

En Banc Consideration Granted; Order, Concurrence, and Dissents to Order filed July 27, 2021.



In The

Fourteenth Court of Appeals

NO. 14-18-00967-CV

WERNER ENTERPRISES, INC. AND SHIRAZ A. ALI, Appellants

V.

**JENNIFER BLAKE, INDIVIDUALLY AND AS NEXT FRIEND FOR
NATHAN BLAKE, AND AS HEIR OF THE ESTATE OF ZACKERY
BLAKE, DECEASED; AND ELDRIDGE MOAK, IN HIS CAPACITY AS
GUARDIAN OF THE ESTATE OF BRIANNA BLAKE, Appellees**

**On Appeal from the 127th District Court
Harris County, Texas
Trial Court Cause No. 2015-36666**

C O N C U R R E N C E T O O R D E R

The original panel's proposed majority opinion was first circulated in March 2021 (seventeen months after the appeal was submitted on oral argument and three months past our 24-month statutory deadline to resolve matters on appeal) through no fault of any member of this en banc court. Because that proposed opinion

attempted to overhaul this court’s well-established standard of review concerning directed verdicts, a majority of this en banc court has voted to examine this appeal and has decided that no additional briefing is necessary to do so. *See* Tex. R. App. P. 41.2(c). I concur in the court’s order granting en banc consideration.

/s/ Meagan Hassan
Justice

En banc court consists of Chief Justice Christopher and Justices Wise, Jewell, Bourliot, Zimmerer, Spain, Hassan, Poissant, and Wilson. Chief Justice Christopher and Justices Wise, Jewell, and Wilson would not order en banc consideration of this case in the first instance and would allow the panel to decide the case. Justice Hassan authored a Concurrence to Order. Chief Justice Christopher authored a Dissent to Order, in which Justices Wise, Jewell, and Wilson joined. Justice Wilson authored a Dissent to Order, in which Justice Wise joined in full, and in which Chief Justice Christopher and Justice Jewell joined as to Parts I, II, III, and IV only.

Publish — Tex. R. App. P. 41.1(a); 41.2(a).