



THE SUPREME COURT OF TEXAS

Orders Pronounced February 13, 2009

ORDERS ON CAUSES

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

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

Justice Willett delivered the opinion of the Court.

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

The Court conditionally grants the petition for writ of mandamus.

Justice Johnson delivered the opinion of the Court.

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

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

Per Curiam Opinion

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

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

Justice O'Neill delivered the opinion of the Court.

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

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

08-0524 IN RE DEPARTMENT OF FAMILY & PROTECTIVE SERVICES; from Harris County; 1st district (01-08-00348-CV, 265 SW3d 545, 06-30-08)
stay order issued July 3, 2008, as reinstated, lifted

ORDERS ON CASES GRANTED

THE FOLLOWING DISCIPLINARY APPEAL IS SET FOR ORAL ARGUMENT:

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

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

Time allotted to argue: 20/20 minutes

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

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

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

Time allotted to argue: 20/20 minutes

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

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

Time allotted to argue: 20/20 minutes

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

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

Time allotted to argue: 20/20 minutes

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

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

Time allotted to argue: 20/20 minutes

(Justice O'Neill not sitting)

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

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

Time allotted to argue: 20/20 minutes

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

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

Time allotted to argue: 20/20 minutes

08-0390 MBM FINANCIAL CORPORATION N/K/A MBM FINANCIAL INTERESTS, L.P. AND MARIMON BUSINESS SYSTEMS, INC. v. THE WOODLANDS OPERATING COMPANY, L.P.; from Montgomery County; 9th district (09-07-00060-CV, 251 SW3d 174, 04-10-08)

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

Time allotted to argue: 20/20 minutes

(Justice O'Neill not sitting)

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

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

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

Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

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

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

- 08-0205 BAYLOR COLLEGE OF MEDICINE v. ROY A. CAMBERG, ADMINISTRATOR OF THE ESTATE OF ANA JULIA ORTIZ, DECEASED; AND TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES, AS NEXT FRIEND OF ANA DELIA MEJIA ORTIZ, A MINOR, ENID VALENTINA MEJIA ORTIZ, A MINOR, AND RIGOBERTO MEJIA ORITZ, A MINOR; from Harris County; 14th district (14-06-00500-CV, 247 SW3d 342, 01-29-08)
- 08-0351 IN THE INTEREST OF J.C., A CHILD; from Tarrant County; 2nd district (02-07-00081-CV, 250 SW3d 486, 03-13-08)
- 08-0399 POKORNE PRIVATE CAPITAL GROUP, LLC v. 21ST MORTGAGE CORP. & NELLA INVESTMENTS, INC.; from Williamson County; 13th district (13-06-00575-CV, ___ SW3d ___, 04-10-08)
- 08-0451 IHS ACQUISITION NO. 140, INC. D/B/A HARBOR VIEW CARE CENTER; LYRIC HEALTH CARE HOLDINGS III, INC.; AND LYRIC HEALTH CARE, LLC v. RUDY G. TRAVIS, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF CHRISTINA APUSEN, DECEASED; DAVID K. TRAVIS, JR.; AND MANUEL K. APUSEN, JR.; from Nueces County; 13th district (13-07-00481-CV, ___ SW3d ___, 04-24-08)
- 08-0520 IFC CREDIT CORPORATION v. SPECIALTY OPTICAL SYSTEMS, INC.; from Dallas County; 5th district (05-06-01082-CV, 252 SW3d 761, 04-24-08)
- 08-0639 BARBARA MOSS SCHULZE v. EMC MORTGAGE CORPORATION; from Bexar County; 8th district (08-07-00098-CV, ___ SW3d ___, 05-22-08)
- 08-0657 STATE OFFICE OF RISK MANAGEMENT v. CAROL SIMPSON; from El Paso County; 8th district (08-06-00124-CV, ___ SW3d ___, 05-22-08)
- 08-0662 DANNY VAUGHAN AND KATHLEEN VAUGHAN v. ROSS PHILLIPS, D/B/A READY-BUILT HOMES AND ON-SITE CONSTRUCTION; from Briscoe County; 7th district (07-06-00208-CV, ___ SW3d ___, 04-30-08)
- 08-0697 ALESA KELLY v. DALLAS, GARLAND & NORTHEASTERN RAILROAD, INCORPORATED AND UNION PACIFIC RAILROAD COMPANY; from Grayson County; 5th district (05-06-00456-CV, 260 SW3d 212, 07-17-08)
as redrafted
- 08-0707 IN THE INTEREST OF A.G.G., A CHILD; from Bexar County; 4th district (04-07-00165-CV, 267 SW3d 165, 06-25-08)
- 08-0724 CUATRO PETRO CORP. v. MCGILL REAL ESTATE, LLC; from Dimmit County; 4th district (04-07-00648-CV, ___ SW3d ___, 06-04-08)
- 08-0731 DAN DAWSON, WILLIAM W. DAWSON, JR., (DAN DAWSON'S DAD), RUDY BRINER, STEVEN CLARK HAYS AND JAMES K. ASHLOCK v. R.M. DUDLEY CONSTRUCTION COMPANY, INC.; from Brazos County; 10th district (10-06-00228-CV, 258 SW3d 694, 05-28-08)
- 08-0739 SUSAN MCLENDON, JOANN BOWSHOT AND PATRICIA PONDOFF v. LANDY

