09)

09-0899 RONALD LEE MCMASTER v. MARY ROCHENE RAY; from Harris County; 1st district (01-08-00214-CV, 296 SW3d 344, 09-17-09)

MISCELLANEOUS

THE MOTION IN THE FOLLOWING CASE IS DENIED:

10-0207 IN RE CONNIE VASQUEZ HARRISON; from Harris County; 1st district
(01-10-00232-CV, ___ SW3d ___, 03-25-10)
relator's emergency motion for temporary relief denied
requested response due by 3:00 p.m., April 5, 2010

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

(Justice Guzman not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced March 29, 2010

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITION FOR REVIEW IS ABATED:

10-0109 PAUL JAMES KOUMJIAN v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTION DIVISION AND UNIVERSITY OF TEXAS MEDICAL BRANCH, CORRECTIONAL MANAGED CARE; from Walker County; 10th district (10-08-00141-CV, ___ SW3d ___, 11-25-09)
abatement order issued

[**Note:** This case is abated until further order of this Court and is removed from the Court's active docket. It is the parties' responsibility to immediately notify this Court once the court of appeals' decision on the motion for rehearing is final.]

THE SUPREME COURT OF TEXAS

Orders Pronounced March 31, 2010

MISCELLANEOUS

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

10-0179 IN RE BOXER PROPERTY MANAGEMENT CORPORATION & 9343
NORTH LOOP, L.P.; from Harris County; 14th district
(14-09-01062-CV, ___ SW3d ___, 01-21-10)
motion for temporary relief denied
requested response due by 3:00 p.m., April 12, 2010

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

(Justice Guzman not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced April 1, 2010

ORDERS ON CAUSES

THE FOLLOWING MOTION TO PARTICIPATE IN ORAL ARGUMENT IS GRANTED:

08-1056 TGS-NOPEC GEOPHYSICAL COMPANY D/B/A TGS-NOPEC CORPORATION v. SUSAN COMBS, SUCCESSOR-IN-INTEREST TO CAROLE KEETON STRAYHORN, COMPTROLLER OF PUBLIC ACCOUNTS AND GREGG ABBOTT, ATTORNEY GENERAL OF TEXAS; from Travis County; 3rd district (03-07-00640-CV, 268 SW3d 637, 08-15-08)
unopposed motion to allow argument by Amicus WesternGeco LLC granted
unopposed motion to split argument time granted

Time allotted to argue: 15/20/5 minutes

(Justice Hecht not sitting)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0219 IN RE JOE LEE RUBIO; from Cameron County; 13th district (13-10-00144-CV, ___ SW3d ___, 03-25-10)
application for stay denied

THE SUPREME COURT OF TEXAS

Orders Pronounced April 2, 2010

ORDERS ON CAUSES

06-1022 DEL LAGO PARTNERS, INC., AND DEL LAGO PARTNERS, L.P. DOING BUSINESS UNDER THE ASSUMED NAME OF DEL LAGO GOLF RESORT & CONFERENCE CENTER, AND BMC-THE BENCHMARK MANAGEMENT COMPANY v. BRADLEY SMITH; from Montgomery County; 10th district (10-04-00252-CV, 206 SW3d 146, 10-11-06)

The Court affirms the court of appeals' judgment.

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

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

Justice Wainwright delivered a dissenting opinion.

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

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

08-0961 MARIA DEL CARMEN GUILBOT SERROS DE GONZALEZ, ET AL. v. MIGUEL ANGEL GONZALEZ GUILBOT, CARLOS A. GONZALEZ GUILBOT, AND MARIA ROSA DEL ARENA DE GONZALEZ; from Harris County; 14th district (14-07-00047-CV, 267 SW3d 556, 09-30-08) motion to strike post-submission brief denied

(Justice Guzman not sitting)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 08-0030 BRAEBURN PRESBYTERIAN CHURCH v. JOHNNIE WILSON; from Harris County; 14th district (14-06-00215-CV, 244 SW3d 469, 11-27-07)
- 09-0967 JOHN T. JENKINS v. WM SPECIALTY MORTGAGE, LLC, ET AL.; from Dallas County; 5th district (05-08-00842-CV, ___ SW3d ___, 08-12-09)
as redrafted
motion to compel with sanctions denied
- 09-1070 IN THE INTEREST OF R.E.G., A CHILD; from Cameron County; 13th district (13-08-00335-CV, ___ SW3d ___, 11-12-09)
- 10-0100 ALONSO CHAPA v. HUE NGUYEN AND SOUTHWEST NATIONAL BANK; from Harris County; 14th district (14-08-00634-CV, ___ SW3d ___, 12-22-09)
- 10-0107 ALEX YOVAN AND PHILLIP YOVAN v. ANNA MARIE NGUYEN; from Galveston County; 1st district (01-07-00660-CV, ___ SW3d ___, 10-01-09)
- 10-0169 IN THE INTEREST OF K.J.S.; from Harris County; 14th district (14-08-01091-CV, 302 SW3d 436, 11-17-09)

(Justice Guzman not sitting)

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0647 THE DANESHJOU COMPANY, INC. AND M.B. "BENNY" DANESHJOU v. SANDRA BULLOCK, ET AL.; from Travis County; 3rd district (03-05-00106-CV, ___ SW3d ___, 03-27-09)
joint motion to dismiss petition for review dismissed as moot
- 09-1001 DONALD RAY MCRAE v. CLERK OF THE COURT; from Dallas County; 5th district (05-08-01398-CV, ___ SW3d ___, 10-01-09)

MISCELLANEOUS

THE FOLLOWING CASE IS REINSTATED:

09-0896 DARLENE C. AMRHEIN v. LA MADELEINE, INC.; from Dallas County;
5th district (05-08-00350-CV, ___ SW3d ___, 06-30-09)
motion to reinstate case granted
abatement order issued December 18, 2009, lifted

The Court struck the petition for review on December 11, 2009 with the following notation: "The petition violates Texas Rule of Appellate Procedure 9.4(e) and is struck." Petitioner is ordered to redraw; the redrawn petition is due to be filed by April 16, 2010.

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0192 IN RE JESSICA DELGADO; from Bexar County; 4th district
(04-10-00077-CV, ___ SW3d ___, 02-10-10)
motion for emergency relief denied

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

10-0228 IN RE NICHOLAS XENOS; from Travis County; 3rd district
(03-09-00418-CV, ___ SW3d ___, 01-19-10)
motion to exceed page limit denied

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rule of Appellate Procedure 52.6 and is struck. Relator is ordered to redraw; the redrawn petition is due to be filed April 2, 2010."

THE SUPREME COURT OF TEXAS

Orders Pronounced April 5, 2010

MISCELLANEOUS

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

10-0228 IN RE NICHOLAS XENOS; from Travis County; 3rd district
(03-09-00418-CV, ___ SW3d ___, 01-19-10)
motion for temporary relief granted in part
stay order issued
requested response due by 3:00 p.m., April 15, 2010

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

THE SUPREME COURT OF TEXAS

Orders Pronounced April 9, 2010

ORDERS ON CAUSES

09-0734 ZINC NACIONAL, S.A. v. BOUCHÉ TRUCKING, INC.; from El Paso County; 8th district (08-07-00314-CV, 296 SW3d 763, 07-31-09)

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

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS GRANTED:

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 MOTION IN THE FOLLOWING CAUSE IS GRANTED:

08-0989 ITALIAN COWBOY PARTNERS, LTD., FRANCESCO SECCHI AND JANE SECCHI v. THE PRUDENTIAL INSURANCE COMPANY OF AMERICA AND FOUR PARTNERS, LLC D/B/A PRIZM PARTNERS AND D/B/A UNITED COMMERCIAL PROPERTY SERVICES; from Dallas County; 11th district (11-05-00264-CV, 270 SW3d 192, 07-24-08)
unopposed motion to modify the order of oral argument setting granted

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

08-0890 OFFSHORE SPECIALTY FABRICATORS, INC., ET AL. v. WELLINGTON UNDERWRITING AGENCIES, LTD., ET AL.; from Harris County; 14th district (14-07-00970-CV, 267 SW3d 277, 07-17-08)
2 petitions
denial of petitions of review on October 23, 2009, withdrawn
motions for rehearing granted

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

09-0270 XTO ENERGY INC. v. SMITH PRODUCTION INC.; from Harris County; 14th district (14-07-00069-CV, 282 SW3d 672, 02-24-09)

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

(Justice Guzman not sitting)

09-0377 AARON GLENN HAYGOOD v. MARGARITA GARZA DE ESCABEDO; from Angelina County; 12th district
(12-07-00130-CV, 283 SW3d 3, 02-18-09)

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

09-0396 REID ROAD MUNICIPAL UTILITY DISTRICT NO. 2 v. SPEEDY STOP FOOD STORES, LTD.; from Harris County; 14th district
(14-07-00225-CV, 282 SW3d 652, 02-03-09)

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

(Justice Guzman not sitting)

09-0420 ESPERANZA ANDRADE, IN HER OFFICIAL CAPACITY AS SECRETARY OF STATE FOR THE STATE OF TEXAS v. NAACP OF AUSTIN, NELSON LINDER, SONIA SANTANA AND DAVID VAN OS; from Travis County; 3rd district
(03-08-00076-CV, 287 SW3d 240, 04-10-09)

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

09-0558 MARSH USA INC. AND MARSH & MCLENNAN COMPANIES, INC. v. REX COOK; from Dallas County; 5th district

(05-08-00685-CV, 287 SW3d 378, 05-26-09)

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

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

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)

[**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:

09-0339 SOUTH TEXAS FREIGHTLINER, INC. v. FRANCISCO MUÑIZ AND MARGARITA MUÑIZ; from Cameron County; 13th district (13-07-00460-CV, 288 SW3d 123, 03-12-09)

09-0397 CAMERON INTERNATIONAL CORPORATION F/K/A COOPER CAMERON CORPORATION v. VETCO GRAY, INC.; from Harris County; 14th district (14-07-00656-CV, ___ SW3d ___, 03-31-09)

- 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)
as redrafted
- 09-0477 JAMES O. ROGERS, WILLIAM M. BURMEISTER, CONSERVATIVE CARE, INC. & CARE AFFILIATES, INC. v. DANIEL ALEXANDER, LESLIE ALEXANDER & JUDITH PUCCI; from Dallas County; 5th district (05-05-00233-CV, 244 SW3d 370, 06-29-07)
2 petitions
- 09-0579 CARRIE WELCH v. NIGHTINGALE NURSES, LLC; from Potter County; 7th district (07-08-00305-CV, ___ SW3d ___, 06-02-09)
- 09-0854 CRYSTAL CASSIDY, THE AMERICAN ACADEMY OF EMERGENCY MEDICINE, THE TEXAS ACADEMY OF EMERGENCY MEDICINE AND RICHARD J. YBARRA v. TEAMHEALTH, INC., TEAMHEALTH, P.A., MEMORIAL HERMANN HEALTHCARE SYSTEM, ACS PRIMARY CARE PHYSICIANS SOUTHWEST, P.A. AND TEAMHEALTH WEST; from Harris County; 1st district (01-08-00324-CV, ___ SW3d ___, 07-23-09)
- 09-0965 IN THE INTEREST OF Y.B., K.B. AND T.B., CHILDREN; from Bexar County; 4th district (04-08-00507-CV, 300 SW3d 1, 05-20-09)
- 09-0966 VHS SAN ANTONIO PARTNERS LLC D/B/A SOUTHEAST BAPTIST HOSPITAL v. MELISO B. GARCIA, INDIVIDUALLY AND AS NEXT FRIEND FOR MELISO A. GARCIA AND ON BEHALF OF XAVIERA GARCIA; from Bexar County; 4th district (04-09-00297-CV, ___ SW3d ___, 10-07-09)
- 09-0976 KENNETH W. MOSS AND MICHELLE MOSS v. WASTE MANAGEMENT OF TEXAS, INC.; from Harris County; 1st district (01-07-01106-CV, ___ SW3d ___, 08-20-09)
- 09-0990 SOUTHERN STONE PROPERTIES, INC. v. ROBERT A. TORRES, SR.; from Cameron County; 13th district (13-06-00515-CV, ___ SW3d ___, 08-28-09)
as redrafted
- 09-0995 THOMAS E. TAPIA v. CHESTNUT ENERGY PARTNERS F/K/A PLUMMER SECURITIES, INC.; from Dallas County; 5th district (05-09-00101-CV, 300 SW3d 386, 10-20-09)

- 09-1061 THE CITY OF ARLINGTON, TEXAS, CORPORAL JASON HUTSON, OFFICER DORA DEWALL, SERGEANT DANIEL HENNING, COURT CLERK NORMA WILLIAMS, JUDGE STEWART MILNER, JUDGE ROSALIA MADDOCK AND DOES 1-5 v. DARREN BRADLEY SWAIN; from Tarrant County; 2nd district (02-09-00038-CV, ___ SW3d ___, 10-08-09)
2 petitions
- 10-0010 THE CITY OF HOUSTON v. BRUCE A. NORCINI; from Harris County; 1st district (01-09-00426-CV, ___ SW3d ___, 11-19-09)
- 10-0046 YUMIN ZHAO v. LONE STAR ENGINE INSTALLATION CENTER, INC.; from Dallas County; 5th district (05-09-01055-CV, ___ SW3d ___, 10-06-09)
- 10-0055 RAUL G. LOPEZ v. CITY OF SAN ANTONIO AND SAN ANTONIO FIREFIGHTERS AND POLICE OFFICERS' CIVIL SERVICE COMMISSION; from Bexar County; 4th district (04-09-00305-CV, ___ SW3d ___, 11-25-09)
as amended
- 10-0085 DAVID L. SMITH v. BILL BELTON; JACK ALLEN, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS CONSTABLE OF PRECINCT FOUR OF TARRANT COUNTY, TEXAS; CAMP BOWIE PARTNERS, L.P., A TEXAS LIMITED PARTNERSHIP; AND CAMP BOWIE CAPITAL CORP., A TEXAS CORPORATION; from Tarrant County; 2nd district (02-08-00258-CV, ___ SW3d ___, 11-25-09)
- 10-0086 ROBERT RICHARD TAYLOR, II v. KATHY TAYLOR; from Tarrant County; 2nd district (02-09-00035-CV, ___ SW3d ___, 12-17-09)

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

- 10-0072 DENNIS A. SMITH v. BRAD LIVINGSTON; from Walker County; 11th district (11-09-00206-CV, ___ SW3d ___, 01-07-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 53.2 (c) and (e)-(j) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by April 19, 2010."

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 09-0807 RENTECH STEEL, L.L.C. v. PRESTON TEEL, LESA CROSSWHITE AND JENNINGS TEEL; from Taylor County; 11th district (11-07-00318-CV, 299 SW3d 155, 08-13-09)
as reinstated
unopposed motion to reinstate petition for review granted
unopposed motion to dismiss petition for review granted
abatement order issued February 19, 2010, lifted

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

- 09-0928 BRETT ARNOLD AND PATRICIA RUDDER v. B.R. ISRAEL; from Tarrant County; 2nd district (02-08-00281-CV, ___ SW3d ___, 08-26-09)
as redrafted
- 09-1043 HERMAN BROWN AND JON LASHEA BROWN v. DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE IN TRUST FOR THE REGISTERED HOLDERS OF ARGENT SECURITIES, INC., ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2003-W7; from Dallas County; 5th district (05-08-01103-CV, ___ SW3d ___, 08-06-09)

ORDERS ON MOTIONS FOR REHEARING

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

- 08-1013 ADOLFO PALOMINO-HERNANDEZ, M.D. v. ALFREDO MORENO AND FRANCES MORENO, INDIVIDUALLY AND AS HEIRS AND REPRESENTATIVES OF THE ESTATE OF BERNADETTE MORENO, DECEASED; from El Paso County; 8th district (08-07-00010-CV, 269 SW3d 236, 10-23-08)
- 09-0417 JOSEPH EARL WATSON v. PARKER COUNTY'S SQUAW CREEK DOWN, LP AND JAMES R. DUNNAGAN; from Parker County; 2nd district (02-08-00255-CV, ___ SW3d ___, 04-02-09)
- 09-0820 JEFFERY ROSIN AND VINETTA ROSIN v. THE BERCO & LEJA ROSIN TRUST, ROSE ROSIN, TRUSTEE; from Bexar County; 4th district (04-08-00601-CV, ___ SW3d ___, 07-08-09)

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

09-0416 IN RE JOSEPH EARL WATSON; from Parker County; 2nd district
(02-08-00354-CV, ___ SW3d ___, 04-02-09)

09-0893 IN RE JEFFERY I. ROSIN AND BERCO & MELIORA ROSIN, MINORS
BY NEXT FRIEND, EARLE COBB, JR.; from Bexar County; 4th district
(04-08-00601-CV, ___ SW3d ___, 07-08-09)

(Justice Guzman not sitting)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0525 IN RE IRWIN & BOESEN, P.C.; from Cameron County; 13th district
(13-09-00025-CV, ___ SW3d ___, 06-02-09)

(Justice Hecht not sitting)

09-1037 IN RE CHANGE TO WIN; from Travis County; 3rd district
(03-09-00561-CV, ___ SW3d ___, 11-24-09)

(Justice Guzman not sitting)

10-0067 IN RE MICHAEL NAWEE BLAIR

10-0227 IN RE R. WAYNE JOHNSON; from El Paso County; 8th district
(08-09-00323-CV, ___ SW3d ___, 01-13-10)

THE SUPREME COURT OF TEXAS

Orders Pronounced April 12, 2010

ORDERS ON CAUSES

THE FOLLOWING CAUSE IS DISMISSED:

09-0491 IN RE RIO QUEEN CITRUS, INC. AND ELMORE STAHL, INC.; from Hidalgo County; 13th district (13-09-00214-CV, ___ SW3d ___, 06-01-09) relators' motion to dismiss mandamus pursuant to agreement granted

THE SUPREME COURT OF TEXAS

Orders Pronounced April 15, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0237 IN RE ELIGAH DARNELL JR.; from Tarrant County
emergency motion for stay of proceedings denied

See TEX. R. APP. P. 52.3(e)

THE SUPREME COURT OF TEXAS

Orders Pronounced April 16, 2010

ORDERS ON CAUSES

04-0607 IN RE THE JOHN G. AND MARIE STELLA KENEDY MEMORIAL FOUNDATION; from Kenedy County; 13th district (13-04-00337-CV, ___ SW3d ___, 07-06-04) as reinstated

- consolidated for oral argument with -

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) as reinstated stay order issued July 8, 2004, lifted

The Court conditionally grants the writs of mandamus.

Justice Green delivered the opinion of the Court.

(Justice O'Neill and Justice Guzman not sitting)

08-0528 THE JOHN G. AND MARIE STELLA KENEDY MEMORIAL FOUNDATION v. ANN M. FERNANDEZ; from Nueces County; 13th district (13-06-00170-CV, ___ SW3d ___, 05-22-08) unopposed motion to expedite dismissed as moot

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

Justice Green delivered the opinion of the Court.

(Justice O'Neill and Justice Guzman not sitting)

08-0529 THE JOHN G. AND MARIE STELLA KENEDY MEMORIAL FOUNDATION v. ANN M. FERNANDEZ; from Kenedy County; 13th

district (13-06-00539-CV, ___ SW3d ___, 05-22-08)
unopposed motion to expedite dismissed as moot

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

Justice Green delivered the opinion of the Court.

(Justice O'Neill and Justice Guzman not sitting)

08-0534 FROST NATIONAL BANK, FORMER EXECUTOR OF THE ESTATE OF
ELENA SUESS KENEDY, DECEASED, AND FROST NATIONAL BANK
AND PABLO SUESS, TRUSTEES OF THE JOHN G. KENEDY, JR.
CHARITABLE TRUST v. ANN M. FERNANDEZ; from Kenedy County;
13th district (13-06-00149-CV, 267 SW3d 75, 05-22-08)
unopposed motion to expedite dismissed as moot

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

Justice Green delivered the opinion of the Court.

(Justice O'Neill and Justice Guzman not sitting)

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)

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

Per Curiam Opinion

(Justice Hecht not sitting)

ORDERS ON CASES GRANTED

THE FOLLOWING CERTIFIED QUESTION FROM THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT IS ACCEPTED:

10-0245 PATRICK O. OJO, ATTORNEY, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED v. FARMERS GROUP, INC.; FIRE UNDERWRITERS ASSOCIATION; FIRE INSURANCE EXCHANGE; FARMERS UNDERWRITERS ASSOCIATION; FARMERS INSURANCE EXCHANGE

[**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:

10-0258 ARNOLDO CASAS, ET AL. v. MICHAEL B. SILVA, ET AL.; from Duval County; 4th district (04-09-00105-CV, ___ SW3d ___, 02-24-10)
abatement order issued

[**Note:** This case is removed from the Court's active docket until further order of this Court. It is the responsibility of the parties to immediately notify this Court of the decision in the court of appeals.]

