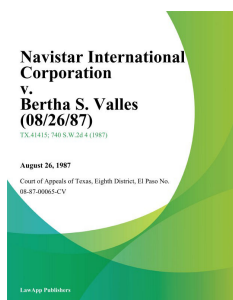


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NAVISTAR INTERNATIONAL CORPORATION V BERTHA S VALLES EBOOKS 2019



Author: Eighth District, El Paso No. 08-87-00065-CV Court of Appeals of Texas

Realese Date: Expected @@expectedReleaseDate@@

This is an appeal from a judgment awarding a \$10,000.00 guardian ad litem fee to Attorney H. Tati Santiesteban. Plaintiff, pursuant to a settlement agreement for the wrongful death of her husband, received \$160,000.00 and her five minor children received a total of \$50,000.00. In addition, four adult children received \$2,500.00 each. One of the defendants, Border Machinery, Inc., was to pay twenty-nine percent of the \$10,000.00; Appellant/defendant Navistar International Corporation was to pay seventy-one percent. Appellant Navistar contends the trial court abused its discretion. Appellees filed no brief. We affirm in part, and reverse and remand in part. If a judge were to act willfully, i.e. with evil intent or legal malice; or arbitrarily, i.e. outside the law, irrationally or capriciously, Day v. State, 118 Tex. Crim. 244, 42 S.W.2d 1013 (Tex.Crim.App. 1931); or unreasonably, i.e. without consideration and in disregard of facts and circumstances of the case, he would abuse his discretion. If reasonable minds could differ as to the result, the decision would not be unreasonable or arbitrary. Grand International Brotherhood of Locomotive Engineers v. Wilson, 341 S.W.2d 206 (Tex.Civ.App. -- Fort Worth 1960, writ ref'd n.r.e.).

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