- HUMPHREY AND J. SCOTT KILLOUGH; from Smith County; 12th district (12-06-00222-CV, ___ SW3d ___, 06-18-08)
- 08-0746 CARITA ELIZABETH WARD AND DUSTIN WARD v. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER AND UNIVERSITY MEDICAL CENTER; from Lubbock County; 7th district (07-07-00451-CV, ___ SW3d ___, 08-06-08)
- 08-0749 KARAN R. MOSELEY, M.D. v. OMEGA OB-GYN ASSOCIATES OF SOUTH ARLINGTON; from Tarrant County; 2nd district (02-06-00291-CV, ___ SW3d ___, 06-19-08)
- 08-0750 CAROLYN LEE AND KEITH E. CUMMINGS v. TIMOTHY J. DANIELS & ASSOCIATES, P.C.; from Bexar County; 4th district (04-07-00096-CV, 264 SW3d 273, 05-14-08)
- 08-0754 EVEREST NATIONAL INSURANCE COMPANY v. FEDERAL INSURANCE COMPANY; from Dallas County; 5th district (05-06-01144-CV, 257 SW3d 771, 04-15-08)
- 08-0771 DALLAS COUNTY MEDICAL SOCIETY AND TEXAS MEDICAL ASSOCIATION v. EMMANUEL E. UBIÑAS-BRACHE, M.D.; from Dallas County; 5th district (05-07-00129-CV, 261 SW3d 800, 08-05-08)
- 08-0787 PENHOLLOW CUSTOM HOMES, LLC AND STEVEN J. PENHOLLOW v. LATROY HAWKINS, ANITA HAWKINS AND JOSE GOMEZ; from Collin County; 5th district (05-07-01101-CV, ___ SW3d ___, 08-06-08)
- 08-0816 BARBARA ALLEN AND ANDREW SIDNEY ALLEN III v. THOMAS EVERETT ALLEN; from Llano County; 7th district (07-06-00150-CV, ___ SW3d ___, 08-21-08)
- 08-0863 RYAN SERVICES, INCORPORATED AND TIMOTHY RYAN v. PHILLIP SPENRATH, ED ERWIN, KENNY MARTIN, ROBERT BOONE, ANTHONY COLLINS, GLORIA HARRIS, CINDY CERNY AND CITY OF EL CAMPO, TEXAS; from Wharton County; 13th district (13-08-00105-CV, ___ SW3d ___, 08-28-08)
- 08-0874 SONNY ELLEN D/B/A SONNY ELLEN BAIL BONDS v. GRIMES COUNTY BAIL BOND BOARD; from Grimes County; 14th district (14-06-00906-CV& 14-06-00907-CV, 267 SW3d 310, 07-22-08)
- 08-0877 DANNY'S SERVICE CO., INC., DANNY'S SERVICE CO. OF DENVER CITY, L.L.C. AND ROBERTO VILLEGAS v. MIKEAL TORRES, INDIVIDUALLY AND AS NEXT FRIEND OF DAYLON TORRES, RANDON TORRES, DUSTIN TORRES, COLLYN TORRES, ZACHERY TORRES, AND KOBY TORRES, MINOR CHILDREN AND REPRESENTATIVE OF THE ESTATE OF CENCI TORRES; from Gaines County; 11th district (11-07-00104-CV, 266 SW3d 485, 07-17-08)
- 08-0885 CURTIS R. SELLERS, HARVEY DEVELOPMENT CO. INC., TONY AGUILAR v. MARCELO GOMEZ, INDIVIDUALLY AND AS PURPORTED TRUSTEE, MICHAEL AINSA AND AINSA HUTSON, LLP; from El Paso County; 8th district (08-05-00308-CV, ___ SW3d ___, 07-31-08)
- 08-0888 DENNIS HOLT AND ANN HOLT, INDIVIDUALLY AND DENNIS HOLT REAL ESTATE v. DARYL ROBERTSON AND SELENA ROBERTSON; from Hutchinson County; 7th district