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0153 DANIEL KROEMER AND GARRETT AUSTIN MEGASON v. DANIEL RAY HARTSFIELD AND BRENT ALLEN BIRDWELL; from Montgomery County; 9th district (09-08-00462-CV, ___ SW3d ___, 12-03-09)

10-0215 IN THE INTEREST OF D.J.R., E.N.R. AND A.D.R., MINOR CHILDREN; from El Paso County; 8th district (08-07-00354-CV, ___ SW3d ___, 01-06-10)

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0640 CLEARVIEW PROPERTIES, L.P., CLEARVIEW INVESTMENTS, LTD.
AND MICHAEL STARCHER, TRUSTEE FOR THE CROWN HILL TRUST
AND CRAIG WALKER D/B/A CLEARVIEW PROPERTIES, L.P. v.
PROPERTY TEXAS SC ONE CORP., CLARION PARTNERS, LLC,
GRANITE PARTNERS, LLC. D/B/A GRANITE PARTNERS I, LLC,
TRIPLE NET PROPERTIES, LLC, TRIPLE NET PROPERTIES REALTY,
INC., T REIT, L.P. AND T REIT, INC.; from Harris County; 14th district
(14-06-00716-CV, 287 SW3d 132, 01-29-09)
- 09-0852 ELIZABETH OKORAFOR v. UNCLE SAM & ASSOCIATES; from Fort
Bend County; 1st district (01-07-00908-CV, 295 SW3d 27, 04-23-09)
- 09-1041 STANLEY H. ROSENTHAL v. RAILROAD COMMISSION OF TEXAS
AND K-3 RESOURCES LP; from Travis County; 3rd district
(03-09-00015-CV, ___ SW3d ___, 08-20-09)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0246 IN RE BETTY LOU SHEERIN; from Bexar County; 4th district
(04-09-00284-CV, ___ SW3d ___, 03-03-10)
motion for stay denied

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DISMISSED:

09-0776 IN RE BREITBURN ENERGY PARTNERS L.P., BREITBURN
OPERATING L.P., BREITBURN GP, LLC, BREITBURN OPERATING GP,
LLC, RANDALL H. BREITENBACH, HALBERT S. WASHBURN,
GREGORY J. MORONEY AND CHARLES S. WEISS; from Tarrant County;
2nd district (02-09-00307-CV, ___ SW3d ___, 09-14-09)
as amended
unopposed motion to dismiss petition for writ of mandamus pursuant to
settlement granted
stay order issued September 16, 2009, lifted

09-0924 IN RE EXMARK MANUFACTURING COMPANY INCORPORATED;
from Hidalgo County; 13th district
(13-09-00438-CV, 299 SW3d 519, 10-30-09)
agreed motion to dismiss petition for writ of mandamus granted
stay order issued November 9, 2009, lifted

THE SUPREME COURT OF TEXAS

Orders Pronounced April 20, 2010

MISCELLANEOUS

THE MOTIONS FOR TEMPORARY RELIEF IN THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-0270 IN RE GENE E. PHILLIPS, INDIVIDUALLY, AND D/B/A PHILLIPS OIL INTERESTS, ET AL.; from Harris County; 1st district emergency motion for stay or, alternatively, for expedited consideration denied

[**Note:** The petition for writ of mandamus remains pending before this Court. The parties are to immediately notify this Court of the ruling from the Court of Appeals on the petition for writ of mandamus.]

(Justice Guzman not sitting)

10-0272 IN RE ALBERT G. HILL, III AND ERIN HILL; from Dallas County; 5th district motion for emergency stay denied

[**Note:** The petition for writ of mandamus remains pending before this Court. The parties are to immediately notify this Court of the ruling from the Court of Appeals on the petition for writ of mandamus.]

THE SUPREME COURT OF TEXAS

Orders Pronounced April 22, 2010

MISCELLANEOUS

RELATOR IS ORDERED RELEASED ON BOND IN THE FOLLOWING PETITION
FOR WRIT OF HABEAS CORPUS PROCEEDING:

10-0255 IN RE MARK D. LUEBE; from Harris County; 1st district
(01-09-00908-CV, ___ SW3d ___, 04-02-10)
application for emergency relief granted
conditioned upon \$250 bond

The petition for writ of habeas corpus remains pending before this court.

THE SUPREME COURT OF TEXAS

Orders Pronounced April 23, 2010

ORDERS ON CAUSES

08-0958 PRESIDIO INDEPENDENT SCHOOL DISTRICT v. ROBERT SCOTT, AS COMMISSIONER OF EDUCATION; from Travis County; 3rd district (03-07-00319-CV, 266 SW3d 531, 08-28-08)

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

Justice Guzman delivered the opinion of the Court.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

09-1003 MAG INSTRUMENT, INC. v. G.T. SALES, INC., D/B/A INVESTMENT RECOVERY SERVICES; from Dallas County; 5th district (05-07-01574-CV, 294 SW3d 800, 08-24-09)

10-0042 ISABEL CRAWFORD, INDIVIDUALLY AND A/N/F ISABELLA CRAWFORD v. RICHARD CLARK AND DIANNE CLARK; from Montgomery County; 11th district (11-08-00015-CV, ___ SW3d ___, 09-17-09)

10-0109 PAUL JAMES KOUMJIAN v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTION DIVISION AND UNIVERSITY OF TEXAS MEDICAL BRANCH, CORRECTIONAL MANAGED CARE; from Walker County; 10th district (10-08-00141-CV, ___ SW3d ___, 11-25-09)
as reinstated
abatement order issued March 29, 2010, lifted
motion to stay dismissed as moot

10-0123 ROBERT E. SPINKS, JR. v. MARVIN R. BROWN, M.D.; from Bexar County; 4th district (04-08-00877-CV, ___ SW3d ___, 02-03-10)

- 10-0138 NAITH GRIFFIN, JR. v. VIRGIL GRIFFIN; from Burleson County; 10th district (10-08-00327-CV, ___ SW3d ___, 01-13-10)
- 10-0140 JOHN W. NABORS ET UX, SHELLI NABORS v. ARCH C. MCCOLL AND MCCOLL AND MCCOLLOCH, P.L.L.C.; from Dallas County; 5th district (05-08-01491-CV, ___ SW3d ___, 01-25-10)
- 10-0147 HARVEY BRAMLETT, JR. v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE AND KEITH CLENDENNEN; from Potter County; 7th district (07-09-00381-CV, ___ SW3d ___, 01-08-10)
- 10-0161 CLIFFORD ALEXANDER, ET AL. v. CITY OF AUSTIN; from Travis County; 3rd district (03-08-00594-CV, 302 SW3d 885, 11-20-09)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

- 10-0099 THE WCM GROUP, INC. v. SHARON BROWN, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF WENDELL BROWN, DECEASED AND AS NEXT FRIEND OF MINOR CHILD BRANDON MICHAEL BROWN AND ANDREW CLARK BROWN; from Nueces County; 13th district (13-08-00305-CV, 305 SW3d 222, 11-19-09)
joint motion to dismiss petition for review granted

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0625 BAY ROCK OPERATING COMPANY v. ST. PAUL SURPLUS LINES INSURANCE CO. AS SUBROGEE & REAL PARTY IN INTEREST FOR HOLLIMON OIL CORP., FELICIANA CORP., DUNCAN UNDERWOOD, EVERETT DESHA, & SEELIGSON OIL COMPANY, LTD.; from Bexar County; 4th district (04-08-00180-CV, 298 SW3d 216, 04-01-09)
- 09-0812 CHARLES THOMAS IVEY v. DENYCE ANN IVEY; from Dallas County; 5th district (05-07-01311-CV, ___ SW3d ___, 05-12-09)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0148 IN RE ARTURO NERI PRADO; from Gillespie County
- 10-0214 IN RE RUPE INVESTMENT CORPORATION; from Dallas County; 5th district
- 10-0236 IN RE EX PARTE FLOYD PLEASANT TARVIN IV
as supplemented
first motion for jurisdictional remand to probate court for writ of habeas corpus, being treated as a petition for writ of mandamus, denied

See TEX. R. APP. P. 52.3(e)

- 10-0259 IN RE BORIS TWAIN CLEWIS; from Harris County; 14th district
(14-10-00086-CV, ___ SW3d ___, 02-18-10)
petition for review, being treated as a petition for writ of mandamus, denied
motion to request record denied

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

- 10-0238 IN RE UNIVERSAL UNDERWRITERS OF TEXAS INSURANCE
COMPANY; from Tarrant County; 2nd district
(02-10-00013-CV, ___ SW3d ___, 03-23-10)
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 April 26, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0281 IN RE WEEKS MARINE, INC. & ATLANTIC SOUNDING CO., INC.; from Harris County; 14th district (14-10-00275-CV, ___ SW3d ___, 04-22-10) motion for emergency relief requesting a temporary stay of the trial court's discovery orders denied

THE SUPREME COURT OF TEXAS

Orders Pronounced April 29, 2010

MISCELLANEOUS

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

10-0294 IN RE MICHAEL WOLFE; from Harris County; 1st district
(01-10-00302-CV, ___ SW3d ___, 04-27-10)
request for temporary emergency stay granted
requested response due by 3:00 p.m., May 14, 2010

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

THE SUPREME COURT OF TEXAS

Orders Pronounced April 30, 2010

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0804 FRANK P. SANTULLI, III v. TEXAS STATE BOARD OF LAW EXAMINERS; from Travis County; 3rd district (03-06-00392-CV, ___ SW3d ___, 04-10-09)
- 10-0059 GARY WILLIAMS v. THE PERSONAL REPRESENTATIVES OF THE ESTATE OF HERMAN GLASS, GLASS TEXACO DISTRIBUTORS, INC., MOTIVA ENTERPRISES, LLC AND BORDERS & LONG OIL, INC.; from Anderson County; 12th district (12-07-00312-CV, ___ SW3d ___, 10-14-09)
- 10-0127 ALLEGHENY CASUALTY AGENT, JIM ALEXANDER D/B/A AAA BAIL BONDS v. DAVID WALKER, WISE COUNTY SHERIFF; from Wise County; 2nd district (02-09-00102-CV, ___ SW3d ___, 12-10-09)
- 10-0131 IN THE MATTER OF THE EXPUNCTION OF ALBERTO OCEGUEDA A/K/A ALBERTO OSEGUEDA; from El Paso County; 8th district (08-08-00283-CV, 304 SW3d 576, 01-13-10)
- 10-0170 KIM HACKLER, INDIVIDUALLY AND AS NEXT FRIEND FOR C.H., A MINOR AND STEVE HACKLER, INDIVIDUALLY AND AS NEXT FRIEND FOR C.H. v. JERRY HOLLINGSWORTH AND KENNETH ANDERSON; from Tarrant County; 2nd district (02-08-00401-CV, 303 SW3d 884, 12-31-09)
- 10-0180 ISRAEL GARCIA, ET AL. v. RICHARD GARZA, AS INDEPENDENT EXECUTOR OF THE ESTATE OF HOMER DEAN, JR., DECEASED, DEAN PARTNERS, LTD. AND B.J. SHEPHERD; from Brooks County; 4th district (04-09-00163-CV, ___ SW3d ___, 02-03-10)

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0730 CLAIRMONT LONGVIEW, LP AND CLAIRMONT LONGVIEW GP, LLC
v. STATE OF TEXAS; from Travis County; 3rd district
(03-06-00573-CV, ___ SW3d ___, 07-14-09)
- 09-0934 JANET LYN GRIMMET v. SHEILA ARTHUR AND DAVID MAGIERA;
from Crockett County; 8th district
(08-07-00040-CV, ___ SW3d ___, 08-12-09)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 10-0199 IN RE BRIAN ANGOVE SMALE; from Collin County; 5th district
(05-09-01551-CV, ___ SW3d ___, 01-22-10)

THE FOLLOWING MOTION TO CONSOLIDATE IS GRANTED:

- 10-0272 IN RE ALBERT G. HILL, III AND ERIN HILL; from Dallas County; 5th
district (05-10-00447-CV, ___ SW3d ___, 04-21-10)

- consolidated with -

- 10-0292 IN RE ALBERT G. HILL, III AND ERIN HILL; from Dallas County; 5th
district (05-10-00447-CV, ___ SW3d ___, 04-21-10)

- consolidated with -

- 10-0293 IN RE ALBERT G. HILL, III AND ERIN HILL; from Dallas County; 5th
district (05-10-00463-CV, ___ SW3d ___, 04-23-10)
motion to consolidate original proceedings granted

THE MOTION IN THE FOLLOWING CASE IS DENIED:

10-0255 IN RE MARK D. LUEBE; from Harris County; 1st district
(01-09-00908-CV, ___ SW3d ___, 04-02-10)
motion for stay denied

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

THE SUPREME COURT OF TEXAS

Orders Pronounced May 7, 2010

ORDERS ON CAUSES

07-1042 ERI CONSULTING ENGINEERS, INC. AND LARRY G. SNODGRASS v. J. MARK SWINNEA, BRADY ENVIRONMENTAL, INC., AND MALMEBA COMPANY, LTD.; from Smith County; 12th district (12-05-00428-CV, 236 SW3d 825, 08-30-07)

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

Justice Green delivered the opinion of the Court.

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

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

Justice Medina delivered the opinion of the Court.

Justice Willett delivered a concurring opinion.

08-0580 GEOFFREY ZIMMERMAN, M.D. v. WENDY GONZALEZ ANAYA, INDIVIDUALLY AND A/N/F OF CHRISTOPHER GABRIEL HERNANDEZ, DECEASED; from Harris County; 1st district (01-07-00570-CV, ___ SW3d ___, 06-05-08)

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 that court.

Per Curiam Opinion

08-0970 SCOTT AND WHITE MEMORIAL HOSPITAL AND SCOTT, SHERWOOD AND BRINDLEY FOUNDATION v. GARY FAIR AND

LINDA FAIR; from Bell County; 3rd district
(03-06-00211-CV, ___ SW3d ___, 06-13-08)

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

Chief Justice Jefferson delivered the opinion of the Court.

09-0317 IN RE ENSCO OFFSHORE INTERNATIONAL COMPANY, ENSCO INTERNATIONAL INCORPORATED AND ENSCO OFFSHORE COMPANY, INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST OF CHILES OFFSHORE, INC.; from Dallas County; 5th district
(05-08-01092-CV, ___ SW3d ___, 08-19-08)

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

Per Curiam Opinion

09-0427 CITY OF DALLAS v. OLIVIA J. CARBAJAL; from Dallas County; 5th district
(05-08-00500-CV, 278 SW3d 802, 01-22-09)

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

09-0786 IN RE ODYSSEY HEALTHCARE, INC. AND GEORGE PORTILLO; from El Paso County; 8th district (08-09-00174-CV, ___ SW3d ___, 08-12-09)
stay order issued October 9, 2009, lifted

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

Per Curiam Opinion

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

05-0748 SOUTHWESTERN BELL TELEPHONE COMPANY v. MARKETING ON HOLD, INC. D/B/A SOUTHWEST TARIFF ANALYST; from Cameron County; 13th district (13-03-00287-CV, 170 SW3d 814, 08-04-05)
motion to recuse Justice Wainwright denied

(Justice Wainwright and Justice Guzman not sitting)

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

05-0748 SOUTHWESTERN BELL TELEPHONE COMPANY v. MARKETING ON HOLD, INC. D/B/A SOUTHWEST TARIFF ANALYST; from Cameron County; 13th district (13-03-00287-CV, 170 SW3d 814, 08-04-05)

(Justice Guzman not sitting)

07-0135 EAST TEXAS SALT WATER DISPOSAL COMPANY, INC. v. RICHARD LEON WERLINE; from Gregg County; 6th district
(06-06-00039-CV, 209 SW3d 888, 12-18-06)

07-0871 IN RE UNITED SERVICES AUTOMOBILE ASSOCIATION; from Bexar County; 4th district (04-07-00464-CV, ___ SW3d ___, 10-17-07)

(Justice Johnson not sitting)

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)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

09-0753 JAMES DERWOOD ILIFF v. JERILYN TRIJE ILIFF; from Hays County; 3rd district (03-08-00382-CV, ___ SW3d ___, 07-21-09)

[**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:

- 09-0144 TEXAS SOUTHERN UNIVERSITY v. MARY GILFORD; from Harris County; 1st district (01-08-00399-CV, 277 SW3d 65, 01-08-09)
- 09-0246 ROSE BARTON, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CHRISTOPHER MARTIN DEAN v. WHATABURGER, INC.; from Harris County; 1st district (01-06-01121-CV, 276 SW3d 456, 07-31-08)
- 09-0447 OBSTETRICAL AND GYNECOLOGICAL ASSOCIATES, P.A. v. ANDRE MCCOY, INDIVIDUALLY AND AS PERMANENT GUARDIAN OF SHANNON MILES MCCOY, AN INCAPACITATED PERSON; from Harris County; 14th district (14-08-00762-CV, 283 SW3d 96, 04-09-09)
- 09-0588 MARSHA DAWN WEISS v. PINNACLE CONSTRUCTION OF AUSTIN, TEXAS; from Travis County; 3rd district (03-08-00089-CV, ___ SW3d ___, 03-27-09)
- 09-0704 ESTATE OF HENRY H. BLANKENSHIP; from Bexar County; 4th district (04-08-00043-CV, ___ SW3d ___, 05-06-09)
- 09-0895 CELANESE LTD. v. SOUTHERN CHEMICAL CORPORATION; from Harris County; 14th district (14-08-00348-CV, ___ SW3d ___, 09-10-09)
2 petitions
- 09-0950 ERIC PONCON AND MORGAN'S ROCK HACIENDA AND ECOLOGE v. JOHN AND NANCI LAMAR; from Harris County; 1st district (01-08-01036-CV, 305 SW3d 130, 10-01-09)
- 09-0953 BOB CHAMBERS, ET AL. v. GERALD TREECE, EXECUTOR OF THE ESTATE OF JOHN M. O'QUINN, DECEASED, JOHN M. O'QUINN, P.C. AND JOHN M. O'QUINN D/B/A O'QUINN & LAMINACK; from Harris County; 1st district (01-04-01029-CV, 305 SW3d 141, 10-01-09)
- 09-1009 DHIREN PATEL, D.O., DHIREN PATEL, D.O., P.A. AND SOLACE COUNSELING ASSOCIATES v. JAMES DAVID MICHELL; from Dallas County; 5th district (05-08-01666-CV, ___ SW3d ___, 10-20-09)
- 09-1034 WALTER LEE HALL, JR., IN ALL NECESSARY CAPACITY v. HSBC MORTGAGE SERVICES INC., ITS SUCCESSORS AND ASSIGN; from

Travis County; 3rd district (03-08-00469-CV, ___ SW3d ___, 08-13-09)

- 09-1038 AAG LAS VEGAS, L.L.C., ASCENT AUTOMOTIVE GROUP, L.P. AND KW#1 ACQUISITION COMPANY, L.L.C. v. DAVID M. GONZALEZ; from Harris County; 1st district (01-08-00377-CV, ___ SW3d ___, 10-29-09)
- 09-1048 INFORMATION SERVICES GROUP, INC., TECHNOLOGY PARTNERS INTERNATIONAL, INC. AND TPI EUROSOURCING, L.L.C. v. TONY RAWLINSON; from Harris County; 14th district (14-09-00242-CV, 302 SW3d 392, 11-05-09)
- 09-1051 FRIENDSWOOD INDEPENDENT SCHOOL DISTRICT AND PATRICIA HANKS v. NANCY KESSLING; from Galveston County; 14th district (14-07-01063-CV, 302 SW3d 373, 11-03-09)
- 09-1054 BRET "DOC" BERKMAN v. CITY OF KEENE; from Johnson County; 10th district (10-08-00073-CV, ___ SW3d ___, 11-04-09)
motion to dismiss for want of jurisdiction dismissed as moot
- 09-1069 TONY CANTU v. JOHN E. MAHER, THOMAS TOLLETT, TOMMY'S RESTAURANT MANAGEMENT COMPANY; from Harris County; 14th district (14-07-00584-CV, ___ SW3d ___, 08-25-09)
as redrafted
- 09-1073 DIANE GARRETT, AS NEXT FRIEND OF CHEYENNE GARRETT v. PATTERSON-UTI DRILLING COMPANY, L.P. AND RICKY WHITE; from Scurry County; 11th district (11-08-00230-CV, 299 SW3d 911, 11-05-09)
as redrafted
- 09-1088 SCOTT MORGAN RESIDENTIAL, INC. v. BRAY ABARCA AND JUAN CARLOS SANCHEZ; from Harris County; 1st district (01-07-00813-CV, 305 SW3d 110, 09-24-09)
- 10-0029 FWT, INC. v. HASKIN WALLACE MASON PROPERTY MANAGEMENT, L.L.P.; from Tarrant County; 2nd district (02-08-00321-CV, 301 SW3d 787, 11-25-09)

- 10-0037 MARGARET JOSEPHINE DELVIN-WEINHEIMER v. EDMUND A. WEINHEIMER, JR.; from Wharton County; 13th district (13-08-00546-CV, ___ SW3d ___, 12-03-09)
as redrafted
- 10-0058 KANSAS CITY SOUTHERN AND THE TEXAS MEXICAN RAILWAY COMPANY v. PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS; from Nueces County; 13th district (13-09-00212-CV, 305 SW3d 296, 12-10-09)

(Justice Green not sitting)

- 10-0078 JUDY LAWRENCE v. DESIREE ALEXIS STAFFORD, INDIVIDUALLY AND AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF ALEX RAY STAFFORD, DECEASED, AND AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF MARTIN STAFFORD, DECEASED; from Dallam County; 7th district (07-08-00053-CV, ___ SW3d ___, 12-21-09)
- 10-0087 ELEVEN THOUSAND ONE HUNDRED EIGHTY NINE DOLLARS (CHAD DAVIS) v. THE STATE OF TEXAS; from San Jacinto County; 9th district (09-08-00445-CV, ___ SW3d ___, 08-27-09)
- 10-0208 MONZER HOURANI AND CARLTON PARK OWNER'S ASSOCIATION v. JONATHAN KATZEN; from Harris County; 1st district (01-07-00971-CV, 305 SW3d 239, 11-25-09)

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

- 10-0213 SAVE OUR SPRINGS ALLIANCE, INC. v. CITY OF DRIPPING SPRINGS, TODD PURCELL IN HIS OFFICIAL CAPACITY AS MAYOR, CYPRESS-HAYS, L.P., AND MAK FOSTER RANCH, L.P.; from Hays County; 3rd district (03-04-00683-CV, 304 SW3d 871, 02-11-10)

The Court strikes the petition for review with the following notation: "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 by May 17, 2010."

