



THE SUPREME COURT OF TEXAS

Orders Pronounced September 27, 2024

ORDERS ON CAUSES

THE FOLLOWING CAUSE IS RESET FOR ORAL ARGUMENT:

- 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, 690 SW3d 341, 12-30-22)
- 2 petitions

[**Note:** This cause has been reset for oral argument at 9:00 a.m., October 1, 2024.]

Time allotted to argue: 20/20 minutes

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 21-1097 AMERICAN HONDA MOTOR CO., INC. v. SARAH MILBURN; from Dallas County; 5th Court of Appeals District (05-19-00850-CV, 668 SW3d 6, 11-24-21)
- 22-0427 TEXAS DEPARTMENT OF INSURANCE AND CASSIE BROWN, IN HER OFFICIAL CAPACITY AS COMMISSIONER OF THE TEXAS DEPARTMENT OF INSURANCE v. STONEWATER ROOFING, LTD. CO.; from Travis County; 7th Court of Appeals District (07-21-00016-CV, 641 SW3d 794, 02-02-22)

23-0443 RICHARD S. WADE v. VERTICAL COMPUTER SYSTEMS, INC. AND LUIZ VALDETARO; from Dallas County; 5th Court of Appeals District (05-22-00454-CV, ___ SW3d ___, 04-27-23)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

23-0317 MAURICE N. LEIBMAN M.D. v. CLEVERATTA WALDROUP AND JAMES WALDROUP, INDIVIDUALLY AND AS NEXT FRIENDS OF R. W., A MINOR; from Harris County; 1st Court of Appeals District (01-22-00182-CV, ___ SW3d ___, 03-23-23)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 5, 2024.]

Time allotted to argue: 20/20 minutes

23-0644 KENSINGTON TITLE-NEVADA, LLC v. TEXAS DEPARTMENT OF STATE HEALTH SERVICES; from Travis County; 3rd Court of Appeals District (03-21-00370-CV, ___ SW3d ___, 07-07-23)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 5, 2024.]

Time allotted to argue: 20/20 minutes

23-0662 RAOGER CORPORATION v. BARRIE MYERS; from Dallas County; 5th Court of Appeals District (05-21-00988-CV, ___ SW3d ___, 07-05-23)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 13, 2025.]

Time allotted to argue: 20/20 minutes

23-0704 CHAD SEWARD, HOME DEPOT U.S.A., INC., AND POINT 2 POINT GLOBAL SECURITY, INC. v. ROGELIO SANTANDER SR. AND JULIA GARCIA, INDIVIDUALLY AND AS CO-ADMINISTRATORS OF THE ESTATE OF ROGELIO SANTANDER JR., AND CRYSTAL ALMEIDA; from Dallas County; 5th Court of Appeals District (05-21-00911-CV, ___ SW3d ___, 07-18-23)

2 petitions

objection to brief of amici curiae, being treated as motion to reject amici curiae brief, denied

motion for leave to file response to objection dismissed as moot

[**Note:** This case has been set for oral argument at 9:00 a.m., December 5, 2024.]

Time allotted to argue: 20/20 minutes

23-0987 COMMUNITY HEALTH CHOICE, INC. AND COMMUNITY HEALTH CHOICE TEXAS, INC. v. ACS PRIMARY CARE PHYSICIANS SOUTHWEST, P.A.; from Harris County; 14th Court of Appeals District (14-21-00519-CV, 676 SW3d 150, 08-15-23)

respondent's motion to dismiss granted as follows:

Pursuant to Texas Rule of Appellate Procedure 56.2, after granting the petition for review and without hearing oral argument or considering the merits, the Court vacates the court of appeals' judgment and opinions, dismisses the appeal as moot, and remands the case to the trial court. *See Morath v. Lewis*, 601 S.W.3d 785 (Tex. 2020).

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

23-0637 FRANK ELMER LANE, M.D. v. TEXAS MEDICAL BOARD; from Travis County; 3rd Court of Appeals District (03-21-00593-CV, ___ SW3d ___, 06-28-23)

