

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Stella Taylor, et al. v. Pastor Behling & Wheeler, L.L.C. and
Environmental Resources Management Southwest, Inc.

No. 01-26-00383-CV (Tex. App.—Houston [1st Dist.] May 22, 2026) (mem. op.) · No. 01-26-00383-CV ·
Decided May 22, 2026

SUMMARY

The First Court of Appeals of Texas consolidated twenty-five related interlocutory appeals, including Stella Taylor v. Pastor, Behling & Wheeler, L.L.C., into appellate cause number 01-26-00374-CV. The court dismissed the twenty-five related appellate causes as superseded by the consolidation, dismissed other pending motions as moot, and established a uniform briefing schedule.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Justice Rivas-Molloy; Justice Johnson; Justice Dokupil
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	May 22, 2026
DOCKET	01-26-00383-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants filed an unopposed motion to consolidate this interlocutory appeal with twenty-four other related appeals into appellate cause number 01-26-00374-CV and to dismiss the separate appellate cause numbers after consolidation.
PRECEDENTIAL VALUE	Published memorandum opinion; the opinion addresses consolidation and dismissal of related interlocutory appeals.
PARTIES	Stella Taylor, et al. v. Pastor Behling & Wheeler, L.L.C., Environmental Resources Management Southwest, Inc.

TOPICS

appellate procedureinterlocutory appealcivil procedure

PRACTICE AREAS

appellate procedurecivil procedureinterlocutory appeals

QUESTIONS PRESENTED

1. Whether the related interlocutory appeals should be consolidated because they involved identical orders, substantially identical records, and overlapping briefing.
2. Whether the separate appellate cause numbers should be dismissed after consolidation into appellate cause number 01-26-00374-CV.
3. Whether the court should establish a uniform briefing schedule for the consolidated appeal.

HOLDINGS

1. Related appeals involving identical orders, substantially identical records, and duplicative briefing may be consolidated in the interests of judicial efficiency and economy.
2. When all parties and issues in related appeals have been consolidated into a single appellate cause number, the separate appellate cause numbers may be dismissed.

KEY QUOTATIONS

“We agree that, in the interests of judicial efficiency and economy, the appeals should be consolidated.” (8)

“Because all parties and issues are now part of consolidated appellate cause number 01-26-00374-CV, we grant appellants’ motion and dismiss the twenty-five appellate cause numbers mentioned above.” (10)

FACTUAL BACKGROUND

The appeal concerns an order granting appellees' motions to dismiss under Chapter 150 of the Texas Civil Practice and Remedies Code. The clerk's records and reporter's transcripts in the related appeals were substantively identical, and the parties represented that the appellate briefing would repeat the same arguments and authorities.

PROCEDURAL HISTORY

The appeal arose from identical March 31, 2026 orders of the 281st District Court of Harris County granting appellees' motions to dismiss under Chapter 150 of the Texas Civil Practice and Remedies Code. The related appeals were heard at coordinated MDL hearings. The court consolidated this appeal and the other specified appeals into cause number 01-26-00374-CV, dismissed the separate appellate cause numbers, and established a uniform briefing schedule.

DISPOSITION

dismissed

CASES CITED

- State for L.J., No. 06-24-00036-CV, 2024 WL 2859385, at *1 (Tex. App.—Texarkana June 6, 2024, no pet.) (mem. op.)

- Batson v. Bd. of Regents of Univ. of Tex. Sys. on behalf of MD Anderson Cancer Ctr., No. 03-23-00765-CV, 2024 WL 2061658, at *1 (Tex. App.—Austin May 9, 2024, no pet.)
- 1717 Norfolk, LLC v. Davari, No. 01-25-01093-CV, 2026 WL 1072811, at *1 (Tex. App.—Houston [1st Dist.] Apr. 21, 2026, no pet. h.) (mem. op.)
- Ring & Ring d/b/a Wright’s Amusements v. Sharpstown Mall Tex., LLC, No. 01-16-00321-CV, 2016 WL 3220552, at *1 (Tex. App.—Houston [1st Dist.] June 9, 2016, no pet.) (mem. op.)