10-0280 IN RE COMMITMENT OF SETH HILL; from Montgomery County; 9th district (09-08-00482-CV, ___ SW3d ___, 03-25-10)

The Court strikes the petition for review with the following notation: "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 by May 17, 2010."

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

09-0978 GREGORY SIMMONS v. HOLLYVIEW APARTMENTS; from Harris County; 1st district (01-08-00231-CV, ___ SW3d ___, 09-24-09)

ORDERS ON MOTIONS FOR REHEARING

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

07-0393 BALLY TOTAL FITNESS CORPORATION v. BRIAN AKIN, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF TED AKIN; from Tarrant County; 10th district (10-05-00280-CV, ___ SW3d ___, 02-14-07)

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)

09-0146 FRED SAMSON v. JAMES MANLEY AND DON JACKSON; from Harris County; 14th district (14-07-01085-CV, ___ SW3d ___, 10-06-09)

09-0199 CONEX INTERNATIONAL CORPORATION v. FLUOR ENTERPRISES, INC. F/K/A FLUOR DANIEL, INC. AND LESLIE ANTALFFY; from Jefferson County; 9th district (09-07-00100-CV, 273 SW3d 426, 12-18-08)
2 motions for rehearing

- 09-0601 GERALD W. HADDOCK v. WILLIAM F. QUINN, PAUL E. ROWSEY, III, JOHN GOFF, TERRY N. WORRELL, CRESCENT REAL ESTATE EQUITIES COMPANY, CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP AND CRESCENT REAL ESTATE EQUITIES, LTD.; from Tarrant County; 2nd district (02-06-00472-CV, 287 SW3d 158, 02-26-09)
- 09-0659 IN THE MATTER OF B.D.S.D.; from Harris County; 14th district (14-07-01079-CV, 289 SW3d 889, 06-18-09)
- 09-0696 IDAHO NORTHERN & PACIFIC RAILROAD COMPANY v. FAWCETT, LTD.; from Palo Pinto County; 11th district (11-07-00154-CV, 293 SW3d 240, 05-14-09)
- 09-0723 VIRGINIA POWER ENERGY MARKETING, INC. AND DOMINION RESOURCES, INC. v. APACHE CORPORATION; from Harris County; 14th district (14-07-00787-CV, 297 SW3d 397, 08-06-09)

(Justice Guzman not sitting)

- 09-0931 SPIN DOCTOR GOLF, INC. v. PAYMENTECH, L.P.; from Dallas County; 5th district (05-08-00458-CV, 296 SW3d 354, 09-18-09)

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

- 10-0066 IN RE WILLIAM H. WYTTEBACH; from Hidalgo County; 13th district (13-09-00535-CV, ___ SW3d ___, 10-01-09)
as amended

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 09-0186 IN RE BROWNSVILLE-VALLEY REGIONAL MEDICAL CENTER, INC.; from Cameron County; 13th district (13-09-00047-CV, ___ SW3d ___, 02-19-09)
- 09-0486 IN RE MIKE HOOKS, INC.; from Starr County; 4th district (04-09-00240-CV, ___ SW3d ___, 05-27-09)
stay order issued December 16, 2009, lifted

- 09-1047 IN RE RVOS FARM MUTUAL INSURANCE COMPANY; from Orange County; 9th district (09-09-00298-CV, ___ SW3d ___, 08-27-09) as redrafted
- 10-0105 IN RE HARLINGEN MEDICAL CENTER; from Cameron County; 13th district (13-09-00625-CV, ___ SW3d ___, 01-06-10)
- 10-0156 IN RE BOMBARDIER INC., BOMBARDIER AEROSPACE CORPORATION AND LEARJET INC.; from Dallas County; 5th district (05-09-01513-CV, ___ SW3d ___, 01-26-10) stay order issued March 12, 2010, lifted
- 10-0305 IN RE A & C BUILDERS, INC.; from Harris County; 14th district (14-10-00304-CV, ___ SW3d ___, 04-22-10) petition for review, being treated as a petition for writ of mandamus, denied motion to stay denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 09-0761 IN RE ART HARRIS; from Harris County; 1st district (01-09-00771-CV, ___ SW3d ___, 04-22-10) motion to dismiss petition for writ of mandamus without prejudice as moot, granted stay order issued September 11, 2009, lifted

(Justice Hecht not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced May 13, 2010

MISCELLANEOUS

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

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)
renewed motion for temporary relief granted
stay order issued
motion for leave to file supplemental brief granted
request to stay this Court's decision dismissed as moot

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

THE SUPREME COURT OF TEXAS

Orders Pronounced May 14, 2010

ORDERS ON CAUSES

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

Justice O'Neill delivered the opinion of the Court.

08-0941 THE TRAVELERS INSURANCE COMPANY (THE AUTOMOBILE INSURANCE COMPANY OF HARTFORD CONNECTICUT) v. BARRY JOACHIM; from Lubbock County; 7th district (07-06-00322-CV, 279 SW3d 812, 09-25-08)

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

Justice Green delivered the opinion of the Court.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0063 TAMARA PRINCE v. DAVID L. FOREMAN, D/B/A J&D CONTRACTORS AND GEORGE WESLEY HAIR, JR.; from Tarrant County; 2nd district (02-08-00495-CV, ___ SW3d ___, 01-07-10)

10-0073 BEN RICHARD DRUM v. CYNTHIA FIGUEROA CALHOUN, AMERICAN STATES INSURANCE COMPANY SAFECO SURETY AND UNITRIN BUSINESS INSURANCE, ET AL.; from Dallas County; 5th district (05-07-01520-CV, 299 SW3d 360, 08-25-09)

10-0233 BUCK GLOVE COMPANY v. JON T. NEUBAUM AND BARBARA NEUBAUM; from Montgomery County; 9th district (09-08-00491-CV, 302 SW3d 912, 12-31-09)

ORDERS ON MOTIONS FOR REHEARING

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

09-1050 IN THE INTEREST OF J.D.D. & M.R.D.; from Bexar County; 4th district (04-08-00930-CV, ___ SW3d ___, 09-02-09)

10-0036 GEORGE R. NEELY v. COMMISSION FOR LAWYER DISCIPLINE; from Harris County; 14th district (14-08-00526-CV, 302 SW3d 331, 09-10-09)

10-0173 REZA VAFAIYAN v. WICHITA COUNTY, TEXAS; from Wichita County; 2nd district (02-08-00465-CV, ___ SW3d ___, 08-06-09)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

10-0338 IN THE MATTER OF THE ESTATE OF MARIE MAGDALENA KRIEGEL; from Parmer County

THE FOLLOWING CASE IS REINSTATED:

10-0258 ARNOLDO CASAS, ET AL. v. MICHAEL B. SILVA, ET AL.; from Duval County; 4th district (04-09-00105-CV, ___ SW3d ___, 02-24-10) abatement order issued April 16, 2010, lifted petition reinstated

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-0207 IN RE CONNIE VASQUEZ HARRISON; from Harris County; 1st district
(01-10-00232-CV, ___ SW3d ___, 03-25-10)
as amended

(Justice Guzman not sitting)

10-0241 IN RE HICKS EDWARD ELLIFF, JR.

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

10-0077 IN RE PROGRESSIVE COUNTY MUTUAL INSURANCE COMPANY;
from Dallas County; 5th district (05-10-00094-CV, ___ SW3d ___, 01-27-10)
stay order issued February 5, 2010, lifted
unopposed motion to dismiss granted

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

10-0335 IN RE BARBARA REGINA SCHLEIN; from Galveston County; 1st district
(01-10-00283-CV, ___ SW3d ___, 04-15-10)

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 SUPREME COURT OF TEXAS

Orders Pronounced May 20, 2010

MISCELLANEOUS

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

10-0365 IN RE THE FROST NATIONAL BANK; from Bexar County; 4th district
(04-10-00381-CV, ___ SW3d ___, 05-19-10)
emergency motion for temporary relief to stay orders granted
stay order issued
requested response due by 3:00 p.m., June 4, 2010

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

THE SUPREME COURT OF TEXAS

Orders Pronounced May 21, 2010

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0190 MARY MOROLES v. DOCTORS HOSPITAL AT RENAISSANCE, LTD.;
from Hidalgo County; 13th district
(13-09-00425-CV, ___ SW3d ___, 02-18-10)
- 10-0355 IN THE INTEREST OF J.A.W. AND S.P.W., MINOR CHILDREN; from
Gregg County; 6th district (06-09-00068-CV, ___ SW3d ___, 04-01-10)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

- 10-0372 IN RE BEN HAROLD MOORE, JR., M.D.; from Kleberg County; 13th
district (13-10-00295-CV, ___ SW3d ___, 05-20-10)
motion for emergency stay denied

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

- 09-0973 IN RE ROCKFISH SEAFOOD GRILL, INC. D/B/A ROCKFISH; from
Tarrant County; 2nd district (02-09-00338-CV, ___ SW3d ___, 11-13-09)
agreed motion to dismiss original proceeding granted

THE MOTION IN THE FOLLOWING CASE IS DENIED:

- 09-0979 TERRA XXI, LTD., ET AL. v. AG ACCEPTANCE CORPORATION, AG
SERVICES OF AMERICA, INC. AND THEIR SUCCESSOR, RABO AG
SERVICES, INC.; from Deaf Smith County; 7th district
(07-07-00374-CV, ___ SW3d ___, 07-21-09)
motion to abate denied

THE SUPREME COURT OF TEXAS

Orders Pronounced May 27, 2010

MISCELLANEOUS

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

10-0383 IN RE B.T., A JUVENILE; from Smith County; 12th district
(12-10-00141-CV, ___ SW3d ___, 05-21-10)
motion for emergency relief granted
stay order issued
requested response due by 3:00 p.m., June 7, 2010

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

THE SUPREME COURT OF TEXAS

Orders Pronounced May 28, 2010

ORDERS ON CAUSES

09-0415 LEILA REGENIA BROWN HIDALGO v. ALVIN STEVE HIDALGO;
from Dallas County; 5th district (05-06-00966-CV, 279 SW3d 456, 02-25-09)

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

09-0772 TEXAS HEALTH INSURANCE RISK POOL v. SHARON B. SIGMUNDIK, BENJAMIN J. SIGMUNDIK AND ZACHARY P. SIGMUNDIK, AS THE SOLE AND LEGAL HEIRS AND BENEFICIARIES OF THOMAS M. SIGMUNDIK, DECEASED, AND/OR OF THE ESTATE OF THOMAS M. SIGMUNDIK, DECEASED; OTTO L. MONECKE AND VIRGINIA L. MONECKE; from Fayette County; 3rd district (03-05-00057-CV, ___ SW3d ___, 07-31-09)

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

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

08-0833 ANGLO-DUTCH PETROLEUM INTERNATIONAL, INC. AND ANGLO-DUTCH (TENGE) L.L.C. v. GREENBERG PEDEN, P.C. AND GERARD J. SWONKE; from Harris County; 14th district
(14-07-00343-CV, 267 SW3d 454, 08-26-08)

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

(Justice Guzman not sitting)

09-0191 HYDE PARK BAPTIST CHURCH v. TARA TURNER AND TERRY CURTIS, INDIVIDUALLY AND AS NEXT FRIENDS OF P.C., A MINOR; from Travis County; 3rd district
(03-07-00437-CV, ___ SW3d ___, 01-30-09)

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

09-0226 AMERICAN HOME ASSURANCE COMPANY AND ILLINOIS NATIONAL INSURANCE COMPANY v. MARYLAND CASUALTY COMPANY; from Harris County; 1st district
(01-07-00711-CV, 277 SW3d 107, 01-29-09)

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

09-0544 JEREMY MOLINET v. PATRICK KIMBRELL, M.D. AND JOHN HORAN, M.D.; from Bexar County; 4th district
(04-08-00379-CV, 288 SW3d 464, 12-31-08)

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

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

09-0520 IN RE COY REECE; from Dallas County; 5th district
(05-09-00609-CV, ___ SW3d ___, 06-11-09)

[**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:

08-0335 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)
as reinstated
unopposed motion to dismiss for want of jurisdiction denied

09-0087 ELTON M. HYDER, III v. MARTHA ROWAN HYDER, INDIVIDUALLY
AND AS TRUSTEE UNDER THE WILL OF ELTON M. HYDER, JR.,
BRENT ROWAN HYDER AND WHITNEY HYDER MORE; from Tarrant
County; 5th district (05-07-01121-CV, ___ SW3d ___, 08-11-08)

(Justice O'Neill and Justice Guzman not sitting)

09-0162 VISTA COMMUNITY MEDICAL CENTER, LLP AND CHRISTUS
HEALTH GULF COAST v. TEXAS MUTUAL INSURANCE COMPANY,
LIBERTY MUTUAL INSURANCE COMPANY, ZENITH INSURANCE
COMPANY, ZURICH AMERICAN INSURANCE COMPANY AND
TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS'
COMPENSATION; from Travis County; 3rd district
(03-07-00682-CV, 275 SW3d 538, 11-13-08)

09-0310 TEXAS MUTUAL INSURANCE CO. F/K/A TEXAS WORKERS'
COMPENSATION INSURANCE FUND v. SONIC SYSTEMS
INTERNATIONAL, INC. AND RANDY CROIX, EDDIE CROIX
INSURANCE AGENCY, INC.; from Harris County; 14th district
(14-07-00103-CV, 278 SW3d 377, 08-27-08)

- 09-0580 ALLAN L. BURNS, INSULATION SUPPLY COMPANY, ISC BUILDING MATERIALS, INC. AND ISC BUILDING MATERIALS, L.P. v. LAWRENCE S. STANTON; from Dallas County; 6th district (06-08-00070-CV, 286 SW3d 657, 06-04-09)
- 09-0869 EXPO MOTORCARS, LLC v. HARRIS COUNTY APPRAISAL DISTRICT, HARRIS COUNTY APPRAISAL REVIEW BOARD; from Harris County; 1st district (01-08-00473-CV, ___ SW3d ___, 07-23-09)
as redrafted
- 09-0956 W. SCOTT MCCOLLOUGH v. TEXAS PUBLIC UTILITY COMMISSION; from Travis County; 13th district (13-07-00624-CV, ___ SW3d ___, 08-20-09)
- 09-1055 NANCY MCKENNA v. W & W SERVICES, INC.; from Anderson County; 12th district (12-09-00116-CV, 301 SW3d 336, 10-12-09)
as redrafted
- 10-0068 TEXAS DEPARTMENT OF PUBLIC SAFETY v. FRANK ALLOCCA; from Travis County; 3rd district (03-08-00624-CV, 301 SW3d 364, 11-13-09)
- 10-0074 LARRY DEAN SPEEGLE v. HARRIS METHODIST HEALTH SYSTEM AND HARRIS METHODIST FORT WORTH; from Tarrant County; 2nd district (02-08-00228-CV, 303 SW3d 32, 12-17-09)
- 10-0113 WEST CAMPUS RAMSEY PROPERTIES, LTD. v. ENCINAL CONDOMINIUM OWNERS' ASSOCIATION, INC.; from Travis County; 3rd district (03-09-00146-CV, ___ SW3d ___, 12-30-09)
- 10-0125 LANCE SHARP, LAURA SHARP, RON KIMBERLY JOHNSON AND CAROL JOHNSON v. RICHARD DEVARGA, KATHERINE MARGIOTTA, VICKI FAUST AND KIMBER CAVENDISH; from Travis County; 3rd district (03-05-00550-CV, ___ SW3d ___, 01-08-10)
- 10-0144 UNIVERSITY MEDICAL CENTER v. MARY B. HARRIS AND GREGORY E. HARRIS; from Lubbock County; 7th district (07-09-00127-CV, 302 SW3d 456, 11-19-09)
- 10-0146 CLAUDIA BAKER v. ALFRED ALLEN BAKER; from Bexar County; 4th district (04-09-00006-CV, ___ SW3d ___, 10-21-09)

- 10-0182 IN THE INTEREST OF M.K.S., A CHILD; from Dallas County; 5th district
(05-08-00568-CV, 301 SW3d 460, 12-01-09)
- 10-0188 PAUL SEBILE, SR., INDIVIDUALLY AND AS HEIR AND
REPRESENTATIVE OF THE ESTATE OF LAURA SEBILE, PAUL
SEBILE, JR., LAWRENCE C. SEBILE, ERIC SEBILE, DON C. SEBILE,
CLARA J. SEMIEN, FRANKIE L. COBB AND SHARON K. DEAN v.
BAPTIST HOSPITALS OF SOUTHEAST TEXAS D/B/A MEMORIAL
HERMANN BAPTIST BEAUMONT; from Jefferson County; 9th district
(09-09-00333-CV, ___ SW3d ___, 01-28-10)
- 10-0198 LIFE FORMS, INC. v. THE WOODLANDS OPERATING COMPANY, L.P.,
MS TWC, INC., TWC OPERATING LP AND TWC OPERATING LLC;
from Montgomery County; 9th district
(09-09-00091-CV, 304 SW3d 591, 01-14-10)
- 10-0234 ADAM E. SALAZAR v. PAULINE GARCIA DICKEY, FRANK EUGENE
DICKEY, ELIZABETH RODRIGUEZ CORONADO, ROBERTO D. ROSS,
M.D. AND SCI TEXAS FUNERAL SERVICES, INC.; from Bexar County;
4th district (04-08-00022-CV, ___ SW3d ___, 01-27-10)
- 10-0244 CHARLES DAVID HALLMAN v. KANDY HILL HALLMAN; from Wood
County; 6th district (06-09-00089-CV, ___ SW3d ___, 02-23-10)
- 10-0269 TRAVIS CONNALLY v. COUNTRYWIDE HOME LOANS, INC., AND
FANNIE MAE, A/K/A FEDERAL NATIONAL MORTGAGE
ASSOCIATION; from Franklin County; 6th district
(06-09-00055-CV, ___ SW3d ___, 03-05-10)

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

- 10-0369 JOSHUA BUSH v. DAVID PARKUS, M.D. AND CHRISTUS HEALTH;
from Jefferson County; 9th district
(09-09-00060-CV, ___ SW3d ___, 04-01-10)

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 7, 2010."

