

Appendix Page

Appendix A - Dallas County District Court Order Granting Defendants' Motion to Dismiss for Plaintiff's Failure to Serve Chapter 74 Expert Reports. (See Attached)

Appendix B - Fifth District of Texas Court of Appeals Memorandum Opinion & Judgment Dismissed. (See Attached)

Appendix C - Fifth District of Texas Court of Appeals Order denying motion for rehearing or En Banc Reconsideration/Extension Rehearing. (See Attached)

Appendix D- Fifth District of Texas Court of Appeals Order denied motion for extension of time en banc reconsideration. (See Attached)

Appendix E - Mandate order from Fifth District of Texas at Dallas Dismissed. (See Attached)

Appendix F - Supreme Court of Texas Order denied petition for review. (See Attached)

Appendix G - Supreme Court of Texas denied the Motion for rehearing petition for review. (See Attached)

Exhibits Page

Exhibit 2 (1-5) Affidavit

Exhibit 5 (1-7) LW sent out to ER & Admitted per POA

Exhibit 8 (1-5) Email to DON re LW incident

Exhibit 9 (1-10) Dr Fanning Medial Necessity Letter to Facility & Dr Notes, prescription she did not receive from facility that POA currently given to DON and Dr Fanning re-order

Exhibit 10 (1-8) Hospital UTSW had admitted due Nursing Home Neglect

## **APPENDIX – A**

CAUSE NO. DC-22-03216

VICKI WEST, POA on Behalf of LAURA  
WEST

IN THE DISTRICT COURT

Plaintiffs,

v.

134<sup>th</sup> JUDICIAL DISTRICT

GARNET HILL REHABILITATION &  
SKILLED CARE

Defendant.

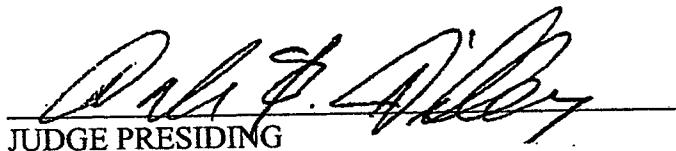
§ DALLAS COUNTY, TEXAS

**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS  
FOR PLAINTIFF'S FAILURE TO SERVE CHAPTER 74 EXPERT REPORTS**

On October 5, 2022 came on for consideration Defendant's Motion to Dismiss for Plaintiff's Failure to Serve Chapter 74 Expert Reports (the "Motion") filed by Defendant GH SNF Operations, LLC f/d/b/a Garnet Hill Rehabilitation and Skilled Care ("Defendant"). The Court, after considering the Motion, finds that it is well-taken and should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this case is hereby dismissed as to Defendant with prejudice to refiling.

**10/19/2022 11:01:21 AM**  
~~SIGNED this 5th day of November, 2022.~~

  
JUDGE PRESIDING

## **APPENDIX – B**

CHIEF JUSTICE  
ROBERT D. BURNS, III

JUSTICES  
KEN MOLBERG  
ROBBIE PARTIDA-KIPNESS  
BILL PEDERSEN, III  
AMANDA L. REICHEK  
ERIN A. NOWELL  
CORY L. CARLYLE  
BONNIE LEE GOLDSTEIN  
CRAIG SMITH  
DENNISE GARCIA  
EMILY A. MISKEL  
NANCY E. KENNEDY  
MARICELA BREEDLOVE



**Court of Appeals  
Fifth District of Texas at Dallas**

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January 10, 2023

Vicky West  
P.O. Box 763878  
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\* DELIVERED VIA E-MAIL \*

The Honorable Dale B. Tillery  
134th Judicial District Court  
George Allen Sr. Courts Bldg.  
600 Commerce, Ste. 650  
Dallas, TX 75202  
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The Honorable Raymond G. Wheless  
Presiding Judge, 1st Admin. Jud.  
Region  
c/o 366th District Court  
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RE: Court of Appeals Number: 05-22-01244-CV  
Trial Court Case Number: DC-22-03216

Style: Vicky West, POA on behalf of Laura West

v.  
Garnet Hill Habitation Skilled Care

Please find attached the opinion that issued in the above cause today.

Respectfully,

/s/ Ruben Morin, Clerk of the Court

**DISMISS and Opinion Filed January 10, 2023**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-22-01244-CV**

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**VICKY WEST ON BEHALF OF LAURA WEST, Appellant  
V.**

**GARNET HILL REHABILITATION SKILLED CARE, Appellee**

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**On Appeal from the 134th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-22-03216**

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**MEMORANDUM OPINION**

Before Justices Pedersen, III, Goldstein, and Smith  
Opinion by Justice Smith

Vicky West filed this appeal on behalf of Laura West. The Court directed Vicky, who is not a licensed attorney, to file a letter brief stating under what authority she represented Laura. Alternatively, we noted that Laura could represent herself in this appeal and file an amended notice of appeal stating such fact or retain counsel. Laura did not file an amended notice of appeal.

A person who is not a licensed attorney may not represent other persons or entities in legal matters. *See* TEX. R. CIV. P. 7; *Harkins v. Murphy & Bolanz*, 51 Tex. Civ. App. 568, 112 S.W. 136, 138 (Tex. Civ. App.—Dallas 1908, writ dism'd) (power of attorney does not authorize one to act as attorney-at-law). In her letter

brief, Vicky states that Laura is incapable of representing herself but provides no legal authority showing she is able to represent Laura. Because Laura does not have counsel and did not file an amended notice of appeal and Vicky is not authorized to represent her, we dismiss the appeal. *See* TEX. R. CIV. P. 7; *Harkins*, 112 S.W. at 138.

/Craig Smith/  
CRAIG SMITH  
JUSTICE

221244F.P05



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

VICKY WEST, ON BEHALF OF  
LAURA WEST, Appellant

No. 05-22-01244-CV      V.

GARNET HILL REHABILITATION  
SKILLED CARE, Appellee

On Appeal from the 134th Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. DC-22-03216.  
Opinion delivered by Justice Smith.  
Justices Pedersen, III and Goldstein  
participating.

In accordance with this Court's opinion of this date, the appeal is  
**DISMISSED.**

Judgment entered January 10, 2023

## **APPENDIX – F**

FILE COPY

RE: Case No. 23-0156 DATE: 5/5/2023  
COA #: 05-22-01244-CV TC#: DC-22-03216  
STYLE: WEST V. GARNET HILL, HABITATION SKILLED CARE

Today the Supreme Court of Texas denied the petition for review in the above-referenced case.

MS. VICKY WEST  
\* DELIVERED VIA E-MAIL \*

## **Exhibit G**

FILE COPY

RE: Case No. 23-0156 DATE: 6/30/2023  
COA #: 05-22-01244-CV TC#: DC-22-03216  
STY/LF: WEST V. GARNET HILL HABITATION SKILLED CARE

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

MS. VICKY WEST  
\* DELIVERED VIA E-MAIL \*

**Additional material  
from this filing is  
available in the  
Clerk's Office.**