



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-18-00211-CV

DAVID D. SCOTT AND MARY J. SCOTT, Appellants

v.

ROBERT G. WEST, THYRA WEST, JUDITH C. CLARK, SALLIE CLINGMAN,
GREGORY P. MILLER, GAYE MILLER, JONATHAN BAYLES, AND AMY
BAYLES, Appellees

On Appeal from County Court at Law No. 2
Tarrant County, Texas
Trial Court No. 2014-001905-2

Before Sudderth, C.J.; Gabriel and Pittman, JJ.
Per Curiam

MEMORANDUM OPINION AND ORDER

We have considered the petition for permissive appeal of Appellants David D. Scott and Mary J. Scott. *See* Tex. Civ. Prac. & Rem. Code Ann. § 51.014(d), (f) (West Supp. 2017); Tex. R. App. P. 28.3(a).

We grant the petition in part.¹ *See* Tex. Civ. Prac. & Rem. Code Ann. § 51.014(f). We will determine only the narrow issue identified by the trial court as the controlling question of law: “the question of whether Plaintiffs or Defendants have the legal duty to repair or replace the subject retaining wall.” To the extent Appellants seek to expand the issue or to obtain a broader ruling, that relief is denied.

Appellants’ notice of appeal is deemed filed today. *See id.*; Tex. R. App. P. 28.3(k). The appeal will be governed by the rules for accelerated appeals. *See* Tex. Civ. Prac. & Rem. Code Ann. § 51.014(f); Tex. R. App. P. 28.1, 28.3(k). Appellants must file a copy of this order with the trial court clerk. *See* Tex. R. App. P. 28.3(k).

Per Curiam

Delivered: September 20, 2018

¹Today, we also dismiss Appellants’ attempted traditional appeal in this matter. *See Scott v. West*, No. 02-18-00156-CV (Tex. App.—Fort Worth Sept. 20, 2018, no pet. h.) (mem. op.).