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0917 SHARNETTE HYTER v. HSBC BANK USA NATIONAL ASSOCIATION,
TRUSTEE FOR HOME EQUITY LOAN TRUST SERIES ACE 2005-HE7;
from Dallas County; 5th district (05-08-00969-CV, ___ SW3d ___, 07-13-09)
- 09-0918 PAULA BOLEWARE AND SHARNETTE HYTER v. US BANK
NATIONAL ASSOCIATION, AS TRUSTEE FOR THE STRUCTURED
ASSET INVESTMENT LOAN TRUST, 2005-9; from Dallas County; 5th
district (05-08-01102-CV, 293 SW3d 315, 07-14-09)
- 10-0046 YUMIN ZHAO v. LONE STAR ENGINE INSTALLATION CENTER, INC.;
from Dallas County; 5th district (05-09-01055-CV, ___ SW3d ___, 10-06-09)
- 10-0086 ROBERT RICHARD TAYLOR, II v. KATHY TAYLOR; from Tarrant
County; 2nd district (02-09-00035-CV, ___ SW3d ___, 12-17-09)
- 10-0100 ALONSO CHAPA v. HUE NGUYEN AND SOUTHWEST NATIONAL
BANK; from Harris County; 14th district
(14-08-00634-CV, 305 SW3d 316, 12-22-09)

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

- 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)
- 10-0067 IN RE MICHAEL NAWEE BLAIR

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 09-0414 IN RE LEILA REGENIA HIDALGO; from Dallas County; 5th district
(05-06-00966-CV, 279 SW3d 456, 02-25-09)
- 10-0139 IN RE JAMES ELBAOR, M.D.; from El Paso County; 8th district
(08-10-00053-CV, ___ SW3d ___, 02-24-10)
stay order issued March 10, 2010, lifted
- 10-0179 IN RE BOXER PROPERTY MANAGEMENT CORPORATION & 9343
NORTH LOOP, L.P.; from Harris County; 14th district
(14-09-01062-CV, ___ SW3d ___, 01-21-10)
- (Justice Guzman not sitting)
- 10-0279 IN RE C.R.S.; from Atascosa County; 4th district
(04-09-00814-CV, ___ SW3d ___, 02-10-10)
- 10-0344 IN RE PETITION OF EXECUTIVE EXPRESS AVIATION, S.A. DE C.V.;
from Bexar County; 4th district (04-09-00786-CV, ___ SW3d ___, 04-27-10)
motion for immediate temporary relief denied
- 10-0363 IN RE BARRY DWAYNE MINNFEE; from Fort Bend County; 1st district

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

- 10-0386 IN RE DALLAS COUNTY HOSPITAL DISTRICT D/B/A PARKLAND
HEALTH & HOSPITAL SYSTEM; from Dallas County; 5th district
(05-10-00515-CV, ___ SW3d ___, 05-18-10)
emergency motion for temporary relief granted
stay order issued
requested response due by 3:00 p.m., June 7, 2010

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

THE SUPREME COURT OF TEXAS

Orders Pronounced June 1, 2010

ORDERS ON PETITIONS FOR REVIEW

THE ABATEMENT ORDER IS EXTENDED IN THE FOLLOWING PETITION FOR REVIEW:

08-0773 GALLAGHER HEADQUARTERS RANCH DEVELOPMENT, LTD.,
CHRIS HILL AND JULIE HOOPER v. CITY OF SAN ANTONIO AND
CITY PUBLIC SERVICE; from Bexar County; 4th district
(04-07-00325-CV, 269 SW3d 628, 07-23-08)
joint motion to abate deadline to finalize the parties' settlement granted
abatement order issued extended

[**Note:** The abatement order issued February 12, 2010 is extended to June 16, 2010, by which time the parties must file either a status report or a motion to dismiss.]

(Justice Hecht not sitting)

MISCELLANEOUS

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

10-0398 IN RE CHRISTUS HEALTH AND CHRISTUS HEALTH GULF COAST;
from Harris County; 1st district
relator's emergency motion for temporary relief denied

[**Note:** The petition for writ of mandamus remains pending before this Court. It is the parties' responsibility to immediately notify this Court once the court of appeals has ruled on the petition.]

THE SUPREME COURT OF TEXAS

Orders Pronounced June 2, 2010

MISCELLANEOUS

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

10-0413 IN RE CHRISTUS HEALTH AND CHRISTUS HEALTH GULF COAST;
from Harris County; 1st district (01-10-00419-CV)
relator's emergency motion for temporary relief granted in part
stay order issued

[**Note:** The petition for writ of mandamus remains pending before this Court. It is the parties' responsibility to immediately notify this Court once the court of appeals has ruled on the petition.]

THE SUPREME COURT OF TEXAS

Orders Pronounced June 4, 2010

ORDERS ON CAUSES

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)

The Court affirms the court of appeals' judgment.

Justice Johnson delivered the opinion of the Court.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0075 CLIFFORD FAIRFAX v. PHYLLIS LARUE, NURSE PRACTITIONER, TEXAS DEPT. OF CRIMINAL JUSTICE - PAROLE DIVISION, W.P. (BILL) BATEN INTERMEDIATE SANCTION FACILITY; from Gray County; 7th district (07-09-00311-CV, ___ SW3d ___, 12-14-09)
- 10-0220 DIANA G. OFFORD, AS GUARDIAN OF THE ESTATE OF WINTER GORDON, JR. A/K/A WINTER GORDON, SR. v. WEST HOUSTON TREES, LLP; from Fort Bend County; 1st district (01-08-01027-CV, ___ SW3d ___, 02-11-10)
- 10-0257 RALPH CLARK v. RANDALLS FOOD; from Harris County; 1st district (01-08-00732-CV, ___ SW3d ___, 02-25-10)
- 10-0262 JOYCE WEST, AS TRUSTEE FOR THE WEST FAMILY TRUST, COMMERCIAL STRUCTURES AND INTERIORS INC. AND LLOYD WARD v. NORTHSTAR FINANCIAL CORPORATION D/B/A NORTHSTAR BANK OF TEXAS AND TONY R. CLARK, EDMOND S. BRIGHT, MYRA CROWNOVER, ROBERT W. GENTRY, KENT W. KEY, JOSEPH S. MULROY, PATRICK D. O'BRIEN, RONALD REINKE, RONALD F. SHERMAN AND RICHARD E. SMITH; from Denton County; 2nd district (02-08-00447-CV, ___ SW3d ___, 03-11-10)

10-0268 TUSCANY REALTY, LTD. v. TUSCANY GARDENS, LP.; from Denton County; 2nd district (02-07-00421-CV, ___ SW3d ___, 12-10-09)

ORDERS ON MOTIONS FOR REHEARING

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

09-1061 THE CITY OF ARLINGTON, TEXAS, CORPORAL JASON HUTSON, OFFICER DORA DEWALL, SERGEANT DANIEL HENNING, COURT CLERK NORMA WILLIAMS, JUDGE STEWART MILNER, JUDGE ROSALIA MADDOCK AND DOES 1-5 v. DARREN BRADLEY SWAIN; from Tarrant County; 2nd district (02-09-00038-CV, ___ SW3d ___, 10-08-09)

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

10-0246 IN RE BETTY LOU SHEERIN; from Bexar County; 4th district (04-09-00284-CV, ___ SW3d ___, 03-03-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-0288 IN RE R. WAYNE JOHNSON; from Travis County; 3rd district (03-10-00063-CV, ___ SW3d ___, 03-10-10)

10-0361 IN RE PETROHAWK ENERGY CORPORATION, PETROHAWK PROPERTIES, LP, ONE TEC, LLC AND FLOYD C. WILSON; from Tarrant County; 2nd district (02-10-00108-CV, ___ SW3d ___, 05-14-10)
motion for emergency temporary relief denied

10-0382 IN RE JAMES COSENTINO; from Hidalgo County; 13th district (13-10-00202-CV, ___ SW3d ___, 05-17-10)
emergency motion for stay denied
motion for injunctive relief denied

10-0391 IN RE WILLIAM CRAIG RILEY; from Travis County; 3rd district (03-10-00053-CV, ___ SW3d ___, 02-12-10)

10-0394 IN RE VICTOR DEL RIO; from Harris County

10-0395 IN RE LAKEITH AMIR-SHARIF; from Dallas County
motion for discretionary interest of justice appointment of counsel denied

See TEX. R. APP. P. 52.3(e)

10-0401 IN RE NEWTON B. SCHWARTZ, SR.; from Harris County; 1st district
(01-09-00806-CV, 01-09-00807-CV, ___ SW3d ___, 03-18-10)
motion for leave to file the petition dismissed as moot

10-0403 IN RE LAKEITH AMIR-SHARIF; from Dallas County
motion for discretionary interest of justice appointment of counsel denied

See TEX. R. APP. P. 52.3(e)

10-0406 IN RE LAKEITH AMIR-SHARIF; from Dallas County
motion for discretionary interest of justice appointment of counsel denied

See TEX. R. APP. P. 52.3(e)

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

10-0366 IN RE JOHN DOES 1 AND 2; from Jefferson County; 9th district
(09-10-00189-CV, ___ SW3d ___, 04-29-10)
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 June 7, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0425 IN RE ANODIZING GRAPHICS OF TEXAS, INC.; from Fort Bend County;
14th district (14-10-00463-CV, ___ SW3d ___, 05-24-10)
relator's emergency motion for temporary relief denied

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

10-0430 IN RE ATHENA RASMUSSEN; from Bexar County; 4th district
(04-10-00103-CV, ___ SW3d ___, 03-03-10)

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

THE SUPREME COURT OF TEXAS

Orders Pronounced June 8, 2010

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0422 IN RE THE SHED, LLC; from Van Zandt County; 12th district
(12-09-00202-CV, ___ SW3d ___, 05-28-10)
motion for emergency stay denied
- 10-0423 IN RE JOSEPHINE DOUGLAS-PETERS; from Dallas County; 5th district
motion for emergency stay denied

See TEX. R. APP. P. 52.3(e)

THE SUPREME COURT OF TEXAS

Orders Pronounced June 9, 2010

MISCELLANEOUS

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

10-0440 IN RE NORTHERN NATURAL GAS COMPANY; from Bexar County; 4th district (04-09-00284-CV, ___ SW3d ___, 03-03-10)

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

THE SUPREME COURT OF TEXAS

Orders Pronounced June 11, 2010

ORDERS ON CAUSES

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

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

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

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

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)

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

Justice O'Neill delivered the opinion of the Court.

08-0832 TEXAS DEPARTMENT OF CRIMINAL JUSTICE v. KIRK WAYNE MCBRIDE, SR.; from Bee County; 13th district (13-06-00472-CV, ___ SW3d ___, 07-31-08)

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 that court.

Chief Justice Jefferson delivered the opinion of the Court.

08-0961 MARIA DEL CARMEN GUILBOT SERROS DE GONZALEZ, ET AL. v. MIGUEL ANGEL GONZALEZ GUILBOT, CARLOS A. GONZALEZ GUILBOT, AND MARIA ROSA DEL ARENAL DE GONZALEZ; from Harris County; 14th district (14-07-00047-CV, 267 SW3d 556, 09-30-08)
2 petitions
request to take judicial notice dismissed as moot

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

Justice Willett delivered the opinion of the Court.

(Justice Guzman not sitting)

08-1001 THE UNIVERSITY OF HOUSTON v. STEPHEN BARTH; from Harris County; 1st district (01-06-00490-CV, 265 SW3d 607, 07-03-08)

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 that court.

Per Curiam Opinion

09-0292 ZENITH INSURANCE COMPANY v. CARMEN AYALA; from Dallas County; 5th district (05-08-00276-CV, ___ SW3d ___, 02-26-09) as supplemented

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 MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

08-0970 SCOTT AND WHITE MEMORIAL HOSPITAL AND SCOTT, SHERWOOD AND BRINDLEY FOUNDATION v. GARY FAIR AND LINDA FAIR; from Bell County; 3rd district (03-06-00211-CV, ___ SW3d ___, 06-13-08)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

09-0452 MISTY J. BROWN, D.D.S. v. TEXAS STATE BOARD OF DENTAL EXAMINERS; from Travis County; 13th district (13-06-00547-CV, 281 SW3d 692, 04-02-09)

- 09-0974 CARL D. DYESS A/N/F OF A.V. v. LEON HARRIS, DONNA L. HARRIS AND SPAULDING FOR CHILDREN; from Harris County; 1st district (01-08-00673-CV, ___ SW3d ___, 10-26-09)
- 10-0052 DANIEL J. KASPRZAK, PATRICIA C. KASPRZAK AND KATHERINE D. KASPRZAK v. PATRICIA VICE AND KATHIE SLOTTER; from Harris County; 1st district (01-08-00168-CV, ___ SW3d ___, 10-01-09)
request for sanctions denied
- 10-0106 DAWN JOHNSON WHATLEY, THE ESTATE OF PERRY LEE WHATLEY AND MICHAEL EASTON v. MYLUS JAMES WALKER, JR.; from Harris County; 14th district (14-06-00970-CV, 302 SW3d 314, 06-18-09)
- (Justice Guzman not sitting)
- 10-0119 ELIJAH RAGIRA v. VIP LODGING GROUP, ATMEX CORPORATION AND J. SANTOS ESPINOZA; from Tarrant County; 8th district (08-07-00182-CV, 301 SW3d 747, 11-12-09)
- 10-0120 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP v. MELVIN RAY MERCER; from Brazos County; 10th district (10-09-00250-CV, ___ SW3d ___, 12-30-09)
- 10-0130 JOHN ROBERT WHITE v. TONI MARIE PEREZ; from Tarrant County; 2nd district (02-09-00251-CV, ___ SW3d ___, 01-07-10)
- 10-0159 LEONARD ALLEN v. DOLLIE WEIR; from Angelina County; 12th district (12-09-00146-CV, 301 SW3d 923, 12-16-09)

10-0187 PAUL SEBILE, SR., INDIVIDUALLY AND AS HEIR AND REPRESENTATIVE OF THE ESTATE OF LAURA SEBILE, PAUL SEBILE, JR., LAWRENCE C. SEBILE, ERIC SEBILE, DON C. SEBILE, CLARA J. SEMIEN, FRANKIE L. COBB AND SHARON K. DEAN v. DR. JUAN MANUEL GONZALEZ; from Jefferson County; 9th district (09-09-00363-CV, ___ SW3d ___, 12-10-09)

10-0194 BOBBY HORTON AND LAWRENCE DEL PAPA, JR. v. EDWARDS AQUIFER AUTHORITY; from Uvalde County; 4th district (04-09-00375-CV, ___ SW3d ___, 02-03-10)

10-0205 DAVID HOLUBEC AND MARY HOLUBEC v. CARL BRANDENBERGER, INDIVIDUALLY AND AS NEXT FRIEND OF PAYTON BRANDENBERGER AND CARSON BRANDENBERGER, KATHY BRANDENBERGER AND FIRST MASON II, LTD.; from McCulloch County; 3rd district (03-07-00463-CV, ___ SW3d ___, 12-31-09)

(Justice Hecht and Justice Guzman not sitting)

10-0209 RICHARD HERNANDEZ v. ALLSTATE COUNTY MUTUAL INSURANCE COMPANY; from Bexar County; 4th district (04-09-00311-CV, ___ SW3d ___, 02-10-10)

10-0217 MARRS & SMITH PARTNERSHIP AND RICKEY SMITH v. PAGOSA OIL & GAS, L.L.C. AND SOMBRERO OIL & GAS COMPANY, L.L.C.; from Loving County; 8th district (08-07-00090-CV, ___ SW3d ___, 02-10-10)

10-0248 LARRY HENDERSON, ET AL. v. DANNY O. WATSON; from Grayson County; 5th district (05-08-01158-CV, ___ SW3d ___, 01-20-10)

10-0264 JAMES LEE SWEED v. JAY L. NYE AND THE TEXAS EQUAL ACCESS TO JUSTICE FOUNDATION; from El Paso County; 8th district (08-08-00095-CV, ___ SW3d ___, 02-24-10)

10-0267 CAROL JOHNENE MORRIS v. JEB HUGHES, CHAIRMAN OF THE BOARD/CHIEF EXECUTIVE OFFICER, ET AL. D/B/A COMMUNITY NATIONAL BANK; from Midland County; 11th district (11-08-00224-CV, ___ SW3d ___, 01-21-10)

- 10-0287 GERALD K. JOHNSON v. CHRISTINE EVANS AND FREDERICK M. EVANS; from Anderson County; 14th district (14-08-00610-CV, ___ SW3d ___, 02-09-10)
- 10-0301 MARIANO SALINAS, M.D. v. FRANCISCO DIMAS AND NORMA BENITEZ DIMAS, AS NEXT FRIENDS OF NEMESIO DIMAS, A MINOR AND HAROLD K. TUMMEL; from Hidalgo County; 13th district (13-09-00558-CV, ___ SW3d ___, 03-18-10)
- 10-0302 GRIMES COUNTY COMMISSIONERS' COURT, BETTY SHIFLETT, GRIMES COUNTY JUDGE, JOHN BERTLING, COUNTY COMMISSIONER PCT 1 AND PAM FINKE, COUNTY COMMISSIONER PCT 4 v. GREGORY R. MATTOX AND BARBARA WILKERSON; from Waller County; 14th district (14-08-00193-CV, 305 SW3d 375, 01-28-10)
- 10-0309 R. WAYNE JOHNSON v. DEANNA DAVIS, ET AL.; from El Paso County; 8th district (08-09-00077-CV, ___ SW3d ___, 03-24-10)

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED:

- 09-0242 GEORGE SAADE, M.D., MICHAEL BELFORT, M.D., RAKESH MANGAL, M.D. AND CHARLES MONIAK, M.D. v. MERCEDES VILLARREAL, AS NEXT FRIEND OF JUAN PABLO ELIZONDO, A MINOR; from Harris County; 14th district (14-07-00736-CV&14-07-00926-CV, 280 SW3d 511, 02-26-09)
motion to dismiss petition for mootness/lack of jurisdiction granted

(Justice Guzman not sitting)

- 10-0097 THE WCM GROUP, INC. v. NEIL CAMPONOVO, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JOEL ALLEN CAMPONOVO, DECEASED AND MARGARET CAMPONOVO; from Nueces County; 13th district (13-08-00306-CV, 305 SW3d 214, 11-19-09)
unopposed motion to dismiss petition for review granted

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

- 09-1035 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 (03-08-00762-CV, ___ SW3d ___, 08-14-09)

ORDERS ON MOTIONS FOR REHEARING

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

- 09-1003 MAG INSTRUMENT, INC. v. G.T. SALES, INC., D/B/A INVESTMENT RECOVERY SERVICES; from Dallas County; 5th district (05-07-01574-CV, 294 SW3d 800, 08-24-09)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

- 10-0388 IN THE MATTER OF THE ESTATE OF MARIE MAGDALENA KRIEGEL, DECEASED; from Parmer County

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0183 IN RE JIM HOLLIS, CHRISTOPHER JUUSOLA; 3rd district (03-09-00589-CV, ___ SW3d ___, 11-19-09)
emergency motion to stay dismissed as moot

(Justice Hecht and Justice Guzman not sitting)

- 10-0228 IN RE NICHOLAS XENOS; from Travis County; 3rd district (03-09-00418-CV, ___ SW3d ___, 01-19-10)
as redrafted
stay order issued April 5, 2010, lifted

- 10-0380 IN RE JASON MIEARS; from Bexar County; 4th district

(04-10-00212-CR, ___ SW3d ___, 04-07-10)
motion for stay denied

10-0387 IN RE PETER A.T. SARTIN; from Dallas County; 5th district
(05-10-00377-CV, ___ SW3d ___, 04-12-10)
motion for stay denied

10-0398 IN RE CHRISTUS HEALTH AND CHRISTUS HEALTH GULF COAST;
from Harris County; 1st district (01-10-00404-CV, ___ SW3d ___, 06-03-10)

10-0441 IN RE ROBERT (BOBBY) R. WIGHTMAN-CERVANTES; from Cameron
County
application for stay denied

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

10-0413 IN RE CHRISTUS HEALTH AND CHRISTUS HEALTH GULF COAST;
from Harris County; 1st district (01-10-00419-CV, ___ SW3d ___, 06-03-10)
stay order issued
stay order issued June 2, 2010, remains in effect
requested response due by 3:00 p.m., June 21, 2010

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

THE SUPREME COURT OF TEXAS

Orders Pronounced June 14, 2010

MISCELLANEOUS

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

10-0402 IN RE GERARDA ESCAMILLA LUNA, AS NEXT FRIEND OF MINORS
YAZMIN ALEJANDRA LOPEZ ESCAMILLA AND ANDREINA TORRES
ESCAMILLA; from Webb County; 4th district
(04-10-00333-CV, ___ SW3d ___, 05-26-10)
relator's 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 June 16, 2010

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-0377 IN RE WILLIAM JAMES REA, MD
motion for temporary relief denied

10-0409 IN RE WILLIAM JAMES REA, MD
motion for temporary relief denied

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

10-0430 IN RE ATHENA RASMUSSEN; from Bexar County; 4th district
(04-10-00103-CV, ___ SW3d ___, 03-03-10)
emergency motion for temporary relief granted
stay order issued
requested response due by 3:00 p.m., June 28, 2010

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

THE SUPREME COURT OF TEXAS

Orders Pronounced June 18, 2010

ORDERS ON CAUSES

08-1044 IN THE MATTER OF B.W.; from Harris County; 1st district
(01-07-00274-CV, 274 SW3d 179, 10-02-08)

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, in which Chief Justice Jefferson, Justice Hecht, Justice Medina, Justice Green, and Justice Guzman joined.

