



**Fourth Court of Appeals**  
**San Antonio, Texas**

**DISSENTING OPINION**

No. 04-15-00398-CV

Caroline **BUSWELL**,  
Appellant

v.

**THE GWSPI COMPANY, LLC**, as Successor in Interest to Wilmington Trust, NA, Trustee of  
the Jeffrey P. Blanchard 2013 Family Trust,  
Appellee

From the 224th Judicial District Court, Bexar County, Texas  
Trial Court No. 2015-CI-06197  
Honorable David A. Canales, Judge Presiding

**DISSENT TO ORDER GRANTING APPELLANT'S EMERGENCY MOTION TO STAY**

Dissenting Opinion by: Rebeca C. Martinez, Justice

Sitting: Marialyn Barnard, Justice  
Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice

Delivered and Filed: July 10, 2015

I dissent to the panel's granting of appellant's Emergency Motion to Stay, which stayed all further proceedings, including discovery, at the trial court level. An interlocutory appeal is available only in limited circumstances. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a) (West 2015). Section 51.014 provides that an interlocutory appeal may be brought after the denial of a special appearance, but the statute does not provide a stay of anything but the trial pending resolution of the appeal. *See id.* § 51.014(a)(7), (b). Appellant relies on *Oryx Capital Int'l, Inc. v. Sage Apartments, L.L.C.*, 167 S.W.3d 432, 437 (Tex. App.—San Antonio 2005, no pet.), in an

attempt to work around subsection 51.014(b), but that reliance is misplaced because *Oryx* contained circumstances not present in the case before us. Therefore, I do not believe circumstances exist that would support this court imposing a stay beyond that expressly authorized by subsection 51.014(b).

Rebeca C. Martinez, Justice