

SMARTCITE REPORT

for 2023-11-01 Reply to Appellee Answer 01-23-00362-cv.pdf

- **0 CITED CASES WITH NEGATIVE HISTORY OR TREATMENT**
- **9 CITED CASES WITH CAUTIONARY TREATMENT**
- **3 CITED CASES THAT RELY ON A CASE WITH NEGATIVE HISTORY OR TREATMENT**

CITED IN BRIEF

HOSTILE SUBSEQUENT AUTHORITY

[First Nat. Bank of Pulaski v. Curry](#)

301 F.3d 456 (6th Cir. 2002)

- RELIES HEAVILY ON A CASE WITH NEGATIVE HISTORY OR TREATMENT

[Shamrock Oil Corp. v. Sheets](#)

313 U.S. 100 (1941)

- CITED IN CONTRADICTION BY

[Wachovia Bank, N.A. v. PICC Property & Casualty Co.](#)

328 F. App'x 946 (5th Cir. 2009)

[Galligan v. Westfield Centre Service, Inc.](#)

82 N.J. 188 (N.J. 1980)

- CITED IN CONTRADICTION BY

[Vidal v. Galaxy 2439 Enters.](#)

Civil Action 23-1845 (MAS) (JBD) (D.N.J. Dec. 6, 2023)

[Murphy v. Hunt](#)

455 U.S. 478 (1982)

- DISTINGUISHED BY ARIZ. CT. APP. IN 2003

[State v. Rayes](#)

206 Ariz. 58 (Ariz. Ct. App. 2003)

- CITED IN CONTRADICTION BY

[Teachey v. Carver](#)

736 A.2d 998 (D.C. 1999)

- CITED IN CONTRADICTION BY

[Tyler v. U.S.](#)

705 A.2d 270 (D.C. 1997)

- COMPARED TO

[McClain v. U.S.](#)

601 A.2d 80 (D.C. 1992)

[Nix v. State](#)

65 S.W.3d 664 (Tex. Crim. App. 2001)

- CITED IN CONTRADICTION BY

[Coffey v. State](#)

No. 13-06-408-CR (Tex. App. Jul. 19, 2007)

CITED IN BRIEF

[O'Shea v. Littleton](#)

414 U.S. 488 (1974)

HOSTILE SUBSEQUENT AUTHORITY

■ RELIES HEAVILY ON A CASE WITH NEGATIVE HISTORY OR TREATMENT

[Younger v. Harris](#)

401 U.S. 37 (1971)

■ DISTINGUISHED BY 2D CIR. IN 2019

[Disability Rights N.Y. v. New York](#)

916 F.3d 129 (2d Cir. 2019)

■ CITED IN CONTRADICTION BY

[Nat'l Resident Matching Program v. Alashry](#)

Civil Action No. 17-2557 (RDM) (D.D.C. Sep. 26, 2018)

■ COMPARED TO

[In re American Bicycle Ass'n](#)

895 F.2d 1277 (9th Cir. 1990)

■ COMPARED TO

[Matter of LaSalle Rolling Mills, Inc.](#)

832 F.2d 390 (7th Cir. 1987)

■ COMPARED TO

[A to Z Welding Mfg. Co. v. United States](#)

803 F.2d 932 (8th Cir. 1986)

■ CITED IN CONTRADICTION BY

[Morris v. Weinberger](#)

401 F. Supp. 1071 (D. Md. 1975)

■ COMPARED TO

[Steffel v. Thompson](#)

415 U.S. 452 (1974)

■ COMPARED TO

[United States v. Scrap](#)

412 U.S. 669 (1973)

■ COMPARED TO

[Data Processing Service v. Camp](#)

397 U.S. 150 (1970)

CITED IN BRIEF

HOSTILE SUBSEQUENT AUTHORITY

[United States v. Munsingwear](#)

340 U.S. 36 (1950)

■ COMPARED TO

[Poulton v. Cox](#)