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

09-0224 WAL-MART STORES, INC. v. CHARLES T. MERRELL, SR., AS
WRONGFUL DEATH BENEFICIARY OF CHARLES THOMAS
MERRELL, II, DECEASED, AND AS REPRESENTATIVE OF THE
ESTATE OF CHARLES THOMAS MERRELL, II AND JANE CEVERNY,
AS WRONGFUL DEATH BENEFICIARY OF CHARLES THOMAS
MERRELL II, DECEASED; from Fannin County; 6th district
(06-07-00122-CV, 276 SW3d 117, 12-16-08)

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

(Justice Green not sitting)

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE IS DENIED:

09-0415 LEILA REGENIA BROWN HIDALGO v. ALVIN STEVE HIDALGO; from Dallas County; 5th district (05-06-00966-CV, 279 SW3d 456, 02-25-09) corrected opinion issued

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

08-0773 GALLAGHER HEADQUARTERS RANCH DEVELOPMENT, LTD., CHRIS HILL AND JULIE HOOPER v. CITY OF SAN ANTONIO AND CITY PUBLIC SERVICE; from Bexar County; 4th district (04-07-00325-CV, 269 SW3d 628, 07-23-08) joint motion to vacate and remand pursuant to settlement granted respondents' motion to dismiss pursuant to settlement dismissed as moot

Pursuant to Texas Rule of Appellate Procedure 56.3, without 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.

(Justice Hecht not sitting)

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

09-0942 IN RE MARK A. JACOBS, M.D., DEBRA C. GUNN, M.D. AND OBSTETRICAL AND GYNECOLOGICAL ASSOCIATES, P.A.; from Harris County; 14th district (14-09-00123-CV, 300 SW3d 35, 10-20-09)

[**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:

08-0485 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)
3 petitions
as reinstated

(Justice Willett and Justice Guzman not sitting)

09-0863 RGV HEALTHCARE ASSOCIATES, INC. & LEGEND RGV MCALLEN, LP D/B/A/ LEGEND TRANSITIONAL CARE MCALLEN v. OFELIA ESTEVIS, ODELIA MARROQUIN, ORFELINDA CARDENAS, DELIA FLORES, MIKE MARROQUIN, BALDEMAR MARROQUIN, OFELIA M. ESTEVIS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SANTOS MARROQUIN AND ESTATE OF SANTOS MARROQUIN; from Hidalgo County; 13th district (13-08-00113-CV, 294 SW3d 264, 07-02-09)

09-0896 DARLENE C. AMRHEIN v. LA MADELEINE, INC.; from Dallas County; 5th district (05-08-00350-CV, ___ SW3d ___, 06-30-09)
as redrafted
as reinstated

10-0132 ARTURO SOLIS v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE; from Coryell County; 10th district (10-09-00065-CV, ___ SW3d ___, 12-02-09)

10-0172 FRANCISCO BOADA AND IRMA BOADA v. TENET HOSPITALS LIMITED, A TEXAS LIMITED PARTNERSHIP, D/B/A PROVIDENCE MEMORIAL HOSPITAL; from El Paso County; 8th district (08-07-00329-CV, 304 SW3d 528, 10-21-09)

10-0230 CORNWALL PERSONAL INSURANCE AGENCY, INC., RONALD J. HETTLER AND ROBIN HETTLER v. ROBERT N. NEBB, MICHAEL H. CARPER AND LAW OFFICE OF MICHAEL H. CARPER, P.C.; from Lubbock County; 7th district (07-08-00450-CV, ___ SW3d ___, 02-02-10)

- 10-0265 FREDIA M. ALEXANDER v. ALLAN A. ALEXANDER; from Bell County; 3rd district (03-09-00158-CV, ___ SW3d ___, 02-19-10)
- 10-0296 FLOYD THOMAS v. HAROLD LAYTON; from El Paso County; 8th district (08-07-00266-CV, ___ SW3d ___, 03-17-10)
- 10-0313 ADAM E. SALAZAR v. SERVICE CORPORATION INTERNATIONAL, SCI TEXAS FUNERAL SERVICES, INC., ET AL.; from Bexar County; 4th district (04-08-00837-CV, ___ SW3d ___, 03-17-10)
- 10-0314 JERRY D. BRUMBAUGH v. JUSTICE JOHN ROBERTS, JUSTICE SAMUEL ALITO, JUSTICE RUTH B. GINSBURG, JUSTICE JOHN P. STEVENS, JUSTICE STEPHEN BREYER, JUSTICE DAVID SOUTER, JUSTICE CLARENCE THOMAS, JUSTICE ANTONIN SCALIA AND JUSTICE ANTHONY KENNEDY; from Travis County; 3rd district (03-09-00201-CV, ___ SW3d ___, 11-06-09)
- 10-0315 COLIN POWERS v. TEXAS MUTUAL INSURANCE COMPANY; from Ector County; 11th district (11-08-00088-CV, ___ SW3d ___, 01-29-10)
- 10-0329 ABEL DUTCH VIDAURRI v. CHARLES HULL; from Travis County; 3rd district (03-08-00204-CV, ___ SW3d ___, 01-22-10)

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

- 10-0412 JOHN SCOTT FLEMING v. JERRY PATTERSON, LAND COMMISSIONER OF THE STATE OF TEXAS AND CORPUS CHRISTI; from Nueces County; 13th district (13-08-00199-CV, ___ SW3d ___, 02-25-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(d), (f), and (h) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by June 28, 2010."

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

10-0277 CRB PARTNERS, L.L.C. v. STEWART PIERCE, VIVIAN FINCH, GENE VOORHIES, DONALD EUDALY AND MARGARET FABIAN; from Cameron County; 13th district (13-09-00411-CV, ___ SW3d ___, 04-01-10)

ORDERS ON MOTIONS FOR REHEARING

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

09-0009 CHRISTOPHER GREEN v. DWAINIA ALFORD, INDIVIDUALLY, AND AS NEXT FRIEND OF AARON ALFORD AND RONALD ALFORD; from Harris County; 14th district (14-05-00407-CV, 274 SW3d 5, 07-15-08)

(Justice Guzman not sitting)

09-0979 TERRA XXI, LTD., ET AL. v. AG ACCEPTANCE CORPORATION, AG SERVICES OF AMERICA, INC. AND THEIR SUCCESSOR, RABO AG SERVICES, INC.; from Deaf Smith County; 7th district (07-07-00374-CV, ___ SW3d ___, 07-21-09)

09-1059 IN THE MATTER OF FIFTY-ONE GAMBLING DEVICES AND TWENTY SIX THOUSAND EIGHT HUNDRED EIGHTY DOLLARS IN UNITED STATES CURRENCY; from Randall County; 7th district (07-08-00068-CV, 298 SW3d 768, 09-28-09)

10-0047 FORD MUSTANG SALEEN (CHAD DAVIS) v. THE STATE OF TEXAS; from San Jacinto County; 9th district (09-08-00437-CV, ___ SW3d ___, 08-27-09)

10-0123 ROBERT E. SPINKS, JR. v. MARVIN R. BROWN, M.D.; from Bexar County; 4th district (04-08-00877-CV, ___ SW3d ___, 02-03-10)

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

10-0148 IN RE ARTURO NERI PRADO; from Gillespie County

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0114 IN RE WILLIAM A. MOFFITT; from Dallas County; 5th district
(05-09-01434-CV, ___ SW3d ___, 12-08-09)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS ABATED:

10-0270 IN RE GENE E. PHILLIPS, INDIVIDUALLY, AND D/B/A PHILLIPS OIL
INTERESTS, ET AL.; from Harris County; 1st district
(01-10-00285-CV, ___ SW3d ___, 04-26-10)
abatement order issued

[**Note:** Effective as of May 17, 2010, 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 August 2, 2010.]

(Justice Guzman not sitting)

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

10-0216 IN RE JEFFREY GREENSTEIN AND CHARLES H. WILK; from Travis
County; 3rd district (03-10-00066-CV, ___ SW3d ___, 02-25-10)
emergency motion for stay of depositions 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:

10-0104 IN RE TOYOTA MOTOR CORPORATION AND TOYOTA MOTOR
SALES, U.S.A., INC.; from Johnson County; 10th district
(10-09-00371-CV, ___ SW3d ___, 01-20-10)
motion to seal granted

THE SUPREME COURT OF TEXAS

Orders Pronounced June 25, 2010

Justice Lehrmann did not participate in the following orders:

ORDERS ON CAUSES

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)

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

Justice Willett delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice Wainwright, Justice Medina, Justice Green, and Justice Guzman joined, and in all but Part II(A)(1) of which Justice Johnson joined.

Justice Johnson delivered a concurring opinion.

(Justice Lehrmann not sitting)

09-0061 TEXAS STATE UNIVERSITY-SAN MARCOS v. SAM AND BETTY BONNIN, INDIVIDUALLY, AND AS INDEPENDENT CO-ADMINISTRATORS OF THE ESTATE OF JASON LEE BONNIN; from Hays County; 3rd district (03-07-00593-CV, ___ SW3d ___, 12-18-08)

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 that court.

Per Curiam Opinion

(Justice Lehrmann not sitting)

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)
stay order issued May 13, 2010, 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

(Justice Lehrmann not sitting)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

09-0857 JOSE CARRERAS, M.D., P.A. v. CARLOS FRANCISCO MARROQUIN, ET AL.; from Hidalgo County; 13th district (13-09-00156-CV, 297 SW3d 420, 08-25-09)

[**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:

09-0610 D & KW FAMILY, L.P. v. KIMBERLY KAY BIDINGER AND ALFREDO ARTURO BALLESTAS; from Harris County; 1st district (01-08-00260-CV, ___ SW3d ___, 06-11-09)

09-0728 CITY OF BURLESON v. KEVIN SCHRONK, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF HELEN SCHRONK, DECEASED, AND DUSTIN SCHRONK; from Johnson County; 10th district (10-07-00399-CV, ___ SW3d ___, 07-22-09)
2 petitions

09-0977 CVN GROUP, INC. v. ENRIQUE DELGADO AND MARJORIE DELGADO; from Travis County; 3rd district (03-07-00291-CV, ___ SW3d ___, 08-31-09)

09-0983 LAWRENCE BLACKWELL v. PLAYOFF CORPORATION, DONRUSS PLAYOFF, L.P., DONRUSS LLC AND ANN (BLAKE) POWELL; from Tarrant County; 2nd district (02-06-00249-CV, 300 SW3d 451, 10-29-09)

- 10-0181 BLAIR WEAVER, WEAVER CONSTRUCTION COMPANY, INC. AND COOL WATER DEVELOPMENT, L.L.P. v. DLB ARCHITECTS, P.C. AND DAVID BOECK; from Grayson County; 5th district (05-09-00030-CV, 305 SW3d 407, 01-29-10)
- 10-0273 DAVID BONILLA AND DAVID BONILLA, P.C. v. CORINE L. BRADSHAW; from Nueces County; 13th district (13-08-00595-CV, ___ SW3d ___, 01-28-10)
- 10-0284 IN THE INTEREST OF J.M.W.; from Jefferson County; 9th district (09-08-00295-CV, ___ SW3d ___, 03-11-10)
- 10-0350 RANDALL NOE CHRYSLER DODGE, LLP, RANDALL NOE CHRYSLER DODGE JEEP AND RANDALL NOE FORD MERCURY, LLP v. OAKLEY TIRE COMPANY AND KYLE OAKLEY; from Kaufman County; 5th district (05-08-00032-CV, 308 SW3d 542, 03-31-10)

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

- 10-0291 AMPARO NEIRA v. THE FROST NATIONAL BANK; from Bexar County; 4th district (04-09-00224-CV, ___ SW3d ___, 03-10-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.4(c), (f), (h), and 53.2(k)(1)(A)(C) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed by July 5, 2010."

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0967 JOHN T. JENKINS v. WM SPECIALTY MORTGAGE, LLC, ET AL.; from Dallas County; 5th district (05-08-00842-CV, ___ SW3d ___, 08-12-09)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0333 IN RE JOSEPH ANTWAN BONNER
- 10-0348 IN RE MICHAEL KENNEDY
- 10-0462 IN RE CLIFFORD J. FAIRFAX; from Gray County
- 10-0468 IN RE JOHN KOO HYUN KIM; from Travis County

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

- 10-0474 IN RE SHELLY LETNEY; from Harris County; 14th district
(14-09-00387-CV, ___ SW3d ___, 03-04-10)

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

- 10-0480 IN RE BUFORD SCOTT, JR.; from Hood County; 2nd district
(02-09-00389-CV, ___ SW3d ___, 03-15-10)

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

THE SUPREME COURT OF TEXAS

Orders Pronounced June 29, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0405 IN RE HEB GROCERY COMPANY, L.P.; from Harris County; 14th district
(14-10-00270-CV, ___ SW3d ___, 05-06-10)
emergency motion for temporary stay of arbitration proceedings scheduled to
begin on July 7, 2010, denied

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

10-0136 IN RE C.B.; from Dallas County; 5th district
(05-09-01464-CV, ___ SW3d ___, 01-12-10)
third motion for emergency stay granted
stay order issued

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

(Justice Wainwright not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced July 2, 2010

ORDERS ON CAUSES

06-0975 GRANT THORNTON LLP v. PROSPECT HIGH INCOME FUND, ML CBO IV (CAYMAN), LTD., PAMCO CAYMAN, LTD., AND PAM CAPITAL FUNDING, L.P.; from Dallas County; 5th district (05-05-00092-CV, 203 SW3d 602, 10-18-06)

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

Chief Justice Jefferson delivered the opinion of the Court.

(Justice Guzman and Justice Lehrmann not sitting)

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)

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

Justice Hecht delivered the opinion of the Court.

(Justice Lehrmann not sitting)

08-0345 INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE AND MIGUEL MARTINEZ v. ARTHUR POWELL; from Bee County; 13th district (13-06-00192-CV, 251 SW3d 783, 02-07-08)

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

(Justice Lehrmann not sitting)

08-1049 THE UNIVERSITY OF TEXAS AT EL PASO v. ALFREDO HERRERA;

from El Paso County; 8th district
(08-06-00271-CV, 281 SW3d 575, 11-25-08)

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

Justice Willett delivered the opinion of the Court.

(Justice Lehrmann not sitting)

09-0093 SONDRAL GROHMAN, FORMERLY KNOWN AS SONDRAL GROHMAN KAHLIG v. CLARENCE J. KAHLIG, II; NORTH PARK LINCOLN-MERCURY, INC., NORTH PARK LINCOLN-MERCURY, LTD.; NORTH PARK HOLDING, L.L.P.; NORTH PARK LM, L.L.C.; KAHLIG ENTERPRISES, INC.; KAHLIG MOTOR, LTD.; KAHLIG MOTOR HOLDING, L.L.P.; AND KAHLIG MOTOR MANAGEMENT, L.L.C.; from Bexar County; 4th district
(04-07-00468-CV, ___ SW3d ___, 10-29-08)
2 petitions

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 that court.

Per Curiam Opinion

(Chief Justice Jefferson and Justice Lehrmann not sitting)

09-0236 THE STATE OF TEXAS v. K.E.W.; from Galveston County; 1st district
(01-08-00371-CV&01-08-00372-CV, 276 SW3d 686, 12-31-08)

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

Justice Johnson delivered the opinion of the Court.

Justice Green delivered a concurring opinion, in which Justice Willett joined.

(Justice Lehrmann not sitting)

09-0345 QUIXTAR INC. v. SIGNATURE MANAGEMENT TEAM, LLC, D/B/A TEAM; from Collin County; 5th district
(05-07-01765-CV, 281 SW3d 666, 03-13-09)

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

(Justice Hecht and Justice Lehrmann not sitting)

09-1014 IN RE PERVEZ DAREDIA; from Denton County; 2nd district
(02-09-00106-CV, ___ SW3d ___, 10-20-09)

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

Per Curiam Opinion

(Justice Lehrmann not sitting)

Justice Lehrmann did not participate in the following orders:

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

09-0306 BETTY YVON LESLEY, ET AL. v. VETERANS LAND BOARD OF THE STATE OF TEXAS (VLB), ET AL.; from Erath County; 11th district (11-07-00034-CV, 281 SW3d 602, 01-22-09)

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

(Chief Justice Jefferson not sitting)

09-0770 THE CITY OF HOUSTON v. STEVE WILLIAMS, ET AL.; from Harris County; 14th district (14-08-00059-CV, 290 SW3d 260, 03-31-09)
2 petitions

[**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:

10-0022 STATEWIDE BANK v. ANITA KEITH; from Jefferson County; 9th district (09-08-00413-CV, 301 SW3d 776, 11-25-09)
plea of abatement, being treated as motion to abate, granted
motion to stay pending exhaustion of administrative remedies, being treated as motion
to abate, granted
motion for substitution of parties 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. 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.]

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

09-0388 BANNER SIGN & BARRICADE, INC. v. BERRY GP, INC.; from Victoria County; 13th district (13-07-00596-CV, ___ SW3d ___, 09-25-08)

09-0439 LAWRENCE F. AVERITT, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF BEULAH AVERITT v. BETTY CAUDLE, CHIEF APPRAISER, ET AL.; from Gaines County; 11th district (11-07-00225-CV, ___ SW3d ___, 04-02-09)

09-0563 DR. ARTHUR HADLEY v. WYETH LABORATORIES, INC.; from Harris County; 14th district (14-07-01055-CV, 287 SW3d 847, 05-28-09)

(Justice Guzman not sitting)

09-0726 HARRIS COUNTY, TEXAS v. JOE THURMAN, INDIVIDUALLY AND AS SOLE HEIR OF THE ESTATE OF AMANDA RENE THURMAN, DECEASED; from Harris County; 1st district (01-07-00235-CV, ___ SW3d ___, 06-11-09)

09-0737 TEXAS DEPARTMENT OF STATE HEALTH SERVICES AND DAVID L. LAKEY, M.D., COMMISSIONER v. NANCY HOLMES, CLHRP, CME; from Travis County; 3rd district (03-08-00497-CV, 294 SW3d 328, 07-31-09)

09-0865 HON. G. MITCH WOODS, IN HIS OFFICIAL CAPACITY AS SHERIFF OF JEFFERSON COUNTY, TEXAS AND JEFFERSON COUNTY, TEXAS v. JAMES VANDEVENDER; from Jefferson County; 9th district (09-08-00377-CV, 296 SW3d 275, 08-31-09)

09-0947 G.M. HOUSER, INC. D/B/A HOUSER CONCRETE COMPANY, AND ITS SUCCESSORS G.M. HOUSER, LTD., HOUSER MATERIALS, L.L.C. v. DAVID E. RODGERS AND KIM RODGERS; from Rockwall County; 5th district (05-05-01330-CV, ___ SW3d ___, 08-10-07)

10-0053 PAUL E. NUNU v. HARRIS COUNTY APPRAISAL DISTRICT, HARRIS COUNTY APPRAISAL REVIEW BOARD; from Harris County; 14th district (14-08-00528-CV, ___ SW3d ___, 08-27-09)

(Justice Guzman not sitting)

10-0171 MIKE IRWIN, AS REPRESENTATIVE OF THE ESTATE OF RICHARD LEE IRWIN, DECEASED v. BARBARA JANE IRWIN; from Gillespie

County; 4th district (04-08-00554-CV, 307 SW3d 383, 11-25-09)

- 10-0189 BADER MALALLAH v. NOBLE LOGISTIC SERVICES, INC. F/K/A DEDICATED SERVICES, INC. AND SRS TEXAS HOLDINGS, LLC.; from Harris County; 14th district (14-08-01030-CV, ___ SW3d ___, 02-02-10)
- 10-0253 BRIAN CHARLES SMITH, ROBERT HAMMOND, DAVID TALTON AND JOHN COLLINS, INDIVIDUALLY, AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF TEXAS, ET AL.; from Travis County; 3rd district (03-06-00358-CV, ___ SW3d ___, 02-26-10)
as amended
motion for emergency relief denied
- 10-0308 BILLIE BREWER CURRY, INDIVIDUALLY AND AS SUCCESSOR TO W.C. BREWER, DECEASED; TRINITY INDUSTRIES, INC. AND TRINITY MATERIALS, INC. v. JOHN REEDER; from Kaufman County; 5th district (05-07-01062-CV, ___ SW3d ___, 08-25-09)
2 petitions
- 10-0351 ROY E. ADDICKS, JR. v. JOHN A. SICKEL AND BARRY E. BILGER; from Wichita County; 2nd district (02-08-00261-CV, ___ SW3d ___, 12-10-09)
as supplemented