- 23-0997 IN THE INTEREST OF A.N.C., A CHILD; from Bexar County; 4th Court of Appeals District (04-23-00497-CV, 679 SW3d 311, 10-31-23)
2 petitions
- 24-0100 NUECES COUNTY AND NUECES COUNTY APPRAISAL DISTRICT v. SAN PATRICIO COUNTY; from Refugio County; 13th Court of Appeals District (13-21-00466-CV, 683 SW3d 559, 12-28-23)
- 24-0156 STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY v. ERNEST VALDEZ; from Bexar County; 4th Court of Appeals District (04-22-00113-CV, 690 SW3d 712, 01-31-24)
- 24-0221 REYNALDO GONZALEZ JR. v. MORGAN GRAHAM; from Cameron County; 13th Court of Appeals District (13-23-00091-CV, ___ SW3d ___, 01-18-24)
- 24-0241 ROBERT DIAKIW, HARLOW MANAGEMENT, L.L.C., MINAKI CAPITAL INVESTMENTS, LLC, LEGACY PRECAST, LLC AND LEGACY PRECAST ADMINISTRATIVE GROUP, LLC, RICHARD SCHULTZ, TOM HAINES, HUSSEIN SINJARI, PAT COOLEGGE, JERONIMO TREJO, AND HELEN HUERECA v. STITES MANAGEMENT, L.L.C., GULF SHORE ERECTORS, LLC, DALE STITES, MICHAEL T. STITES, STEPHEN SCOTT STITES, MARK ANDREW STITES, LINDA DIANNE WOOLARD, AND 4-S MANUFACTURING TEXAS, LLC (SUCCESSOR TO THE CLAIMS OF EAST TEXAS PRECAST CO., LTD., AND GULF COAST PRECAST ERECTORS, LLC); from Harris County; 14th Court of Appeals District (14-22-00439-CV, 693 SW3d 582, 11-21-23)
- 24-0263 STEPHEN PATRICK BLACK v. DR. NICHOLAS EDD AND PENILE PLETHYSMORGRAPH CLINICAN II; from Guadalupe County; 4th Court of Appeals District (04-23-00923-CV, ___ SW3d ___, 01-24-24)

- 24-0288 RG ALTS, LP v. BEN MCMILLAN, ANDREW SWAN, DAVID BENJAMIN JACOBSON, IDX GLOBAL, LLC, AND IDX DIGITAL ASSETS, LLC; from Dallas County; 5th Court of Appeals District (05-23-00011-CV, ___ SW3d ___, 01-24-24)
2 petitions
- 24-0298 CITY OF EULESS, SELF-INSURED v. MARTA DANYLYK, HELMUT HOFER, SOFIJA HOFER AND THE TEXAS SUBSEQUENT INJURY FUND; from Collin County; 5th Court of Appeals District (05-22-00898-CV, ___ SW3d ___, 12-12-23)
- 24-0314 STEPHEN S. L. EARLEY AND DOROTHY ANN EARLEY v. NATIONSTAR MORTGAGE, L.L.C. A/K/A MR. COOPER AND U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BANC OF AMERICA FUNDING 2008-FT1 TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2008-FT1; from Cameron County; 13th Court of Appeals District (13-22-00246-CV, ___ SW3d ___, 03-21-24)
- 24-0318 GUADALUPE RODRIGUEZ v. ACADEMY, LTD. D/B/A ACADEMY SPORTS + OUTDOORS; from Travis County; 14th Court of Appeals District (14-23-00234-CV, 694 SW3d 780, 03-05-24)
- 24-0393 CITY OF HOUSTON AND HOUSTON AIRPORT SYSTEM v. CHRISTOPHER GRINER; from Harris County; 14th Court of Appeals District (14-24-00164-CV, ___ SW3d ___, 03-28-24)
- 24-0416 CYNTHIA S. FORNESA AND RICARDO FORNESA, JR. v. EFG COMPANIES; JOHN PAPPANASTOS; SCOTT KNAPP; from Fort Bend County; 14th Court of Appeals District (14-23-00579-CV, ___ SW3d ___, 02-08-24)
- 24-0419 SUNBELT RENTALS, INC. v. FRANCISCO HERRERA; from Harris County; 1st Court of Appeals District (01-22-00793-CV, ___ SW3d ___, 04-09-24)

- 24-0445 TERESA SHUMSKIE v. TRINA FINNELL; from Midland County; 11th Court of Appeals District (11-22-00130-CV, 688 SW3d 380, 04-25-24)
- 24-0461 MAURO E. GARZA AND EVERETT HOLDINGS, LLC v. JULIA PEREZ; from Bexar County; 7th Court of Appeals District (07-23-00271-CV, ___ SW3d ___, 04-23-24)
- 24-0519 PEDRO ECHARTEA v. JUAN D. FLORES AND MARTHA O. GONZALEZ; from Brazoria County; 14th Court of Appeals District (14-22-00920-CV, 691 SW3d 774, 06-04-24)
- 24-0531 MILLER MACHINE & WELDING, INC. v. THE STATE OF TEXAS; from Harris County; 14th Court of Appeals District (14-23-00201-CV, 694 SW3d 908, 05-07-24)
- 24-0551 C.H. AND A.C. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Travis County; 3rd Court of Appeals District (03-24-00104-CV, ___ SW3d ___, 05-31-24)
counsel's motion to withdraw granted
- 24-0579 KYLE AND DALA COWDEN v. MARKUS HENDERSON AND SCHAWANDA HENDERSON; from Denton County; 2nd Court of Appeals District (02-23-00382-CV, ___ SW3d ___, 06-06-24)
- 24-0669 IN RE THE COMMITMENT OF LENNON RAY GREEN; from Dallas County; 5th Court of Appeals District (05-23-00472-CV, ___ SW3d ___, 04-29-24)
- 24-0726 IN THE INTEREST OF N.I.L., JR., N.T.L., AND N.A.E.L., CHILDREN; from Bexar County; 4th Court of Appeals District (04-24-00058-CV, ___ SW3d ___, 07-17-24)