(07-06-00220-CV, ___ SW3d ___, 05-21-08)

- 08-0911 EDMUND BRYAN HEIMLICH v. THE STATE OF TEXAS; from Travis County; 3rd district (03-05-00827-CV, ___ SW3d ___, 07-31-08)
as redrafted
- 08-0954 KENNETH L. CASTEEL v. RAYMOND A. SINGLETON, WALTER A. HAMMANN, IV, THE CITY OF LEAGUE CITY, TEXAS AND THE LEAGUE CITY POLICE DEPARTMENT; from Galveston County; 14th district (14-07-00932-CV, 267 SW3d 547, 09-25-08)
- 08-0997 THE MEGA LIFE AND HEALTH INSURANCE COMPANY AND DOLLY COLBERT v. LUCINDA J. MYERS, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BARRY A. LONG; from Potter County; 7th district (07-06-00233-CV, ___ SW3d ___, 04-17-08)
- 08-1002 PHILIP A. MOORE, M.D. v. KRISTY GATICA; from Tarrant County; 2nd district (02-06-00442-CV, 269 SW3d 134, 10-09-08)
- 08-1037 VERONICA MONTES v. JORGE VILLAREAL, M.D.; from El Paso County; 8th district (08-06-00326-CV, ___ SW3d ___, 10-23-08)
- 08-1048 DANIEL GOLDBERG v. COMMISSION FOR LAWYER DISCIPLINE AND STATE BAR OF TEXAS; from Harris County; 1st district (01-07-01104-CV, ___ SW3d ___, 07-03-08)
- 08-1067 MICHAEL S. ROGERS AND AUDREY DIANE ROGERS v. TOMMY PEELER, ET AL.; from Gregg County; 6th district (06-08-00081-CV, 271 SW3d 372, 11-12-08)
- 08-1077 MAURICE AMIDEI AND SIERRA LAND & MINERALS, INC. v. PRESTO TIERRA, LTD.; from Bexar County; 4th district (04-07-00886-CV, ___ SW3d ___, 10-29-08)

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

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

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

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

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

ORDERS ON MOTIONS FOR REHEARING

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

- 07-0992 GRIFFIN, L.L.C. v. ADOBE LAND CORPORATION, ADOBE CATTLE COMPANY (A GENERAL PARTNERSHIP), CHERRY CREEK FARMS (A GENERAL PARTNERSHIP), VANGUARD AG SERVICES, INC., AND ADOBE IRRIGATION AND AG SERVICES, L.L.C.; from Tarrant County; 2nd district (02-06-00097-CV, 236 SW3d 351, 07-12-07)
- 08-0178 IN THE INTEREST OF C.A.M.M., A MINOR CHILD; from Harris County; 14th district (14-06-00279-CV, 243 SW3d 211, 10-30-07)
- 08-0552 CARRIE COOPER, M.D. v. RAUL ARIZPE, INDIVIDUALLY AND ALVERA D. ARIZPE, INDIVIDUALLY AND AS GUARDIAN OF LINDA DIANE ARIZPE; from Bexar County; 4th district (04-07-00734-CV, ___ SW3d ___, 04-09-08)
- 08-0567 BRUCE WAYNE HOUSER v. KENNY K. ALLEN, ET AL.; from Jefferson County; 9th district (09-07-00106-CV, ___ SW3d ___, 05-15-08)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

- 08-0976 IN RE ELVERA M. JOHNSON, IN HER OFFICIAL CAPACITY AS DISTRICT CLERK OF PARKER COUNTY, TEXAS; from Parker County; 2nd district (02-08-00063-CV, ___ SW3d ___, 04-18-08)
- 08-1025 IN RE AXEL MICHAEL SIGMAR; from Walker County; 10th district (10-08-00328-CV, 270 SW3d 289, 11-05-08)
- 08-1084 IN RE LAURANCE KRIEGEL; from Parmer County; 7th district (07-08-00391-CV, ___ SW3d ___, 10-31-08)
- 08-1085 IN RE LAURANCE KRIEGEL; from Parmer County
- 09-0017 IN RE EDDIE EDINGTON; from Shackelford County; 2nd district (02-08-00415-CV, ___ SW3d ___, 11-26-08)
motion to dismiss for lack of subject matter jurisdiction and request for sanctions denied
- 09-0018 IN RE JOSE LUIS PENA; from Cameron County; 13th district (13-94-00303-CV, ___ SW3d ___, 03-20-97)
- 09-0074 IN RE JOHN THOMAS IZZO; from Williamson County; 3rd district (03-08-00740-CV, ___ SW3d ___, 01-08-09)
motion for temporary relief denied