



THE SUPREME COURT OF TEXAS

Orders Pronounced May 31, 2024

ORDERS ON CAUSES

23-0629 STATE OF TEXAS; KEN PAXTON, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF TEXAS; TEXAS MEDICAL BOARD; AND STEPHEN BRINT CARLTON, IN HIS OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF THE TEXAS MEDICAL BOARD v. AMANDA ZURAWSKI; LAUREN MILLER; LAUREN HALL; ANNA ZARGARIAN; ASHLEY BRANDT; KYLIE BEATON; JESSICA BERNARDO; SAMANTHA CASIANO; AUSTIN DENNARD, D.O.; TAYLOR EDWARDS; KIERSTEN HOGAN; LAUREN VAN VLEET; ELIZABETH WELLER; DAMLA KARSAN, M.D., ON BEHALF OF HERSELF AND HER PATIENTS; AND JUDY LEVISON, M.D., M.P.H., ON BEHALF OF HERSELF AND HER PATIENTS; from Travis County

The Court vacates the temporary injunction order and remands the case to the trial court.

Justice Bland delivered the opinion of the Court.

Justice Lehrmann filed a concurring opinion.

Justice Busby filed a concurring opinion, in which Justice Lehrmann joined.

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

23-0023 THE UNIVERSITY OF TEXAS AT AUSTIN AND JAY HARTZELL, IN HIS OFFICIAL CAPACITY AS INTERIM PRESIDENT OF THE UNIVERSITY OF TEXAS AT AUSTIN v. GATEHOUSE MEDIA TEXAS HOLDINGS II, INC., D/B/A AUSTIN AMERICAN-STATESMAN; from Travis County; 8th Court of Appeals District (08-20-00157-CV, 656 SW3d 791, 11-29-22)

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

23-0045 MICHAEL A. POHL, THE AMMONS LAW FIRM, AND ROBERT AMMONS, ET AL. v. MARK KENTRELL CHEATHAM, SR., LUELLA MILLER, MARK CHEATHAM, JR. AND INTERVENOR LACY REESE; from Harris County; 1st Court of Appeals District (01-20-00046-CV, ___ SW3d ___, 08-30-22)

3 petitions

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

23-0329 CHRISTOPHER F. BERTUCCI, AS EXECUTOR OF THE ESTATE OF ANTHONY R. BERTUCCI, DECEASED, AND DERIVATIVELY ON BEHALF OF AMERICAN AFFORDABLE HOMES & PROPERTIES, INC.; AMERICAN AFFORDABLE HOMES, LP; TOWN VISTA DEVELOPMENT, LLC; TOWN VISTA TERRACE, INC.; AND MIDCROWNE SENIOR SLP, LLC v. EUGENE L. WATKINS, JR.; from Travis County; 3rd Court of Appeals District (03-20-00058-CV, ___ SW3d ___, 12-30-22)

2 petitions

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

23-0344 425 SOLEDAD, LTD. AND 425 LONELINESS, LTD. v. CRVI RIVERWALK HOSPITALITY, LLC; from Bexar County; 4th Court of Appeals District (04-20-00482-CV, ___ SW3d ___, 08-10-22)

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

23-0365 EIS DEVELOPMENT II, LLC v. BUENA VISTA AREA ASSOCIATION, LANCE W. HALL AND HEATHER R. HALL, JASON PAUL SMITHEY, DAVID W. MOLENGRAAF AND KIMBERLEY K. MOLENGRAAF, ALEXANDER E.W.J. SCHINDLER AND ANGELA R. SCHINDLER, AS INDIVIDUALS; from Ellis County; 8th Court of Appeals District (08-22-00006-CV, ___ SW3d ___, 04-12-23)

[**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:

23-0777 IN RE PINNERGY, LTD.; from Harris County; 1st Court of Appeals District (01-23-00022-CV, ___ SW3d ___, 08-08-23)

[**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:

22-0631 THE BOEING COMPANY v. SOUTHWEST AIRLINES PILOTS ASSOCIATION (SWAPA) ON BEHALF OF ITSELF AND ITS MEMBERS; from Dallas County; 5th Court of Appeals District (05-20-01067-CV, ___ SW3d ___, 03-30-22)

