

**Motion for Rehearing Granted, Relief Denied, and Memorandum Majority Opinion on Rehearing filed June 7, 2022.**



**In The  
Fourteenth Court of Appeals**

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**NO. 14-20-00465-CV**

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**NICOLE FELT, Appellant**

**V.**

**JERRY W. BAILEY, Appellee**

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**On Appeal from the 61st District Court  
Harris County, Texas  
Trial Court Cause No. 2015-73097**

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**MEMORANDUM MAJORITY OPINION ON REHEARING**

Appellee Jerry Bailey filed a motion for rehearing raising three issues. We grant Bailey's motion for rehearing and issue this opinion on rehearing to clarify the ruling of this court with respect to the trial court's order granting appellee's no-evidence motion for summary judgment.

In her second issue on appeal, Felt argued that the trial court erred in granting Bailey's motions for summary judgment. Because we held that the trial

court abused its discretion in denying Felt’s application for continuance, we did not address appellant’s second issue with respect to Bailey’s traditional motion for summary judgment. Tex. R. App. P. 47.1.

However, Felt’s application for continuance specifically sought a continuance of the hearing on Bailey’s “Amended Final Summary Judgment Motion,” which was the title of Bailey’s traditional summary-judgment motion and did not reference Bailey’s partial, no-evidence summary-judgment motion. She also did not file a response to the no-evidence motion. Therefore, the trial court did not err in granting Bailey’s no-evidence summary-judgment motion. *See* Tex. R. Civ. P. 166a(i) (“The court must grant the motion unless the respondent produces summary judgment evidence raising a genuine issue of material fact.”).

Having granted Bailey’s motion for rehearing, we otherwise deny his requested relief. The court’s March 24, 2022 opinion and judgment remain unchanged.

/s/ Charles A. Spain  
Justice

Panel consists of Justices Wise, Spain, and Hassan (Wise, J., concurring without opinion).