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

- 10-0111 CORAZON MCDONALD v. CLAREMORE APARTMENT HOMES; from Bexar County; 4th district (04-08-00928-CV, ___ SW3d ___, 01-06-10)
motion to order appellant to comply with Texas Rules of Appellate Procedure dismissed as moot

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0965 IN THE INTEREST OF Y.B., K.B. AND T.B., CHILDREN; from Bexar County; 4th district (04-08-00507-CV, 300 SW3d 1, 05-20-09)
- 09-0976 KENNETH W. MOSS AND MICHELLE MOSS v. WASTE MANAGEMENT OF TEXAS, INC.; from Harris County; 1st district (01-07-01106-CV, 305 SW3d 76, 08-20-09)

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

- 10-0401 IN RE NEWTON B. SCHWARTZ, SR.; from Harris County; 1st district (01-09-00806-CV, 01-09-00807-CV, ___ SW3d ___, 03-18-10)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF PROHIBITION IS DENIED:

- 10-0476 IN RE NEWTON B. SCHWARTZ, SR.; from Harris County; 1st district (01-09-00806-CV, 01-09-00807-CV, ___ SW3d ___, 03-18-10)

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

- 10-0487 IN RE DEB SHAFTO, HERB GONZALES, JR., EDWARD LINDSAY, ART BROWNING, CHRISTINE MORSHEDI AND THE GREEN PARTY OF TEXAS; from Travis County
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 DENIED:

10-0402 IN RE GERARDA ESCAMILLA LUNA, AS NEXT FRIEND OF MINORS YAZMIN ALEJANDRA LOPEZ ESCAMILLA AND ANDREINA TORRES ESCAMILLA; from Webb County; 4th district (04-10-00333-CV, ___ SW3d ___, 05-26-10) emergency motion to lift stay, and alternatively, for expedited consideration denied
stay order issued June 14, 2010, remains in effect

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

THE FOLLOWING PETITION FOR WRIT OF INJUNCTION IS DENIED:

10-0475 IN RE NEWTON B. SCHWARTZ, SR.; from Harris County; 1st district (01-09-00806-CV, 01-09-00807-CV, ___ SW3d ___, 03-18-10)

THE SUPREME COURT OF TEXAS

Orders Pronounced July 9, 2010

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0070 IN RE COMMITMENT OF KENNETH FIELDS; from Montgomery County; 9th district (09-09-00005-CV, ___ SW3d ___, 12-17-09)

Justice Johnson notes his dissent to the denial

10-0300 IN THE INTEREST OF A.H. AND B.H., CHILDREN; from Montgomery County; 9th district (09-09-00281-CV, ___ SW3d ___, 02-18-10)

10-0328 TOMAS DURAN D/B/A DURAN INSURANCE BROKERAGE v. ENTRUST, INC.; from Harris County; 1st district (01-08-00589-CV, ___ SW3d ___, 03-25-10)

10-0503 VICTORIA CASTILLO v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Williamson County; 3rd district (03-09-00634-CV, ___ SW3d ___, 01-29-10)

ORDERS ON MOTIONS FOR REHEARING

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

10-0377 IN RE WILLIAM JAMES REA, MD

10-0409 IN RE WILLIAM JAMES REA, MD

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

10-0501 IN THE MATTER OF THE ESTATE OF MARIE MAGDALENA KRIEGEL,
DECEASED; from Parmer County

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

10-0499 IN RE WAYNE ERNEST BARKER; from Walker County; 10th district
(10-10-00085-CV, ___ SW3d ___, 03-10-10)

10-0505 IN RE WESLEY F. HONZA, JR. AND ROBERT A. HONZA; from Ellis
County; 10th district (10-10-00212-CV, ___ SW3d ___, 06-30-10)
motion for temporary relief denied

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DISMISSED:

10-0216 IN RE JEFFREY GREENSTEIN AND CHARLES H. WILK; from Travis
County; 3rd district (03-10-00066-CV, ___ SW3d ___, 02-25-10)
motion to dismiss mandamus action granted
stay order issued June 18, 2010, lifted

10-0487 IN RE DEB SHAFTO, HERB GONZALES, JR., EDWARD LINDSAY, ART
BROWNING, CHRISTINE MORSHEDI AND THE GREEN PARTY OF
TEXAS; from Travis County
motion to dismiss for mootness granted
stay order issued July 2, 2010, lifted

THE SUPREME COURT OF TEXAS

Orders Pronounced July 12, 2010

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0495 IN RE ESPING MARITAL DEDUCTION TRUST NO. 2; WP & HE ESPING CHILDREN'S TRUST; W & H ESPING 2000 FAMILY TRUST; WPE KIDS PARTNERS, L.P.; WP & HEATHER H. ESPING CHILDREN'S TRUST; from Dallas County; 5th district (05-10-00720-CV, ___ SW3d ___, 06-22-10) emergency motion for temporary stay denied
motion to dismiss denied
- 10-0519 IN RE JOHN W. COCKRELL; from Brazos County; 10th district (10-10-00082-CV, ___ SW3d ___, 06-02-10) motion for emergency relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced July 16, 2010

ORDERS ON CAUSES

THE FOLLOWING CAUSES ARE SET FOR SUBMISSION:

08-0833 ANGLO-DUTCH PETROLEUM INTERNATIONAL, INC. AND ANGLO-DUTCH (TENGE) L.L.C. v. GREENBERG PEDEN, P.C. AND GERARD J. SWONKE; from Harris County; 14th district
(14-07-00343-CV, 267 SW3d 454, 08-26-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 14, 2010.]

Time allotted to argue: 20/20 minutes

(Justice Guzman not sitting)

08-0890 OFFSHORE SPECIALTY FABRICATORS, INC., ET AL. v. WELLINGTON UNDERWRITING AGENCIES, LTD., ET AL.; from Harris County; 14th district (14-07-00970-CV, 267 SW3d 277, 07-17-08)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., September 14, 2010.]

Time allotted to argue: 20/20 minutes

09-0191 HYDE PARK BAPTIST CHURCH v. TARA TURNER AND TERRY CURTIS, INDIVIDUALLY AND AS NEXT FRIENDS OF P.C., A MINOR; from Travis County; 3rd district
(03-07-00437-CV, ___ SW3d ___, 01-30-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 14, 2010.]

Time allotted to argue: 20/20 minutes

09-0226 AMERICAN HOME ASSURANCE COMPANY AND ILLINOIS NATIONAL INSURANCE COMPANY v. MARYLAND CASUALTY

COMPANY; from Harris County; 1st district
(01-07-00711-CV, 277 SW3d 107, 01-29-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 15,
2010.]

Time allotted to argue: 20/20 minutes

09-0270 XTO ENERGY INC. v. SMITH PRODUCTION INC.; from Harris County;
14th district (14-07-00069-CV, 282 SW3d 672, 02-24-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 15,
2010.]

Time allotted to argue: 20/20 minutes

(Justice Guzman not sitting)

09-0306 BETTY YVON LESLEY, ET AL. v. VETERANS LAND BOARD OF THE
STATE OF TEXAS (VLB), ET AL.; from Erath County; 11th district
(11-07-00034-CV, 281 SW3d 602, 01-22-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 15,
2010.]

Time allotted to argue: 20/20 minutes

(Chief Justice Jefferson not sitting)

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)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 16,
2010.]

Time allotted to argue: 20/20 minutes

09-0377 AARON GLENN HAYGOOD v. MARGARITA GARZA DE ESCABEDO;
from Angelina County; 12th district
(12-07-00130-CV, 283 SW3d 3, 02-18-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 16, 2010.]

Time allotted to argue: 20/20 minutes

09-0396 REID ROAD MUNICIPAL UTILITY DISTRICT NO. 2 v. SPEEDY STOP FOOD STORES, LTD.; from Harris County; 14th district (14-07-00225-CV, 282 SW3d 652, 02-03-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 12, 2010.]

Time allotted to argue: 20/20 minutes

(Justice Guzman not sitting)

09-0420 ESPERANZA ANDRADE, IN HER OFFICIAL CAPACITY AS SECRETARY OF STATE FOR THE STATE OF TEXAS v. NAACP OF AUSTIN, NELSON LINDER, SONIA SANTANA AND DAVID VAN OS; from Travis County; 3rd district (03-08-00076-CV, 287 SW3d 240, 04-10-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 12, 2010.]

Time allotted to argue: 20/20 minutes

09-0520 IN RE COY REECE; from Dallas County; 5th district (05-09-00609-CV, ___ SW3d ___, 06-11-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 12, 2010.]

Time allotted to argue: 20/20 minutes

09-0544 JEREMY MOLINET v. PATRICK KIMBRELL, M.D. AND JOHN HORAN, M.D.; from Bexar County; 4th district (04-08-00379-CV, 288 SW3d 464, 12-31-08)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 13, 2010.]

Time allotted to argue: 20/20 minutes

09-0558 MARSH USA INC. AND MARSH & MCLENNAN COMPANIES, INC. v. REX COOK; from Dallas County; 5th district (05-08-00685-CV, 287 SW3d 378, 05-26-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 16, 2010.]

Time allotted to argue: 20/20 minutes

09-0753 JAMES DERWOOD ILIFF v. JERILYN TRIJE ILIFF; from Hays County; 3rd district (03-08-00382-CV, ___ SW3d ___, 07-21-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 13, 2010.]

Time allotted to argue: 20/20 minutes

09-0770 THE CITY OF HOUSTON v. STEVE WILLIAMS, ET AL.; from Harris County; 14th district (14-08-00059-CV, 290 SW3d 260, 03-31-09)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., October 13, 2010.]

Time allotted to argue: 20/20 minutes

09-0857 JOSE CARRERAS, M.D., P.A. v. CARLOS FRANCISCO MARROQUIN, ET AL.; from Hidalgo County; 13th district (13-09-00156-CV, 297 SW3d 420, 08-25-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 14, 2010.]

Time allotted to argue: 20/20 minutes

09-0942 IN RE MARK A. JACOBS, M.D., DEBRA C. GUNN, M.D. AND OBSTETRICAL AND GYNECOLOGICAL ASSOCIATES, P.A.; from Harris County; 14th district (14-09-00123-CV, 300 SW3d 35, 10-20-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 14, 2010.]

Time allotted to argue: 20/20 minutes

10-0245 PATRICK O. OJO, ON BEHALF OF HIMSELF AND ALL OTHERS
SIMILARLY SITUATED v. FARMERS GROUP, INC.; FIRE
UNDERWRITERS ASSOCIATION; FIRE INSURANCE EXCHANGE;
FARMERS UNDERWRITERS ASSOCIATION; FARMERS INSURANCE
EXCHANGE

[**Note:** This case has been set for oral argument at 9:00 a.m., October 14,
2010.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0080 CLIFFORD ALLEN SMITH v. BRAD LIVINGSTON; from Walker County;
10th district (10-09-00003-CV, ___ SW3d ___, 12-30-09)

10-0295 MARK BECKER, MIKE CYRUS, JESSE HALL AND SHERI HAMIT v.
TROPIC ISLES ASSOCIATION; from Nueces County; 13th district
(13-08-00559-CV, ___ SW3d ___, 03-11-10)

THE FOLLOWING PETITIONS FOR REVIEW ARE DISMISSED:

- 10-0116 MUNTERS EUROFORM GMBH v. AMERICAN NATIONAL POWER, INC. AND HAYS ENERGY LIMITED PARTNERSHIP; from Hays County; 3rd district (03-05-00493-CV, ___ SW3d ___, 12-31-09)
motion to dismiss petition for review granted
- 10-0164 DANNY S. DAVIS v. SYSCO FOOD SERVICES OF AUSTIN, L.P.; from Travis County; 3rd district (03-08-00593-CV, ___ SW3d ___, 12-04-09)
joint motion to dismiss granted

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0978 GREGORY SIMMONS v. HOLLYVIEW APARTMENTS; from Harris County; 1st district (01-08-00231-CV, ___ SW3d ___, 09-24-09)
- 09-1055 NANCY MCKENNA v. W & W SERVICES, INC.; from Anderson County; 12th district (12-09-00116-CV, 301 SW3d 336, 10-12-09)
- 10-0269 TRAVIS CONNALLY v. COUNTRYWIDE HOME LOANS, INC., AND FANNIE MAE, A/K/A FEDERAL NATIONAL MORTGAGE ASSOCIATION; from Franklin County; 6th district (06-09-00055-CV, ___ SW3d ___, 03-05-10)

MISCELLANEOUS

THE FOLLOWING DIRECT APPEAL IS DISMISSED:

- 10-0515 IN RE GUARDIANSHIP OF MARILYNN MARIE KRIEGEL; from Potter County

THE ABATEMENT ORDER IN THE FOLLOWING CASE IS LIFTED:

10-0270 IN RE GENE E. PHILLIPS, INDIVIDUALLY, AND D/B/A PHILLIPS OIL INTERESTS, ET AL.; from Harris County; 1st district (01-10-00285-CV, ___ SW3d ___, 04-26-10) abatement order issued June 18, 2010, lifted petition reinstated

(Justice Guzman not sitting)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0449 IN RE FRANK DWIGHT CARTER; from Lubbock County (07-10-00088-CV, ___ SW3d ___, 05-05-10)

THE FOLLOWING APPEAL FROM A DECISION OF THE BOARD OF DISCIPLINARY APPEALS IS DISMISSED:

10-0303 IN THE MATTER OF ALTON W. PAYNE, JR.
motion to dismiss appeal granted

THE SUPREME COURT OF TEXAS

Orders Pronounced July 20, 2010

MISCELLANEOUS

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

10-0534 IN RE THE GROCERS SUPPLY COMPANY, INC. AND GABRIEL
DEHOYOS; from Bexar County; 4th district
(04-10-00500-CV, ___ SW3d ___, 07-14-10)

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 30, 2010

ORDERS ON CASES GRANTED

THE FOLLOWING PETITION FOR REVIEW IS GRANTED:

- 10-0360 CITY OF CORPUS CHRISTI v. DAVID TORRES; from Nueces County; 13th district (13-08-00700-CV, ___ SW3d ___, 03-11-2010)
joint motion to dismiss with prejudice pursuant to TEX. R. APP. P. 56.3 granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.3, without hearing oral argument or considering the merits, the Court grants the petition for review, vacates the court of appeals' judgment, 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:

- 10-0276 BEVERLY D. CHRISTENSEN v. CHASE BANK USA, N.A.; from Collin County; 5th district (05-08-00909-CV, 304 SW3d 548, 11-30-09)
- 10-0334 PRADIP PODDER v. FUNDING PARTNERS, L.P. AND ACQUISITION FUNDING SOURCE, INC.; from Travis County; 3rd district (03-09-00458-CV, ___ SW3d ___, 03-12-10)
- 10-0450 CITY OF CARROLLTON, TEXAS v. RIHR INCORPORATED; from Dallas County; 5th district (05-08-01715-CV, 308 SW3d 444, 03-18-10)
- 10-0453 M.T.R., JUVENILE v. THE STATE OF TEXAS; from Midland County; 11th district (11-08-00155-CV, ___ SW3d ___, 05-13-10)
- 10-0461 LATEEFAH NEAL v. TEXAS WATER DEVELOPMENT BOARD; from Travis County; 3rd district (03-09-00459-CV, ___ SW3d ___, 04-28-10)

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

10-0502 EDUARDO S. GUTARRA v. ADRIANA VELEZ THAMES; from Harris County; 1st district (01-09-00549-CV, ___ SW3d ___, 11-19-09)

ORDERS ON MOTIONS FOR REHEARING

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

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)

(Justice Guzman not sitting)

09-0804 FRANK P. SANTULLI, III v. TEXAS STATE BOARD OF LAW EXAMINERS; from Travis County; 3rd district (03-06-00392-CV, ___ SW3d ___, 04-10-09)

09-1069 TONY CANTU v. JOHN E. MAHER, THOMAS TOLLETT, TOMMY'S RESTAURANT MANAGEMENT COMPANY; from Harris County; 14th district (14-07-00584-CV, ___ SW3d ___, 08-25-09)

10-0106 DAWN JOHNSON WHATLEY, THE ESTATE OF PERRY LEE WHATLEY AND MICHAEL EASTON v. MYLUS JAMES WALKER, JR.; from Harris County; 14th district (14-06-00970-CV, 302 SW3d 314, 06-18-09)

(Justice Guzman not sitting)

10-0302 GRIMES COUNTY COMMISSIONERS' COURT, BETTY SHIFLETT, GRIMES COUNTY JUDGE, JOHN BERTLING, COUNTY COMMISSIONER PCT 1 AND PAM FINKE, COUNTY COMMISSIONER PCT 4 v. GREGORY R. MATTOX AND BARBARA WILKERSON; from Waller County; 14th district (14-08-00193-CV, 305 SW3d 375, 01-28-10)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0534 IN RE THE GROCERS SUPPLY COMPANY, INC. AND GABRIEL DEHOYOS;
from Bexar County; 4th district (04-10-00500-CV, ___ SW3d ___, 07-21-10)
as redrafted
opposed motion for temporary relief denied
- 10-0539 IN RE CONNELL SPAIN
application for an alternative writ of mandamus, being treated as a petition for writ of
mandamus, denied
- 10-0558 IN RE DAVID JAMES; from Harris County; 1st district
(01-10-00375-CV, ___ SW3d ___, 05-26-10)
- 10-0560 IN RE ADRIENE L. SIBLEY; from Harris County; 14th district
emergency motion for temporary orders staying enforcement denied

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

- 10-0553 IN RE OTONIEL CANTU AKA TONY CANTU; from Harris County; 1st district
(01-10-00235-CV, ___ SW3d ___, 06-18-10)

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

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

- 10-0460 IN RE ALICE M. PUIG IN HER INDIVIDUAL CAPACITY AND IN HER
CAPACITY AS THE INDEPENDENT ADMINISTRATRIX OF THE ESTATE OF
ALICIA PRIETO PUIG AND CHARLES B. PUIG; from Webb County; 4th district
(04-10-00197-CV, ___ SW3d ___, 06-02-10)
relators' motion to stay underlying 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 3, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0575 IN RE SAN BENITO ENTERPRISES, LLC; from Cameron County; 13th district
(13-10-00422-CV, ___ SW3d ___, 08-02-10)
as supplemented
motion for immediate temporary relief and temporary order enjoining tax sale denied

THE SUPREME COURT OF TEXAS

Orders Pronounced August 4, 2010

MISCELLANEOUS

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

10-0386 IN RE DALLAS COUNTY HOSPITAL DISTRICT D/B/A PARKLAND HEALTH
& HOSPITAL SYSTEM; from Dallas County; 5th district
(05-10-00515-CV, ___ SW3d ___, 05-18-10)
emergency motion to stay trial court hearing granted
stay order issued

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

THE SUPREME COURT OF TEXAS

Orders Pronounced August 6, 2010

ORDERS ON CAUSES

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

09-0226 AMERICAN HOME ASSURANCE COMPANY AND ILLINOIS NATIONAL INSURANCE COMPANY v. MARYLAND CASUALTY COMPANY; from Harris County; 1st district (01-07-00711-CV, 277 SW3d 107, 01-29-09)
unopposed motion to reset oral argument granted

[**Note:** This case has been reset for oral argument at 9:00 a.m., November 9, 2010.]

Time allotted to argue: 20/20 minutes

ORDERS ON CASES GRANTED

THE FOLLOWING CERTIFIED QUESTION FROM THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT IS ACCEPTED:

10-0581 O. LEE TAWES, III v. DORIS BARNES, INDIVIDUALLY AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF LEON MCNAIR BARNES, DECEASED

[**Note:** This case has been set for oral argument at 9:00 a.m., November 9, 2010.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

10-0218 TONY CANTU AND ELSA CANTU v. BEN DOMINGUEZ; from Harris County; 14th district (14-08-00156-CV, ___ SW3d ___, 09-10-09)

- 10-0258 ARNOLDO CASAS, ET AL. v. MICHAEL B. SILVA, ET AL.; from Duval County; 4th district (04-09-00105-CV, ___ SW3d ___, 02-24-10)
as reinstated
as amended
- 10-0317 JOHN D. FAILS, JR. v. DAVID R. BASSE, M.D.; from Potter County; 7th district (07-08-00445-CV, ___ SW3d ___, 03-11-10)
- 10-0445 DFD ARCHITECTURE, INC. v. SAXA, INC., LAS COLINAS OFFICE INVESTORS, L.P., AND LAS COLINAS OFFICE CONDOMINIUM ASSOCIATION, INC.; from Dallas County; 5th district (05-09-01245-CV, 312 SW3d 224, 04-29-10)
- 10-0463 DONALD RAY MCCRAY v. DALLAS COUNTY, ET AL.; from Travis County (03-08-00225-CV, ___ SW3d ___, 03-24-10)

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

- 10-0530 FRED AND GLENDA EVANS v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Denton County; 2nd district (02-10-00073-CV, ___ SW3d ___, 04-22-10)

The Court strikes the petition for review with the following notation: "The petition violates Texas Rules of Appellate Procedure 9.8(b) and is struck. Petitioner is ordered to redraw; the redrawn petition is due to be filed August 16, 2010."

