

NO. 08-0961

IN THE SUPREME COURT OF TEXAS

MARIA DEL CARMEN GUILBOT SERROS DE GONZALEZ ET AL.,

Petitioners/Cross-Respondents,

vs.

MIGUEL ANGEL GONZALEZ GUILBOT ET AL.

Respondents/Cross-Petitioners.

PETITIONERS' RESPONSE TO RESPONDENTS' MOTION FOR REHEARING

Petitioners/Cross-Respondents Maria del Carmen Guilbot Serros de Gonzalez *et al.* (Plaintiffs) file this response to the motion for rehearing filed by Respondents Miguel Angel Gonzalez Guilbot *et al.* (Defendants) on June 28, 2010.

Plaintiffs agree that if Defendants' motion to recuse Judge Herman is denied, Defendants can appeal that ruling—but that ruling only—to the court of appeals.¹ But Plaintiffs disagree that the Court's June 11 opinion eliminates Defendants' limited right of appeal. If anything, the Court's directive to the court of appeals to retain

¹ Defendants have waived any right to challenge the underlying judgment by failing to do in this appeal.

jurisdiction over the case pending Judge Spencer's ruling on the motion to recuse Judge Herman implicitly recognizes Defendants' right to appeal the denial of that motion.

Plaintiffs thus agree that they cannot, and pledge that they will not, object to any subsequent appeal by Defendants on the limited question of whether Judge Spencer erred in denying Defendants' motion to recuse Judge Herman on the basis of any statement made or omitted in this Court's opinion. For that reason, Plaintiffs respectfully ask the Court to deny Defendants' motion for rehearing.

Respectfully submitted,

BAKER BOTTS L.L.P.

By: / s / Thomas R. Phillips

Thomas R. Phillips
State Bar No. 00000102
Martha G. Newton
State Bar No. 24046524
1500 San Jacinto Center
98 San Jacinto Boulevard
Austin, Texas 78701
Telephone: 512.322.2500
Facsimile: 512.322.2501

Daryl L. Moore
State Bar No. 14324720
DARYL L. MOORE, P.C.
1005 Heights Boulevard
Houston, Texas 77008
Telephone: 713.529.0048
Facsimile: 713.529.2498

*Attorneys for Petitioners/Cross-Respondents
Maria del Carmen Guilbot Serros de Gonzalez
et al.*

CERTIFICATE OF SERVICE

I certify that on July 9th, 2010, this response was served by certified mail and e-mail on the following counsel of record:

Andy Taylor
ANDY TAYLOR & ASSOCIATES
405 Main Street, Suite 200
Houston, Texas 77002
ataylor@andytaylorlaw.com

Armando Lopez
ARMANDO LOPEZ, P.C.
8433 Katy Freeway, Suite 200
Houston, Texas 77024-1936
a.h@sbcglobal.net

Eric D. Nielsen
THE NIELSEN LAW FIRM, P.C.
8433 Katy Freeway, Suite 250
Houston, Texas 77024
eric@lawyereric.com

/ s / Martha G. Newton
Martha G. Newton