

# NO. 08-0961

**MARIA DEL CARMEN GUILBOT SERROS DE GONZALEZ, ET AL.,**  
*Petitioners,*

**V.**

**MIGUEL ANGEL GONZALEZ GUILBOT, CARLOS A. GONZALEZ GUILBOT,**  
**AND MARIA ROSA DEL ARENAL DE GONZALEZ,**  
*Respondents.*

---

**RESPONDENTS' REPLY TO PETITIONERS'  
RESPONSE TO RESPONDENTS' MOTION FOR REHEARING**

---

Respondents Miguel Angel Gonzalez Guilbot, Et Al., file this reply to Petitioners Maria del Carmen Gonzalez Guilbot, Et Al.'s July 9<sup>th</sup> 2010 response to Respondents' Motion for Rehearing.

In their response, Petitioners explicitly agree that if Respondents' motion to recuse Judge Guy Herman is denied, Respondents have the right to appeal that judgment. Petitioners also admit that the Court's Opinion is not clear on that point, but rather than modifying its Opinion, as Petitioners have requested, Respondents want the Court to abdicate its responsibility to issue clear and explicit opinions, volunteering and pledging that they will not object to any subsequent appeal by Respondents if their motion to recuse is denied.

While Respondents appreciate Petitioners' intention, they respectfully object to their proposed solution because the Fourteenth Court of Appeals has no option but

to enforce this Court's Opinion and may not, and should not, rely on the good intentions of the Petitioners, especially when their intentions run contrary to the plain language of this Court's June 11<sup>th</sup> 2010 Opinion which, in relevant part, states: *If the motion is denied, the court of appeals shall affirm the trial court's judgment.*

Should Respondents' motion to recuse Judge Herman be denied, the Court's Opinion effectively denies Respondents the right to appeal the denial, in contravention of CPRC 30.016(d). Accordingly, Respondents reiterate their request that the Court modify, amend or correct its Opinion to include subsection (d) to conform to the requirements of the applicable section of the recusal statute.

Respondents continue to believe it is not the Court's intention to deny them the substantive right of appeal. However, by oversight or unconscious omission, the Court has ordered the appellate court to *affirm* the trial court's judgment should the recusal motion be denied. Undeniably, and correctly so, the appeals court will look to this Court for instruction and direction and not to Petitioners or Respondents.

Thus, to avoid confusion and/or misinterpretation, Respondents ask the Court to deny Petitioners' request for an easy solution and to grant them a rehearing on this matter so that the Court may properly modify, amend or correct its June 11<sup>th</sup> 2010 Opinion to conform with the requirements of section 30.016(d), Civil Practice and Remedies Code.

Respectfully submitted,

ANDY TAYLOR & ASSOC., P.C.  
405 Main Street, Suite 200