ORDERS ON MOTIONS FOR REHEARING

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

- 10-0132 ARTURO SOLIS v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE; from Coryell County; 10th district (10-09-00065-CV, ___ SW3d ___, 12-02-09)
- 10-0209 RICHARD HERNANDEZ v. ALLSTATE COUNTY MUTUAL INSURANCE COMPANY; from Bexar County; 4th district (04-09-00311-CV, ___ SW3d ___, 02-10-10)
- 10-0220 DIANA G. OFFORD, AS GUARDIAN OF THE ESTATE OF WINTER GORDON, JR. A/K/A WINTER GORDON, SR. v. WEST HOUSTON TREES, LLP; from Fort Bend County; 1st district (01-08-01027-CV, ___ SW3d ___, 02-11-10)

10-0267 CAROL JOHNENE MORRIS v. JEB HUGHES, CHAIRMAN OF THE BOARD/CHIEF EXECUTIVE OFFICER, ET AL. D/B/A COMMUNITY NATIONAL BANK; from Midland County; 11th district
(11-08-00224-CV, ___ SW3d ___, 01-21-10)

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

09-0585 IN RE DALLAS COUNTY, TEXAS; from Tarrant County; 2nd district
(02-09-00139-CV, ___ SW3d ___, 07-10-09)
unopposed motion to dismiss petition for writ of mandamus granted
stay order issued July 24, 2009, lifted

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

10-0517 IN RE BARRY DEWAYNE MINNFEE; from Fort Bend County; 1st district

THE FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DISMISSED:

10-0039 IN RE JERRY BYROM; from Cherokee County; 12th district
(12-09-00278-CV, ___ SW3d ___, 07-14-10)
abatement order issued January 29, 2010, lifted
petition reinstated
petition dismissed as moot
request for interim action for release on bond dismissed as moot
motion to transfer dismissed as moot

THE SUPREME COURT OF TEXAS

Orders Pronounced August 13, 2010

ORDERS ON CAUSES

THE FOLLOWING CAUSE IS DISMISSED:

- 09-0942 IN RE MARK A. JACOBS, M.D., DEBRA C. GUNN, M.D. AND OBSTETRICAL AND GYNECOLOGICAL ASSOCIATES, P.A.; from Harris County; 14th district (14-09-00123-CV, 300 SW3d 35, 10-20-09)
real parties in interest's motion to dismiss is granted

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 10-0101 CHARLIE RAY TAYLOR v. THE STATE OF TEXAS, ET AL.; from Travis County; 3rd district (03-08-00428-CV, ___ SW3d ___, 12-02-09)
- 10-0174 TONY CANTU AND ELSA CANTU v. WADE E. MCKINNEY, JR., REBECCA MCKINNEY, JUSTIN MCKINNEY, DANIEL P. BROUSSARD, CRAIG P. DEHAAN, JONNIE K. HARKER, EPERNAY COMMUNITY ASSOCIATION, INC.; from Harris County; 1st district (01-07-00638-CV, ___ SW3d ___, 11-19-09)
- 10-0291 AMPARO NIERA v. THE FROST NATIONAL BANK; from Bexar County; 4th district (04-09-00224-CV, ___ SW3d ___, 03-10-10)
as redrafted
- 10-0326 DANIEL RANDOLPH, JR. v. TEXACO EXPLORATION AND PRODUCTION, INC., CIGNA PROPERTY AND CASUALTY OF DALLAS AND DAVID K. LINE, ATTORNEY AT LAW; from Crockett County; 8th district (08-08-00157-CV, ___ SW3d ___, 03-17-10)
request for oral argument or hearing dismissed as moot
- 10-0332 TERRY HENRY, CLARENCE M. HENRY, AND ONETA HENRY v. CITY OF FORT WORTH, TEXAS, FW SPORTS AUTHORITY, INC. AND TEXAS MOTOR SPEEDWAY, INC.; from Denton County; 2nd district (02-09-00065-CV, ___ SW3d ___, 02-18-10)

- 10-0433 ASHLEIGH ELISE TEEL v. KENNETH RICHARD SHIFFLETT; from Harris County; 14th district (14-08-00836-CV, 309 SW3d 597, 02-23-10)
- 10-0454 ESTATE OF JERRY DON CATLIN, DECEASED; from Hale County; 7th district (07-09-00135-CV, 311 SW3d 697, 04-27-10)

ORDERS ON MOTIONS FOR REHEARING

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

- 09-0896 DARLENE C. AMRHEIN v. LA MADELEINE, INC.; from Dallas County; 5th district (05-08-00350-CV, ___ SW3d ___, 06-30-09)
- 10-0073 BEN RICHARD DRUM v. CYNTHIA FIGUEROA CALHOUN, AMERICAN STATES INSURANCE COMPANY SAFECO SURETY AND UNITRIN BUSINESS INSURANCE, ET AL.; from Dallas County; 5th district (05-07-01520-CV, 299 SW3d 360, 08-25-09)

MISCELLANEOUS

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

- 10-0272 IN RE ALBERT G. HILL, III AND ERIN HILL; from Dallas County; 5th district (05-10-00447-CV, ___ SW3d ___, 04-21-10)
amended emergency motion to withdraw denied
- 10-0589 IN RE DALLAS COUNTY HOSPITAL DISTRICT D/B/A PARKLAND HEALTH AND HOSPITAL SYSTEM; from Dallas County
emergency motion for temporary stay denied
requested response due by 3:00 p.m., September 13, 2010

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

A STAY ORDER IS ISSUED IN THE FOLLOWING CASE:

10-0582 THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS v. LARRY M. GENTILELLO, M.D.; from Dallas County; 5th district emergency motion to enforce statutory stay and vacate court of appeals' order granted in part
stay order issued

[**Note:** The petition for review is due to be filed on or before September 22, 2010.]

THE SUPREME COURT OF TEXAS

Orders Pronounced August 16, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0566 IN RE THE HONORABLE SHARON KELLER
emergency motion for temporary relief denied

(Justice Hecht not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced August 19, 2010

MISCELLANEOUS

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

10-0635 IN RE CANDACE TAYLOR
emergency application for injunctive relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced August 20, 2010

ORDERS ON CAUSES

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)

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

Justice Medina delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice Wainwright, Justice Green, Justice Willett, Justice Guzman, and Justice Lehrmann joined.

Justice Johnson delivered a dissenting opinion.

08-0592 FRESH COAT, INC. v. K-2, INC.; from Montgomery County; 9th district (09-06-00251-CV, 253 SW3d 386, 04-17-08)

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

Justice Willett delivered the opinion of the Court.

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

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)

08-0528 THE JOHN G. AND MARIE STELLA KENEDY MEMORIAL FOUNDATION v. ANN M. FERNANDEZ; from Nueces County; 13th district (13-06-00170-CV, ___ SW3d ___, 05-22-08)

(Justice Guzman and Justice Lehrmann not sitting)

08-0534 FROST NATIONAL BANK, FORMER EXECUTOR OF THE ESTATE OF ELENA SUESS KENEDY, DECEASED, AND FROST NATIONAL BANK AND PABLO SUESS, TRUSTEES OF THE JOHN G. KENEDY, JR. CHARITABLE TRUST v. ANN M. FERNANDEZ; from Kenedy County; 13th district (13-06-00149-CV, 267 SW3d 75, 05-22-08)

(Justice Guzman and Justice Lehrmann not sitting)

- 08-0580 GEOFFREY ZIMMERMAN, M.D. v. WENDY GONZALEZ ANAYA, INDIVIDUALLY AND A/N/F OF CHRISTOPHER GABRIEL HERNANDEZ, DECEASED; from Harris County; 1st district (01-07-00570-CV, ___ SW3d ___, 06-05-08)
- 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)
- 08-0941 THE TRAVELERS INSURANCE COMPANY (THE AUTOMOBILE INSURANCE COMPANY OF HARTFORD CONNECTICUT) v. BARRY JOACHIM; from Lubbock County; 7th district (07-06-00322-CV, 279 SW3d 812, 09-25-08)
- 08-0961 MARIA DEL CARMEN GUILBOT SERROS DE GONZALEZ, ET AL. v. MIGUEL ANGEL GONZALEZ GUILBOT, CARLOS A. GONZALEZ GUILBOT, AND MARIA ROSA DEL ARENAL DE GONZALEZ; from Harris County; 14th district (14-07-00047-CV, 267 SW3d 556, 09-30-08)

(Justice Guzman not sitting)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 09-0530 TEXAS DEPARTMENT OF PUBLIC SAFETY v. COX TEXAS NEWSPAPERS, L.P., AND HEARST NEWSPAPERS, L.L.C.; from Travis County; 3rd district (03-08-00516-CV, 287 SW3d 390, 05-29-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., September 15, 2010.]

Time allotted to argue: 20/20 minutes

(Justice Willett not sitting)

- 09-0828 GENESIS TAX LOAN SERVICES, INC. AND M. SUZANNE FROSSARD, TRUSTEE v. KODY AND JANET KOTHMANN AND KODY KOTHMANN, TRUSTEE; from Lubbock County; 7th district (07-08-00070-CV, ___ SW3d ___, 02-27-09)

[**Note:** Oral argument of this case will be conducted on Wednesday, November 10,

2010 at 9:00 a.m. at Globe-News Center, Amarillo, Texas. *See* TEX. CONST. ART. V, § 3(a).]

Time allotted to argue: 20/20 minutes

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

10-0048 IN RE BILLY JAMES SMITH

[**Note:** Oral argument of this case will be conducted on Wednesday, November 10, 2010 at 9:00 a.m. at Globe-News Center, Amarillo, Texas. *See* TEX. CONST. ART. V, § 3(a).]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

08-0611 WILLIAM EARL BRIGGS v. HUNTSVILLE INDEPENDENT SCHOOL DISTRICT; from Walker County; 10th district (10-08-00006-CV, 262 SW3d 390, 06-18-08)

(Justice Guzman not sitting)

09-0208 GUSTAVO RODRIGUEZ AND BRENDA RODRIGUEZ, INDIVIDUALLY AND AS NEXT FRIENDS OF JUAN DE DIOS RODRIGUEZ, MINOR CHILD v. MERCY REGIONAL MEDICAL CENTER A/K/A MERCY HOSPITAL OF LAREDO (CORRECTLY KNOWN AS MERCY HOSPITAL OF LAREDO D/B/A MERCY REGIONAL MEDICAL CENTER); from Webb County; 4th district (04-06-00386-CV, ___ SW3d ___, 02-20-09)

09-0411 IN THE GUARDIANSHIP OF RAQUEL CANTÚ DE VILLARREAL, AN INCAPACITATED PERSON; from Cameron County; 13th district (13-08-00408-CV, ___ SW3d ___, 04-02-09)
motion to take judicial notice dismissed as moot
motion to consolidate dismissed as moot

09-0535 BETTY WHITE, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF WARREN WHITE, DECEASED v. BAYLOR ALL SAINTS

MEDICAL CENTER; from Tarrant County; 7th district
(07-08-00023-CV, ___ SW3d ___, 05-13-09)

09-0732 WARD COUNTY APPRAISAL DISTRICT v. INDUSTRIAL
COMMUNICATIONS, INC.; from Ward County; 8th district
(08-07-00083-CV, 296 SW3d 707, 06-03-09)

09-0813 WAL-MART STORES, INC. v. ALVINO CHACON; from Kleberg County; 13th
district (13-08-00558-CV, 295 SW3d 715, 08-13-09)

(Justice Willett not sitting)

09-0845 MARJORIE ROSS, ET AL. v. UNION CARBIDE CORPORATION; from Harris
County; 14th district (14-07-00860-CV, 296 SW3d 206, 08-25-09)

(Justice Guzman not sitting)

09-0919 BRIGGS EQUIPMENT TRUST v. HARRIS COUNTY APPRAISAL DISTRICT;
from Harris County; 1st district (01-08-00190-CV, 294 SW3d 667, 06-04-09)

09-0935 WILLIAM DOYLE MAGEE v. JOHN J. HAMBLETON AND LISA M. WARNER;
from Denton County; 2nd district (02-08-00441-CV, ___ SW3d ___, 08-25-09)

09-0940 THE METHODIST HOSPITAL v. ZURICH AMERICAN INSURANCE
COMPANY, TAMERA MCKENNEY AND MARY VU; from Harris County; 14th
district (14-07-00663-CV, ___ SW3d ___, 07-07-09)

(Justice Guzman not sitting)

10-0081 CRICKET HOLLOW PARTNERS, LP AND CRICKET HOLLOW
DEVELOPMENT, INC. v. MMA CRICKET HOLLOW, LLC; from Harris County;
1st district (01-08-00254-CV, ___ SW3d ___, 07-16-09)

10-0157 MARIA LOURDES RODRIGUEZ v. DUNCAN M. CROWELL; from El Paso
County; 8th district (08-07-00269-CV, ___ SW3d ___, 12-22-09)

10-0168 JIM HERBERT HAMILTON, JR. v. EDDIE C. WILLIAMS, TOMMY L.
NORWOOD, MICHAEL D. HILL, T. RODDEY AND KELLI WARD; from Wichita
County; 2nd district (02-07-00401-CV, ___ SW3d ___, 08-31-09)

10-0176 JOHN W. THOMAS, M.D. AND SOUTH TEXAS RADIOLOGY GROUP v.
REBECCA DESROCHERS; from Bexar County; 4th district
(04-09-00487-CV, ___ SW3d ___, 12-23-09)

- 10-0193 DALLAS FORT WORTH INTERNATIONAL AIRPORT BOARD v. LINDA BANKS; from Tarrant County; 2nd district (02-09-00176-CV, ___ SW3d ___, 01-07-10)
- 10-0200 JOELLE OGLETREE v. GLEN ROSE INDEPENDENT SCHOOL DISTRICT; from Somervell County; 10th district (10-08-00392-CV, 314 SW3d 450, 02-10-10)
- 10-0201 OSCAR JEWELL TAYLOR AND BARBARA TAYLOR v. ELISEO CARBAJAL AND ARGELIA CARBAJAL; from San Jacinto County; 9th district (09-09-00035-CV, 304 SW3d 585, 01-14-10)
- 10-0212 AZHAR SAID, ET AL. v. ASIF SAID AND ASMA SAID; from Harris County; 1st district (01-08-00962-CV, ___ SW3d ___, 02-11-10)
- 10-0213 SAVE OUR SPRINGS ALLIANCE, INC. v. CITY OF DRIPPING SPRINGS, TODD PURCELL IN HIS OFFICIAL CAPACITY AS MAYOR, CYPRESS-HAYS, L.P., AND MAK FOSTER RANCH, L.P.; from Hays County; 3rd district (03-04-00683-CV, 304 SW3d 871, 02-11-10)
as redrafted
- 10-0239 IN THE INTEREST OF E.S., A CHILD; from El Paso County; 8th district (08-08-00001-CV, 304 SW3d 571, 01-13-10)
- 10-0254 IN THE INTEREST OF A.M., A.M. AND B.M.; from Bexar County; 4th district (04-09-00069-CV, 312 SW3d 76, 02-24-10)
- 10-0275 BEAUMONT BONE & JOINT INSTITUTE, P.A. v. TED SLAUGHTER; from Jefferson County; 9th district (09-09-00316-CV, ___ SW3d ___, 03-04-10)
2 petitions
- 10-0278 ERIKA BROWN v. AMERICAN FIDELITY ASSURANCE COMPANY; AND TERRAHEALTH, INC.; from Denton County; 2nd district (02-09-00042-CV, ___ SW3d ___, 01-14-10)
- 10-0282 CITY OF CORPUS CHRISTI v. LORA L. PORTELLA; from Nueces County; 13th district (13-09-00660-CV, ___ SW3d ___, 03-25-10)
- 10-0297 AL AND SUE BASTINELLI v. ESTATE OF RONNIE WREN; from Fannin County; 6th district (06-09-00060-CV, ___ SW3d ___, 01-20-10)
- 10-0299 UNITED FIRE & CASUALTY CO. v. BORING & TUNNELING COMPANY OF AMERICA D/B/A BORTUNCO; from Harris County; 1st district

(01-08-00487-CV, ___ SW3d ___, 02-11-10)

- 10-0304 LESLIE CLINT SLAY v. NATIONSTAR MORTGAGE, LLC, F/K/A CENTEX HOME EQUITY COMPANY, L.L.C.; from Parker County; 2nd district (02-09-00052-CV, ___ SW3d ___, 02-25-10)
- 10-0307 DALLAS CENTRAL APPRAISAL DISTRICT v. FRIENDS OF THE MILITARY, D/B/A VET TO VET; from Dallas County; 5th district (05-08-00115-CV, 304 SW3d 556, 12-16-09)
- 10-0337 CATHRYN BROXTERMAN v. DOYLE CARSON, MD, RUTH LYTLE, LPC AND GREEN OAKS HOSPITAL SUBSIDIARY, L.P., DBA GREEN OAKS HOSPITAL; from Collin County; 5th district (05-08-01392-CV, 309 SW3d 154, 03-22-10) as amended
- 10-0340 DENNIS C. DEACETIS v. MARIANNE WHITLEY, MARTHA C. FONKE, JAMES M. GARY, KIMBERLY C. GARY AND MICHAEL W. DE ACETIS; from Brazoria County; 14th district (14-08-00429-CV, ___ SW3d ___, 03-25-10)
- 10-0343 BILLY JOE BURNETT v. THE STATE OF TEXAS; from Angelina County; 12th district (12-08-00360-CV, ___ SW3d ___, 02-10-10)
- 10-0349 DEBORAH L. MCQUARY v. TARRANT COUNTY, TEXAS; from Tarrant County; 2nd district (02-09-00306-CV, 310 SW3d 170, 04-01-10)
- 10-0354 WOOD CARE CENTERS, INC. v. EVANGEL TEMPLE ASSEMBLY OF GOD OF WICHITA FALLS, TEXAS; from Wichita County; 2nd district (02-08-00300-CV, 307 SW3d 816, 02-18-10)
- 10-0356 STEVEN PHILIP KLOERIS, M.D. AND RAJESWARI THIAGARA RAJAN, M.D. v. CHARLES AND JAMIE STOCKDALE, INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF CHARLES WILLIAM STOCKDALE, III, JAMES AND TOREN DUKES, AS LEGAL GUARDIANS OF MINOR CHILDREN ALLYSON LENORA STOCKDALE AND CHARLES WILLIAM STOCKDALE, IV; from Harris County; 1st district (01-09-00711-CV, ___ SW3d ___, 04-01-10)
2 petitions
- 10-0357 MARY ROYAL AND IRA ROYAL, JR., INDIVIDUALLY AND AS NEXT FRIENDS OF IRA ROYAL, III v. HARRIS COUNTY; from Harris County; 14th district (14-08-00551-CV, ___ SW3d ___, 02-23-10)
- 10-0358 DAVID MCQUADE LEIBOWITZ AND DAVID MCQUADE LEIBOWITZ P.C. v.

