



NUMBER 13-22-00015-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

ELIZABETH BALADEZ,

Appellant,

v.

TWIN PINES NURSING AND REHABILITATION, LLC,

Appellee.

**On appeal from the 24th District Court
of Victoria County, Texas.**

MEMORANDUM OPINION

**Before Justices Hinojosa, Tijerina, and Silva
Memorandum Opinion by Justice Silva**

Appellant Elizabeth Baladez filed a petition for permissive appeal seeking to challenge the trial court's denial of her motion for summary judgment in favor of appellee Twin Pines Nursing and Rehabilitation, LLC. See TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(d); TEX. R. APP. P. 28.3. Appellee timely filed an amended response to the petition, and appellant thereafter filed a reply in support of the petition.

To be entitled to a permissive appeal from an interlocutory order that is not otherwise appealable, the requesting party must (1) identify a “controlling question of law as to which there is a substantial ground for difference of opinion” and (2) state why allowing immediate appeal “may materially advance the ultimate termination of the litigation.” TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(d); see TEX. R. APP. P. 28.3. The trial court’s order granting permission must, likewise, identify and explain why the appeal is warranted under the foregoing criteria. TEX. R. CIV. P. 168 (“The permission must identify the controlling question of law as to which there is a substantial ground for difference of opinion, and must state why an immediate appeal may materially advance the ultimate termination of the litigation.”); see *BPX Operating Co. v. Strickhausen*, 629 S.W.3d 189, 195 n.4 (Tex. 2021) (declining to address issues not identified in the trial court’s permission order). An appellate court’s decision to grant or deny a permissive appeal is discretionary. *Sabre Travel Int’l, Ltd. v. Deutsche Lufthansa AG*, 567 S.W.3d 725, 732 (Tex. 2019); see also *Baker v. Baker*, No. 02-21-00361-CV, 2021 WL 5204292, at *1 (Tex. App.—Fort Worth Nov. 9, 2021, no pet.) (mem. op.) (per curiam) (summarily denying a petition for permissive appeal); *Jarman v. Cosby*, No. 14-21-00336-CV, 2021 WL 4999176, at *1 (Tex. App.—Houston [14th Dist.] Oct. 28, 2021, no pet.) (mem. op.) (per curiam) (same); *Nationstar Mortg. LLC v. Earley*, No. 13-19-00618-CV, 2020 WL 241956, at *1 (Tex. App.—Corpus Christi—Edinburg Jan. 16, 2020, no pet.) (same).

Having reviewed appellant’s petition and the documents attached thereto, we deny appellant’s petition for permissive appeal. See TEX. CIV. PRAC. & REM. CODE ANN.

§ 51.014(f); *Sabre Travel Int'l*, 567 S.W.3d at 732; see also *Earley*, 2020 WL 241956, at

*1.

CLARISSA SILVA
Justice

Delivered and filed on the
10th day of February, 2022.