- 24-0731 IN THE INTEREST OF W.C. AND R.Z., CHILDREN; from Nueces County; 13th Court of Appeals District (13-24-00312-CV, ___ SW3d ___, 08-30-24)
counsel's motion to withdraw granted
- 24-0751 IN THE INTEREST OF E.A.O.E. AKA E.O.E., G.E.O.E. AKA G.O.E., CHILDREN; from Harris County; 14th Court of Appeals District (14-24-00240-CV, ___ SW3d ___, 08-20-24)
counsel's motion to withdraw granted
- 24-0763 J.M. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; from Milam County; 3rd Court of Appeals District (03-24-00148-CV, ___ SW3d ___, 07-31-24)
- 24-0769 IN THE INTEREST OF M.E.G.-C., A CHILD; from Bexar County; 4th Court of Appeals District (04-24-00086-CV, ___ SW3d ___, 07-31-24)
- 24-0773 IN THE INTEREST OF J.C., M.C., AND K.J.C., CHILDREN; from Trinity County; 12th Court of Appeals District (12-24-00113-CV, ___ SW3d ___, 07-31-24)
- 24-0774 IN THE INTEREST OF A.I.R., A CHILD; from Bexar County; 4th Court of Appeals District (04-24-00130-CV, ___ SW3d ___, 08-07-24)
- 24-0781 IN THE INTEREST OF J.H. AND E.H., CHILDREN; from Tarrant County; 2nd Court of Appeals District (02-24-00191-CV, ___ SW3d ___, 08-22-24)
counsel's motion to withdraw granted

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 23-0758 IN RE GLENN ALLEN HEGAR, JR., TEXAS COMPTROLLER OF PUBLIC ACCOUNTS; from Travis County; 3rd Court of Appeals District (03-22-00101-CV, ___ SW3d ___, 08-25-23)
(Justice Devine not participating)
- 23-0944 IN RE TRENT BROOKSHIRE; from Smith County; 12th Court of Appeals District (12-23-00236-CV, ___ SW3d ___, 11-08-23)
as reinstated
- 24-0203 IN RE CITY OF HOUSTON; from Harris County; 14th Court of Appeals District (14-24-00193-CV, ___ SW3d ___, 03-15-24)
as reinstated
- 24-0357 IN RE PRIME INCOME ASSET MANAGEMENT, LLC, PRIME INCOME ASSET MANAGEMENT, INC., PILLAR INCOME ASSETT MANAGEMENT, INC., AND BRADFORD PHILLIPS; from Dallas County; 5th Court of Appeals District (05-24-00502-CV, ___ SW3d ___, 04-30-24)
as supplemented
motion for emergency stay dismissed as moot
(Justice Young not participating)
- 24-0369 IN RE KEVIN MICHAEL SHEA
- 24-0511 IN RE JUSTIN WILLIAMS AND REBEKAH WILLIAMS, A/N/F M.L.W.; from Tarrant County; 2nd Court of Appeals District (02-23-00155-CV, ___ SW3d ___, 12-14-23)

24-0609 IN RE KEVIN HROMAS; from Harris County; 1st Court of Appeals District (01-24-00150-CV, ___ SW3d ___, 07-16-24)

24-0676 IN RE DLA PIPER LLP (US), TEXAS EAR, NOSE & THROAT SPECIALISTS, PLLC, TEXAS ENT HOLDCO, LLC, AND J. CARY MOORHEAD, M.D.; from Harris County; 1st Court of Appeals District (01-24-00171-CV, ___ SW3d ___, 08-15-24)
relators' emergency motion for stay denied

24-0702 IN RE DLA PIPER LLP (US); from Harris County; 1st Court of Appeals District (01-24-00202-CV, ___ SW3d ___, 08-15-24)

24-0748 IN RE LON SMITH & ASSOCIATES, INC. AND A-1 SYSTEMS, INC. D/B/A LON SMITH ROOFING AND CONSTRUCTION; from Tarrant County; 2nd Court of Appeals District (02-24-00366-CV, ___ SW3d ___, 09-04-24)
relators' motion for temporary relief denied

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

24-0367 PEJMAN MAADANI v. COMMISSION FOR LAWYER DISCIPLINE (BODA Cause No. 68164)