OPINION

Stella Taylor v. Pastor, Behling & Wheeler, LLC and Environmental Resources Management Southwest, Inc.

PER CURIAM.

Opinion issued May 22, 2026 In The Court of Appeals For The First District of Texas

NO. 01-26-00375-CV

HILARIA SAUSEDADA, ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees

NO. 01-26-00377-CV

FORTUNATO ALFARO, ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees

NO. 01-26-00378-CV

DOLORES BELL-WASHINGTON, ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees

NO. 01-26-00380-CV

DOROTHY CEASAR, ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees

NO. 01-26-00381-CV

ALDINE HARRELL, ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees

NO. 01-26-00382-CV

ESSEX JOHNSON, ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees 2

NO. 01-26-00383-CV

STELLA TAYLOR, ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL

RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00384-CV

ERIC BAKER, ET AL., Appellants V.
PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00385-CV

JANET ALFRED, ET AL., Appellants V.
PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00386-CV

BETTY AARON, ET AL., Appellants V. 3
PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00387-CV

JEREMY RATLIFF, ET AL., Appellants V.
PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00484-CV

JUAN ADAME, ET AL., Appellants V.
PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00485-CV

DEBREK BOOKMAN, ET AL., Appellants V.
PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00486-CV

4 VICTOR BROWN, JR., ET AL., Appellants V.
PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00487-CV

DOLORES DUNN, ET AL., Appellants V.
PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00488-CV

ALVIN HARRIS, ET AL., Appellants V.
PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00489-CV

EDGAR HARRISON, JR., ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees 5
NO. 01-26-00490-CV

LAWRENCE MARTIN, JR., ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00491-CV

ELIZABETH PHILLIPS, ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00492-CV

MICHELLE WILSON, ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00493-CV

RUTH ANN ADAMS-TAYLOR, ET AL., Appellants V. 6

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00494-CV

GEORGIA ROBINSON ARMSTEAD, ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00495-CV

BRODERICK BRAGGS, ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00496-CV

RUBY LEE ABBOTT, ET AL., Appellants V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees
NO. 01-26-00497-CV

ANDREA ALEXANDER, ET AL., Appellants V. 7

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL
RESOURCES MANAGEMENT SOUTHWEST, INC., Appellees On Appeal from the 281st
District Court Harris County, Texas Trial Court Case Nos. 2021-50475, 2021-49259, 2021-50497,
2020-82642, 2021- 03264, 2021-50415, 2020-82707, 2022-79988, 2022-35041, 2022-35107,
2022- 80007, 2021-50465, 2021-50469, 2020-83852, 2021-50209, 2021-45196, 2021- 22019,

2020-83855, 2020-50604, 2021-45255, 2020-83850, 2022-28057, 2022- 80779, 2021-50330, 2021-44936