2016 UT 9 (Utah 2016)

■ COMPARED TO

[Personhood Nevada v. Bristol, 126 Nev. Adv. Op. No. 56, 55429 \(2010\)](#)

245 P.3d 572 (Nev. 2010)

■ DISTINGUISHED BY 9TH CIR. IN 2004

[U.S. v. Tapia-Marquez](#)

361 F.3d 535 (9th Cir. 2004)

■ DISTINGUISHED BY D.C. CIR. IN 1988

[U.S. v. Garde](#)

848 F.2d 1307 (D.C. Cir. 1988)

■ COMPARED TO

[Cowgill v. Raymark Industries, Inc.](#)

832 F.2d 798 (3d Cir. 1987)

■ DISTINGUISHED BY CT. INT'L TRADE IN 1982

[Associated Dry Goods Corp. v. United States, \(1982\)](#)

533 F. Supp. 1343 (Ct. Int'l Trade 1982)

■ CITED IN CONTRADICTION BY

[Reilly v. School Committee of Boston](#)

362 Mass. 689 (Mass. 1972)

■ CITED IN CONTRADICTION BY

[Minor v. Lapp](#)

220 Cal.App.2d 582 (Cal. Ct. App. 1963)

[Browning v. Placke](#)

698 S.W.2d 362 (Tex. 1985)

■ COMPARED TO

[Coastal Liquids v. Harris County Appraisal](#)

46 S.W.3d 880 (Tex. 2001)

■ COMPARED TO

[Safeway Stores, Inc. v. Rutherford](#)

130 Tex. 465 (Tex. 1938)

CITED IN BRIEF

HOSTILE SUBSEQUENT AUTHORITY

[Fredonia St. Bank v. General American Life Ins. Co.](#)

881 S.W.2d 279 (Tex. 1994)

 DISTINGUISHED BY TEX. APP. IN 1997

[Ortiz v. State Farm Mut. Auto](#)

955 S.W.2d 353 (Tex. App. 1997)

 COMPARED TO

[Inpetco, Inc. v. Texas American Bank/Houston N.A.](#)

729 S.W.2d 300 (Tex. 1987)

[Garcia v. Dial](#)

596 S.W.2d 524 (Tex. Crim. App. 1980)

 COMPARED TO

[English v. State](#)

592 S.W.2d 949 (Tex. Crim. App. 1980)

[In re Kellogg Brown Root, Inc.](#)

166 S.W.3d 732 (Tex. 2005)

 DISTINGUISHED BY TEX. APP. IN 2018

[Lott v. Brown](#)

NO. 12-17-00093-CV (Tex. App. Nov. 28, 2018)

[Thomas v. Long](#)

207 S.W.3d 334 (Tex. 2006)

 DISTINGUISHED BY TEX. APP. IN 2016


[City of Rio Grande City v. Bfi Waste Servs. of Tex., LP](#)

511 S.W.3d 300 (Tex. App. 2016)

 DISTINGUISHED BY TEX. APP. IN 2014

[Waller Cnty. v. City of Hempstead](#)

453 S.W.3d 73 (Tex. App. 2014)

 DISTINGUISHED BY TEX. APP. IN 2014

[Waller Cnty. v. City of Hempstead](#)

453 S.W.3d 73 (Tex. App. 2014)

[Williams v. Lara](#)

52 S.W.3d 171 (Tex. 2001)

 RELIES HEAVILY ON A CASE WITH NEGATIVE HISTORY OR TREATMENT

[Turner v. Safley](#)

482 U.S. 78 (1987)

 RELIES HEAVILY ON A CASE WITH NEGATIVE HISTORY OR TREATMENT

[Lemon v. Kurtzman](#)

403 U.S. 602 (1971)

 COMPARED TO

[Board of Water Engineers v. City of San Antonio](#)

155 Tex. 111 (Tex. 1955)