

2021 WL 5457200

Only the Westlaw citation is currently available.

SEE TX R RAP RULE 47.2 FOR
DESIGNATION AND SIGNING OF OPINIONS.

Court of Appeals of Texas, Austin.

TEXAS DEPARTMENT OF STATE HEALTH
SERVICES, and Dr. John Hellerstedt, in his Official
Capacity as Commissioner of DSHS, Appellants

v.

SKY MARKETING CORP., d/b/a Hometown
Hero; Create A Cig Temple, LLC; Darrell
Surif; and David Walden, Appellees

NO. 03-21-00571-CV

|

Publication Ordered November 18, 2021

**FROM THE 126TH DISTRICT COURT OF TRAVIS
COUNTY, NO. D-1-GN-21-006174, THE HONORABLE
JAN SOIFER, JUDGE PRESIDING**

Attorneys and Law Firms

Cynthia Akatugba, Office of the Attorney General, P. O. Box
12548, Austin, TX 78711-2548, for Appellant.


Amanda G. Taylor, Marshall Bowen, David Gonzalez,
Scott King Field, D. Todd Smith, Butler Snow, LLP, 1400
Lavaca Street, Suite 1000, Austin, TX 78701, David K.
Sergi, Katherine Frank, David K. Sergi & Associates, P.C.,
329 South Guadalupe Street, San Marcos, TX 78666, for
Appellee.

Before Justices [Goodwin](#), [Baker](#), and [Smith](#)

ORDER

PER CURIAM

*1 In this interlocutory appeal, appellees have filed an emergency motion for Rule 29.3 temporary relief, asking this Court to reinstate the trial court's temporary injunction during the pendency of this appeal. *See Tex. R. App. P. 29.3* (“[T]he appellate court may make any temporary orders necessary to preserve the parties' rights until disposition of the appeal[.]”). To preserve the status quo and best preserve the parties' rights during this appeal's pendency, we grant appellees' motion and order that the trial court's temporary injunction is reinstated

until the disposition of this appeal. *See id.*; *see also*  *In re Geomet Recycling LLC*, 578 S.W.3d 82, 89–90 (Tex. 2019) (orig. proceeding) (“Rule 29.3 gives an appellate court great flexibility in preserving the status quo based on the unique facts and circumstances presented.”); *Texas Gen. Land Office v. City of Houston*, No. 03-20-00376-CV, 2020 WL 4726695, at *2 (Tex. App.—Austin July 31, 2020, order) (per curiam) (“[A]t this preliminary stage, our task is to determine whether a temporary order will best ‘preserve the parties' rights until the disposition of the appeal,’ not to determine the merits of the appeal.”).

It is ordered on November 18, 2021.

All Citations

Not Reported in S.W. Rptr., 2021 WL 5457200

End of Document

© 2022 Thomson Reuters. No claim to original U.S. Government Works.