22-0637 AMERICAN MEDICAL HOME HEALTH SERVICES, LLC, HUB CITY HOME HEALTH, INC. D/B/A AMERICAN MEDICAL HOME HEALTH SERVICES, AMERICAN MEDICAL HOME HEALTH SERVICES SAN ANTONIO, LLC, AMERICAN MEDICAL HOSPICE CARE, LLC, AMERICAN MEDICAL PALLIATIVE SUPPORT, LLC, MAGDALENA (MAGGIE) CLEMENTE, RENE ESTRADA, AND GINA TREVINO v. LEGACY HOME HEALTH AGENCY, INC. AND LEGACY HOME CARE SERVICES, INC. D/B/A ALL SEASONS HOME CARE, INC.; from Bexar County; 4th Court of Appeals District (04-20-00494-CV, ___ SW3d ___, 03-30-22)

petitioners' motion to consolidate cases denied

(Justice Devine not participating)

22-0704 AMERICAN MEDICAL HOME HEALTH SERVICES, LLC, HUB CITY HOME HEALTH, INC. D/B/A AMERICAN MEDICAL HOME HEALTH SERVICES, AMERICAN MEDICAL HOME HEALTH SERVICES SAN ANTONIO, LLC, AMERICAN MEDICAL HOSPICE CARE, LLC, AMERICAN MEDICAL PALLIATIVE SUPPORT, LLC, MAGDALENA (MAGGIE) CLEMENTE, RENE ESTRADA, AND GINA TREVINO v. LEGACY HOME HEALTH AGENCY, INC. AND LEGACY HOME CARE SERVICES, INC. D/B/A ALL SEASONS HOME CARE, INC.; from Bexar County; 4th Court of Appeals District (04-22-00239-CV, ___ SW3d ___, 06-29-22)

petitioners' motion to consolidate cases denied

(Justice Devine not participating)

22-0749 IN THE ESTATE OF RENE RAMOS, DECEASED; from Nueces County; 13th Court of Appeals District (13-21-00233-CV, ___ SW3d ___, 07-28-22)

22-0750 YVONNE VELA v. GRAYSON MICHAEL SALAS AND TIMOTHY LANGE; from Nueces County; 13th Court of Appeals District (13-20-00424-CV, ___ SW3d ___, 07-28-22)

(Justice Lehrmann not participating)

22-0858 TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL v. CITY OF HIDALGO; from Hidalgo County; 13th Court of Appeals District (13-22-00250-CV, ___ SW3d ___, 08-25-22)

22-1072 ONCOR ELECTRIC DELIVERY COMPANY LLC v. VICTOR QUINTANILLA, OSCAR INTERIANO ROSALES AND ACCIDENT FUND INSURANCE COMPANY OF AMERICA; from Dallas County; 5th Court of Appeals District (05-19-01331-CV, ___ SW3d ___, 10-17-22)

22-1124 THE BOEING COMPANY v. SOUTHWEST AIRLINES PILOTS ASSOCIATION (SWAPA), AS ASSIGNEE OF 8,794 OF ITS MEMBER PILOTS; from Dallas County; 5th Court of Appeals District (05-21-00598-CV, ___ SW3d ___, 11-07-22)

- 23-0146 EQUITY TRUST FBO JED SILVERMAN IRA v. ANGELINA GUERRERO; from Harris County; 14th Court of Appeals District (14-21-00136-CV, ___ SW3d ___, 10-20-22)
- 23-0544 DR. KIM ELLIOT MCMORRIES v. TEXAS MEDICAL BOARD; from Travis County; 3rd Court of Appeals District (03-21-00141-CV, ___ SW3d ___, 02-16-23)
- 23-0588 IN RE ESTATE OF CHARLES EDWARD LONG, DECEASED; from Gregg County; 6th Court of Appeals District (06-23-00025-CV, ___ SW3d ___, 06-29-23)
- 23-0594 TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER v. JUAN R. OAXACA; from El Paso County; 8th Court of Appeals District (08-22-00112-CV, ___ SW3d ___, 06-22-23)
- 23-0761 DR. NESTOR MARTINEZ; NM HEALTH SERVICES-NORTH, P.A.; PAIN & RECOVERY CLINIC OF NORTH HOUSTON; AND CAGUAS CASUALTY CORP. v. CAPSTONE ASSOCIATED SERVICES, LTD.; CAPSTONE ASSOCIATED SERVICES (WYOMING), LIMITED PARTNERSHIP; AND CAPSTONE INSURANCE MANAGEMENT, LTD.; from Harris County; 14th Court of Appeals District (14-21-00560-CV, ___ SW3d ___, 08-08-23)
- 23-0779 UNITED DEVELOPMENT FUNDING IV AND MIKE WILSON v. NEXPOINT ADVISORS, L.P.; from Tarrant County; 2nd Court of Appeals District (02-22-00427-CV, 674 SW3d 437, 08-03-23)
2 petitions
- 23-0853 ALL BY GRACE HOME HEALTH CARE, INC. v. TEXAS HEALTH AND HUMAN SERVICES COMMISSION; from Travis County; 8th Court of Appeals District (08-22-00223-CV, ___ SW3d ___, 08-14-23)