COUNSEL FINANCIAL SERVICES L.L.C.; from Bexar County; 4th district
(04-09-00079-CV& 04-09-00080-CV, 311 SW3d 45, 02-10-10)

10-0385 BARBARA CARR v. DALLAS AREA RAPID TRANSIT; from Dallas County; 5th
district (05-09-00786-CV, 309 SW3d 174, 04-06-10)

10-0404 KENDALL/HEATON ASSOCIATES, INC. v. TELLEPSEN BUILDERS, L.P.; from
Harris County; 1st district (01-08-00295-CV, ___ SW3d ___, 04-15-10)
2 petitions

10-0416 CITY OF WEBSTER, ET AL. v. SUSAN COMBS, IN HER OFFICIAL CAPACITY
AS COMPTROLLER OF PUBLIC ACCOUNTS FOR THE STATE OF TEXAS;
from Travis County; 3rd district (03-08-00291-CV, 311 SW3d 85, 10-02-09)
3 petitions

10-0421 MITCHELL GOLDMINZ v. CITY OF DALLAS; from Dallas County; 5th district
(05-08-01420-CV, ___ SW3d ___, 02-26-10)

10-0444 CARL MELETIO, RUSTY MOBLEY, JEFF SCHMITZ, JAMES YOUNG, BOBBY
WHITE, RENEE HILL, JAMES HALE AND HILARIO PAULIN v. WILLIAM
HENRY MYRE; from Hunt County; 5th district
(05-08-00576-CV, 307 SW3d 839, 02-26-10)

10-0473 ROBERT C. RYAN, JEFFREY L. DORRELL, STEVEN HOWELL AND DAN
HALL v. CHARLES A. ROSENTHAL, IN HIS CAPACITY AS DISTRICT
ATTORNEY OF HARRIS COUNTY, TEXAS; from Harris County; 14th district
(14-08-00382-CV, 314 SW3d 136, 04-20-10)

(Justice Medina not sitting)

10-0525 VANESSA CAHILL, JOE CAVAZOS, KAY FISHCHER, ET AL. v. MIKE
BERTUZZI, MICHAEL BERGSMA, JOEL YOWEL, ET AL.; from Nueces County;
13th district (13-09-00183-CV, ___ SW3d ___, 05-27-10)

10-0616 EX PARTE RICHARD JOHN FLORANCE, JR.; from Collin County; 5th district
(05-10-00715-CV, ___ SW3d ___, 06-22-10)
motion for stay of execution of judgment denied
motion to accelerate (shorten) reconsideration denied

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED:

09-0987 BRENT COON, P.C. AND BRENT COON v. WALTER UMPHREY, P.C., BRYAN

O. BLEVINS, P.C., PAUL F. FERGUSON, JR., P.C., PROVOST UMPHREY TOBACCO PARTNERSHIP, MICHAEL R. RAMSEY, P.C., AND PROVOST*UMPHREY LAW FIRM L.L.P.; from Jefferson County; 9th district (09-09-00264-CV, ___ SW3d ___, 09-24-09)
joint motion to dismiss granted

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

10-0419 PEGGY PRYOR AND MELODY PRYOR v. RICHARD DOLGENER, COUNTY JUDGE OF ANDREWS COUNTY; from Andrews County; 8th district (08-09-00284-CV, ___ SW3d ___, 04-14-10)

ORDERS ON MOTIONS FOR REHEARING

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

09-0246 ROSE BARTON, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CHRISTOPHER MARTIN DEAN v. WHATABURGER, INC.; from Harris County; 1st district (01-06-01121-CV, 276 SW3d 456, 07-31-08)

09-0310 TEXAS MUTUAL INSURANCE CO. F/K/A TEXAS WORKERS' COMPENSATION INSURANCE FUND v. SONIC SYSTEMS INTERNATIONAL, INC. AND RANDY CROIX, EDDIE CROIX INSURANCE AGENCY, INC.; from Harris County; 14th district (14-07-00103-CV, 278 SW3d 377, 08-27-08)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

09-0441 IN RE CONSUELO VILLARREAL CANTÙ; from Cameron County; 13th district (13-08-00682-CV, ___ SW3d ___, 04-02-09)
as amended
motion to take judicial notice dismissed as moot
motion to consolidate dismissed as moot

09-0900 IN RE CHARLES DEMOTT, ET AL.; from Brazos County; 10th district (10-09-00175-CV&10-09-00183-CV, ___ SW3d ___, 08-12-09)

10-0136 IN RE C.B.; from Dallas County; 5th district

(05-09-01464-CV, ___ SW3d ___, 01-12-10)
as supplemented
stay order issued March 18, 2010, lifted
stay order issued June 29, 2010, lifted

(Justice Wainwright not sitting)

10-0260 IN RE APOTHECURE, INC., SPECTRA PHARM., INC. AND GARY D. OSBORN,
INDIVIDUALLY; from Dallas County; 5th district
(05-10-00048-CV, ___ SW3d ___, 02-02-10)

10-0270 IN RE GENE E. PHILLIPS, INDIVIDUALLY, AND D/B/A PHILLIPS OIL
INTERESTS, ET AL.; from Harris County; 1st district
(01-10-00285-CV, ___ SW3d ___, 04-26-10)
as reinstated

(Justice Guzman not sitting)

10-0298 IN RE MARGARET CASTRO; from Harris County; 14th district
(14-10-00238-CV, ___ SW3d ___, 03-18-10)
motion for sanctions denied

10-0367 IN RE STEPHANIE AGERS, INDIVIDUALLY AND AS NEXT FRIEND,
NATURAL PARENT AND LEGAL GUARDIAN OF OMARION COLE, A
MINOR; from Harrison County; 6th district
(06-10-00020-CV, ___ SW3d ___, 05-05-10)

10-0413 IN RE CHRISTUS HEALTH AND CHRISTUS HEALTH GULF COAST; from
Harris County; 1st district (01-10-00419-CV, ___ SW3d ___, 06-03-10)
stay order issued June 2, 2010, lifted
stay order issued June 11, 2010, lifted

10-0430 IN RE ATHENA RASMUSSEN; from Bexar County; 4th district
(04-10-00103-CV, ___ SW3d ___, 03-03-10)
as redrafted
stay order issued June 16, 2010, lifted

10-0612 IN RE RHETT WEBSTER PEASE; from Lee County
emergency motion to stay denied

See TEX. R. APP. P. 52.3(e)

10-0617 IN RE BARRY DWAYNE MINNFEE; from Fort Bend County; 1st district

- 10-0622 IN RE VICTOR DEL RIO
- 10-0633 IN RE R. WAYNE JOHNSON; from Travis County; 3rd district
(03-10-00193-CV, ___ SW3d ___, 05-07-10)
- 10-0634 IN RE R. WAYNE JOHNSON; from Hutchinson County; 7th district
(07-09-00008-CV, ___ SW3d ___, 05-11-10)
- 10-0638 IN RE DENBURY GREEN PIPELINE-TEXAS, LLC; from Galveston County; 14th
district (14-10-00657-CV, ___ SW3d ___, 08-12-10)
emergency motion for temporary relief denied
- 10-0641 IN RE RENE RAMIREZ, HIDALGO COUNTY JUDGE AND YVONNE RAMON,
ELECTION ADMINISTRATOR; from Hidalgo County; 13th district
motion to stay temporary injunction denied

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DISMISSED:

- 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
unopposed motion to dismiss mandamus granted
joint motion to extend abatement dismissed
abatement order issued March 5, 2010, lifted
stay order issued August 21, 2009, lifted
- 09-0986 IN RE BRENT COON, P.C. AND BRENT COON; from Jefferson County; 9th
district (09-09-00263-CV, ___ SW3d ___, 09-24-09)
joint motion to dismiss granted

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

- 10-0636 IN RE SCARBROUGH, MEDLIN & ASSOCIATES, INC. AND SCARBROUGH,
MEDLIN & ASSOCIATES FINANCIAL SERVICES, INC.; from Collin County; 5th
district (05-10-00792-CV, ___ SW3d ___, 07-30-10)

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 FOLLOWING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED:

10-0620 IN RE BRENNAN CUTLER PEASE, BY AND THROUGH NEXT FRIEND,
DESSIE MARIA ANDREWS; from Lee County

THE SUPREME COURT OF TEXAS

Orders Pronounced August 23, 2010

MISCELLANEOUS

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

10-0386 IN RE DALLAS COUNTY HOSPITAL DISTRICT D/B/A PARKLAND HEALTH
& HOSPITAL SYSTEM; from Dallas County; 5th district
(05-10-00515-CV, 313 SW3d 497, 05-18-10)
motion for emergency relief to stay underlying trial court proceeding denied
stay order issued May 28, 2010, remains in effect
stay order issued August 4, 2010, remains in effect

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

THE SUPREME COURT OF TEXAS

Orders Pronounced August 24, 2010

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 10-0647 IN RE DAVID BUREN WILSON; from Harris County; 14th district
verified motion for emergency hearing on petition for writ of mandamus denied
- 10-0650 IN RE LOUIS F. BOUSE; 10th district (10-10-00263-CV, ___ SW3d ___, 08-17-10)
emergency motion for temporary relief denied

THE SUPREME COURT OF TEXAS

Orders Pronounced August 25, 2010

ORDERS ON CAUSES

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

09-0306 BETTY YVON LESLEY, ET AL. v. VETERANS LAND BOARD OF THE STATE OF TEXAS (VLB), ET AL.; from Erath County; 11th district (11-07-00034-CV, 281 SW3d 602, 01-22-09)
unopposed joint motion for leave of Court to allow three attorneys to present oral argument denied

(Chief Justice Jefferson not sitting)

THE SUPREME COURT OF TEXAS

Orders Pronounced August 27, 2010

ORDERS ON CAUSES

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's opinion and judgment of August 28, 2009 are withdrawn and the opinion and judgment of this date are substituted.

The Court affirms the court of appeals' judgment.

Justice Medina delivered an opinion of the Court, in which Justice Hecht joined, and in which Justice Wainwright, Justice Johnson, and Justice Willett joined as to Parts I & IV.

Justice Wainwright delivered a concurring opinion.

Justice Johnson delivered a concurring opinion, in which Justice Willett joined, and in which Justice Hecht joined as to Parts II and III-A, and in which Justice Wainwright joined as to Parts I, II, and III-A.

Chief Justice Jefferson delivered an opinion concurring in part and dissenting in part, in which Justice Green, Justice Guzman, and Justice Lehrmann joined.

Justice Guzman delivered an opinion concurring in part and dissenting in part.

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)

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

Justice Johnson delivered the opinion of the Court.

(Justice Guzman not sitting)

08-0995 IN RE COLUMBIA VALLEY HEALTHCARE SYSTEM, L.P. D/B/A VALLEY REGIONAL MEDICAL CENTER; from Cameron County; 13th district (13-08-00136-CV, ___ SW3d ___, 11-06-08)

The Court conditionally grants the writ of mandamus.

Justice Medina delivered the opinion of the Court.

08-1003 KIRBY LAKE DEVELOPMENT, LTD., MITER DEVELOPMENT CO., L.L.C. AND TAYLOR LAKE, LTD. AND FRIENDSWOOD DEVELOPMENT COMPANY, LTD. v. CLEAR LAKE CITY WATER AUTHORITY; from Harris County; 14th district (14-08-00013-CV, 274 SW3d 41, 08-07-08)(14-06-00924-CV, ___ SW3d ___, 08-05-08)(14-07-00404-CV, ___ SW3d ___, 12-09-08)

The Court affirms in part and reverses in part 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 Wainwright, Justice Medina, Justice Green, Justice Johnson, and Justice Lehrmann joined, and in which Justice Willett joined as to all parts except footnote 7.

(Justice Guzman not sitting)

09-0005 TRANSCONTINENTAL INSURANCE COMPANY v. JOYCE CRUMP; from Fort Bend County; 14th district (14-06-00905-CV, 274 SW3d 86, 08-26-08)

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

Justice Green delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Hecht, Justice Wainwright, Justice Medina, and Justice Willett joined, and in which Justice Johnson and Justice Lehrmann joined as to Parts I, II, IV and V.

Justice Johnson delivered a concurring opinion, in which Justice Lehrmann joined.

(Justice Guzman not sitting)

09-0159 SAMUEL GARCIA, JR., M.D. v. MARIA GOMEZ, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF OFELIA MARROQUIN, DECEASED; from Hidalgo County; 13th district (13-08-00054-CV, 286 SW3d 445, 12-04-08)

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 Justice Hecht, Justice Wainwright, Justice Green, Justice Willett, Justice Guzman, and Justice Lehrmann joined.

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

joined.

Justice Johnson delivered a dissenting opinion.

09-0269 JEFFERSON STATE BANK v. CHRISTA C. LENK, ADMINISTRATRIX OF THE ESTATE OF MICKEY CARL MARCUS; from Bexar County; 4th district (04-07-00828-CV, ___ SW3d ___, 03-11-09)

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

Justice Guzman delivered the opinion of the Court.

THE MOTION FOR REHEARING OF THE FOLLOWING CAUSE 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)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

09-0326 LARRY ROCCAFORTE v. JEFFERSON COUNTY; from Jefferson County; 9th district (09-08-00420-CV, 281 SW3d 230, 03-05-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., October 14, 2010.]

Time allotted to argue: 20/20 minutes

09-0497 TYLER SCORESBY, M.D. v. CATARINO SANTILLAN, INDIVIDUALLY AND AS NEXT FRIEND OF SAMUEL SANTILLAN, A MINOR; from Tarrant County; 2nd district (02-08-00357-CV, 287 SW3d 319, 04-30-09)

[**Note:** This case has been set for oral argument at 9:00 a.m., November 9, 2010.]

Time allotted to argue: 20/20 minutes

09-0794 LTTS CHARTER SCHOOL, INC. D/B/A UNIVERSAL ACADEMY v. C2 CONSTRUCTION, INC.; from Dallas County; 5th district (05-07-01469-CV, 288 SW3d 31, 02-02-09)

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

State.

[**Note:** This case has been set for oral argument at 9:00 a.m., December 7, 2010.]

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

- 09-0079 VENKATESWARLU THOTA, M.D. AND NORTH TEXAS CARDIOLOGY CENTER v. MARGARET YOUNG, INDIVIDUALLY, AND AS REPRESENTATIVE OF THE ESTATE OF WILLIAM R. YOUNG; from Wichita County; 2nd district (02-05-00350-CV, 271 SW3d 822, 11-20-08)
- 09-0472 IONA L. WHEATLEY, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF DOROTHY L. HELM v. MEDICAL HOSPITAL OF BUNA, TEXAS, INC., D/B/A BUNA MEDICAL CENTER REHABILITATION NURSING; from Jasper County; 9th district (09-08-00183-CV, 287 SW3d 286, 04-23-09)
- 09-0581 MINNIE SHELTON INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF ANNIE MAE BROWN v. THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON AND THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON D/B/A JOHN SEALY HOSPITAL; from Galveston County; 14th district (14-07-00994-CV, ___ SW3d ___, 04-14-09)
- 09-0846 CHARLES TATE v. DISCOVER PROPERTY & CASUALTY INSURANCE COMPANY; from Bexar County; 4th district (04-08-00757-CV, 298 SW3d 249, 06-24-09)
- 09-1027 RANDALL COUNTY v. TERESA BATES, AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF KEVIN BATES AND JOE REYNERO; from Randall County; 7th district (07-08-00072-CV, 297 SW3d 828, 09-25-09)
- 10-0084 STACY L. CONNER v. KENNETH AND LOLA CHERNUSHEK; from Lubbock County; 7th district (07-08-00213-CV, ___ SW3d ___, 09-11-09)
- 10-0095 MANCHESTER TANK & EQUIPMENT COMPANY v. ENGINEERED CONTROLS INTERNATIONAL, INC.; from Freestone County; 10th district (10-08-00207-CV, 311 SW3d 573, 12-30-09)
- 10-0196 MCKINNEY & MOORE, INC. v. CITY OF LONGVIEW, TEXAS; from Gregg

- County; 14th district (14-08-00628-CV, ___ SW3d ___, 12-08-09)
- 10-0252 CLEAR LAKE CITY WATER AUTHORITY v. MCR CORPORATION; from Harris County; 1st district (01-08-00955-CV, ___ SW3d ___, 03-11-10)
- 10-0285 JOSEPH TATE, TRUSTEE OF THE JOSEPH TATE REVOCABLE TRUST v. VIRGINIA E. LIPE A/K/A VIRGINIA E. ALFORD; from Cameron County; 13th district (13-09-00248-CV, ___ SW3d ___, 10-29-09)
- 10-0289 MATTHEW T. HINTERLONG v. ARLINGTON INDEPENDENT SCHOOL DISTRICT; from Tarrant County; 2nd district (02-09-00050-CV, ___ SW3d ___, 02-11-10)
- 10-0319 SEVERIANO DELEON v. ROYAL INDEMNITY COMPANY; from Hays County; 3rd district (03-08-00532-CV, ___ SW3d ___, 01-27-10)
- 10-0325 GOETZ INSURORS, INC. AND GOETZ INSURORS, INC., AS ASSIGNEE OF THE CLAIMS OF CATTICO, INC. v. TEXAS MUTUAL INSURANCE COMPANY; from Swisher County; 7th district (07-08-00279-CV, 308 SW3d 485, 03-25-10)
- 10-0429 SHELL OIL COMPANY; SWEPI LP D/B/A SHELL WESTERN E&P, SUCCESSOR IN INTEREST TO SHELL WESTERN E&P, INC. v. RALPH ROSS; from Harris County; 1st district (01-08-00713-CV, ___ SW3d ___, 02-25-10)
- 10-0438 LYDIA ESTHER RODRIGUEZ v. VICTOR MANUEL RODRIGUEZ; from Maverick County; 4th district (04-09-00101-CV, ___ SW3d ___, 03-10-10)
- 10-0457 CHRISTOPHER JONES v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE - INSTITUTIONAL DIVISION, ET AL.; from Madison County; 10th district (10-09-00060-CV, ___ SW3d ___, 04-14-10)
- 10-0478 EMIL CERULLO D/B/A NEW YOU WEIGHT MANAGEMENT CENTER AND NEW YOU WEIGHT MANAGEMENT CENTERS, LLC. v. PETER GOTTLIEB; from Dallas County; 5th district (05-08-01173-CV, 309 SW3d 160, 03-25-10)
- 10-0498 DAMON BANKHEAD v. DAVID T. SPENCE, D.D.S.; from Coryell County; 10th district (10-09-00171-CV, 314 SW3d 464, 03-24-10)
- 10-0507 2007 EAST MEADOWS, L.P. v. RCM PHOENIX PARTNERS, L.L.C.; from Dallas County; 5th district (05-08-00987-CV, 310 SW3d 199, 04-14-10)

10-0532 MACK ELSTON v. ROBERT GRANT HARRISON; from Lubbock County; 7th district (07-08-00486-CV, 310 SW3d 209, 04-14-10)

10-0655 RENE RAMIREZ, HIDALGO COUNTY JUDGE AND YVONNE RAMON, ELECTION ADMINISTRATOR v. JOEL QUINTANILLA AND THE HIDALGO COUNTY REPUBLICAN PARTY; from Hidalgo County; 13th district (13-10-00449-CV, 13-10-00450-CV, ___ SW3d ___, 08-20-10)
motion to stay temporary injunction denied
motion for emergency oral argument denied

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

10-0446 MARSHA CHAMBERS v. JUSTICE OF THE PEACE COURT PRECINCT #1; from Kaufman County; 5th district (05-09-00407-CV, ___ SW3d ___, 03-24-10)

ORDERS ON MOTIONS FOR REHEARING

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

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)
as supplemented

09-0801 JUNETH STEUBING v. CITY OF KILLEEN, TEXAS; from Bell County; 3rd district (03-08-00227-CV, 298 SW3d 673, 07-10-09)

10-0029 FWT, INC. v. HASKIN WALLACE MASON PROPERTY MANAGEMENT, L.L.P.; from Tarrant County; 2nd district (02-08-00321-CV, 301 SW3d 787, 11-25-09)

10-0087 ELEVEN THOUSAND ONE HUNDRED EIGHTY NINE DOLLARS (CHAD DAVIS) v. THE STATE OF TEXAS; from San Jacinto County; 9th district (09-08-00445-CV, ___ SW3d ___, 08-27-09)

10-0109 PAUL JAMES KOUMJIAN v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTION DIVISION AND UNIVERSITY OF TEXAS MEDICAL BRANCH, CORRECTIONAL MANAGED CARE; from Walker County; 10th district (10-08-00141-CV, ___ SW3d ___, 11-25-09)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 09-0185 IN RE MINTER ELECTRIC COMPANY, INC.; from Dallas County; 5th district
(05-08-01475-CV, 277 SW3d 540, 02-02-09)
stay order issued March 13, 2009, lifted
- 10-0104 IN RE TOYOTA MOTOR CORPORATION AND TOYOTA MOTOR SALES,
U.S.A., INC.; from Johnson County; 10th district
(10-09-00371-CV, ___ SW3d ___, 01-20-10)
stay order issued February 18, 2010, lifted

(Justice Green not sitting)

- 10-0178 IN RE FATIH OZCELEBI, M.D.; from Hidalgo County; 13th district
(13-09-00662-CV, ___ SW3d ___, 01-08-10)
- 10-0572 IN RE WENDY ARCHER; from Tarrant County; 2nd district
(02-10-00104-CV, ___ SW3d ___, 05-07-10)
motion to seal granted
motion for emergency stay denied
request for sanctions denied

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

- 10-0661 IN RE KEN HARVEY, JAN HARVEY AND DAVID HARVEY; from Tarrant
County; 2nd district (02-09-00335-CV, ___ SW3d ___, 08-25-10)
relator's motion to exceed page limit denied

The Court strikes the petition for writ of mandamus with the following notation: "The petition violates Texas Rule of Appellate Procedure 52.6 and is struck. Relator is ordered to redraw; the redrawn petition is due to be filed 4:00 p.m., August 27, 2010."

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

10-0661 IN RE KEN HARVEY, JAN HARVEY AND DAVID HARVEY; from Tarrant County; 2nd district (02-09-00335-CV, ___ SW3d ___, 08-25-10)
relators' motion for emergency stay, as supplemented, granted
stay order issued
requested response due by 3:00 p.m., September 7, 2010

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