MEMORANDUM OPINION

Appellants in twenty-six related interlocutory appeals have filed unopposed motions to consolidate the twenty-five appeals above with appellate cause number 01-26-00374-CV. Specifically, they request we consolidate the record and all filings from the twenty-five appeals into cause number 01-26-00374-CV, issue a uniform briefing schedule, and order dismissal of the twenty-five above appellate cause numbers. In all of the appeals, appellants are appealing from identical orders signed March 31, 2026, granting the appellees' motions to dismiss under Chapter 150 of the Texas Civil Practice and Remedies Code. See TEX. CIV. PRAC. & REM. CODE 150.002(f) (authorizing interlocutory appeal). All the motions were heard together at coordinated MDL hearings. And all of these orders were signed by the 8 Honorable Sylvia Matthews, sitting by assignment in MDL Master Cause No. 2021-84423, the 281st District Court, Harris County. In their motions to consolidate the appeals, appellants contend: The clerk's records are substantively the same and the reporter's transcripts are identical, additionally, the parties' appellate briefings in each Related Appeal will repeat the same arguments and authorities. Consolidation will eliminate duplicative briefing and record citations, reduce repetitive judicial analysis, and ensure consistent resolution of the issues. Appellants further certify that appellees are unopposed to consolidation. We agree that, in the interests of judicial efficiency and economy, the appeals should be consolidated. See *State for L.J., No. 06-24-00036-CV*, 2024 WL 2859385, at *1 (Tex. App.—Texarkana June 6, 2024, no pet.) (mem. op.) (consolidating appeals). We grant appellants' motions and consolidate appellate cause numbers 01-26-00375-CV, 01-26-00377-CV, 01-26-00378-CV, 01-26-00380-CV, 01-26-00381-CV, 01-26-00382-CV, 01-26-00383-CV, 01-26-00384-CV, 01-26-00385-CV, 01-26-00386-CV, 01-26-00387-CV, 01-26-00484-CV, 01-26-00485-CV, 01-26-00486-CV, 01-26-00487-CV, 01-26-00488-CV, 01-26-00489-CV, 01-26-00490-CV, 01-26-00491-CV, 01-26-00492-CV, 01-26-00493-CV, 01-26-00494-CV, 01-26-00495-CV, 01-26-00496-CV, and 01-26-00497-CV with appellate cause number 01-26-00374-CV. Any and all parties, issues, records, and documents filed in these appeals are consolidated into appellate cause number 01-26-00374-CV. See *Batson v. Bd. of Regents of Univ. of Tex. Sys. on 9 behalf of MD Anderson Cancer Ctr.*, No. 03-23-00765-CV, 2024 WL 2061658, at

*1 (Tex. App.—Austin May 9, 2024, no pet.). The consolidated appeal shall proceed under appellate cause number 01-26-00374-CV using the following style: In The Court of Appeals For The First District of Texas

NO. 01-26-00374-CV

CURTIS ABRAM, ET AL. V.

PASTOR BEHLING & WHEELER, L.L.C. AND ENVIRONMENTAL

RESOURCES MANAGEMENT SOUTHWEST, INC. On Appeal from the 281st District Court

Harris County, Texas Trial Court Case Nos. 2021-50212, 2021-50475, 2021-49259, 2021-50497, 2020- 82642, 2021-03264, 2021-50415, 2020-82707, 2022-79988, 2022-35041, 2022- 35107, 2022-80007, 2021-50465, 2021-50469, 2020-83852, 2021-50209, 2021- 10 45196, 2021-22019, 2020-83855, 2020-50604, 2021-45255, 2020-83850, 2022- 28057, 2022-80779, 2021-50330, 2021-44936 Because all parties and issues are now part of consolidated appellate cause number 01-26-00374-CV, we grant appellants' motion and dismiss the twenty-five appellate cause numbers mentioned above. See 1717 Norfolk, LLC v. Davari, No. 01-25-01093-CV, 2026 WL 1072811, at *1 (Tex. App.—Houston [1st Dist.] Apr. 21, 2026, no pet. h.) (mem. op.); Ring & Ring d/b/a Wright's Amusements v. Sharpstown Mall Tex., LLC, No. 01-16-00321-CV, 2016 WL 3220552, at *1 (Tex. App.—Houston [1st Dist.] June 9, 2016, no pet.) (mem. op.). We further dismiss all other pending motions as moot. Finally, we grant appellants' request for a uniform briefing schedule as follows:

1. All appellants file one (1) brief, which is due by June 29, 2026;
2. Appellee Environmental Resources Management Southwest, Inc. files one (1) response brief, which is due by July 29, 2026;
3. Appellee Pastor Behling & Wheeler, L.L.C. files one (1) response brief, which is due by July 29, 2026; and
4. All appellants file one (1) reply brief, which is due by August 18, 2026.

PER CURIAM

Panel consists of Justices Rivas-Molloy, Johnson, and Dokupil. 11