- 24-0120 AUDREY NICKERSON v. UNIQUE EMPLOYMENT I, LTD.; from Nueces County; 13th Court of Appeals District (13-22-00057-CV, ___ SW3d ___, 01-04-24)
- 24-0186 REMINGTON SHERMAN AUTOMOTIVE, LLC v. FMG NORTH TEXAS, LLC, SUCCESSOR IN INTEREST OF FMO REAL ESTATE, LLC; from Grayson County; 5th Court of Appeals District (05-22-01366-CV, ___ SW3d ___, 12-27-23)
- 24-0189 IN THE INTEREST OF C.M.P., L.R.S., B.J.S., J.K.R., AND M.R., CHILDREN; from Bexar County; 4th Court of Appeals District (04-23-00744-CV, ___ SW3d ___, 01-31-24)
- 24-0327 MCKINNEY PODIATRIC ASSOCIATES, P.A., COASTAL FOOT & ANKLE ASSOCIATES, P.A., AND HINA SHAFQAT HASSAN, DPM v. ZEENETHIA JACKSON; from Harris County; 14th Court of Appeals District (14-22-00874-CV, ___ SW3d ___, 01-25-24)
- 24-0417 IN THE INTEREST OF Z.B., J.B., AND S.B., CHILDREN; from Taylor County; 11th Court of Appeals District (11-23-00248-CV, ___ SW3d ___, 04-11-24)

ORDERS ON MOTIONS FOR REHEARING

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

- 22-0713 CENTRAL MUTUAL INSURANCE COMPANY v. RELIANCE PROPERTY MANAGEMENT, INC.; from Dallas County; 5th Court of Appeals District (05-21-00071-CV, ___ SW3d ___, 05-25-22)
- 22-0910 DEYSI R. SANTOS v. YELLOWFIN LOAN SERVICING CORP., AS SUCCESSOR IN INTEREST TO FIRST FRANKLIN; from Harris County; 14th Court of Appeals District (14-21-00151-CV, ___ SW3d ___, 07-12-22)

23-0603 FRANK AHLGREN III AND THE COPERNICAN, LLC v. FRANK AHLGREN JR. AND ELISE LEAKE, AS CO-TRUSTEES OF THE AHLGREN MANAGEMENT TRUST; from Travis County; 13th Court of Appeals District (13-22-00029-CV, ___ SW3d ___, 06-15-23)
(Justice Lehrmann not participating)

23-0627 JUAN DELAPENA, INDIVIDUALLY AND AS NEXT FRIEND OF C.D.L.P., A MINOR; AND KORINA DELAPENA, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF C.D., A DECEASED MINOR v. CITY OF CEDAR PARK; from Travis County; 13th Court of Appeals District (13-21-00341-CV, ___ SW3d ___, 11-17-22)

24-0141 VICTOR J. EDNEY, JR. v. CITY OF WACO, TEXAS; from McLennan County; 13th Court of Appeals District (13-22-00152-CV, ___ SW3d ___, 11-30-23)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

22-1153 IN RE ALL BY GRACE HEALTH CARE, INC.; from Travis County; 8th Court of Appeals District (08-22-00223-CV, ___ SW3d ___, 08-14-23)
stay order issued December 23, 2022, lifted

24-0230 IN RE DEBRA LOUISE MCLEOD; from Waller County; 14th Court of Appeals District (14-23-00812-CV, ___ SW3d ___, 10-31-23)
relator's motion for temporary relief dismissed as moot

24-0231 IN RE DEBRA LOUISE MCLEOD; from Waller County; 14th Court of Appeals District (14-24-00177-CV, ___ SW3d ___, 03-13-24)
relator's motion for temporary relief dismissed as moot

24-0337 IN RE PHILIP FLOYD; from Collin County; 5th Court of Appeals District (05-22-01147-CV, ___ SW3d ___, 12-12-23)

24-0433 IN RE STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY AND BRITTANY MAEGAN PIERPORT; from Dallas County;
5th Court of Appeals District (05-24-00548-CV, ___ SW3d ___, 05-22-24)
emergency motion for temporary relief denied

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

24-0018 CURTIS LILLY v. COMMISSION FOR LAWYER DISCIPLINE (BODA
Cause No. 67514)