

THIRD COURT OF APPEALS OF TEXAS

Michael J. DeLitta v. Nancy Schaefer

No. 03-15-00280-CV, Third Court of Appeals of Texas (June 17, 2015)

SUMMARY

This document is an unopposed motion filed by appellee Nancy Schaefer seeking a 20-day extension of time to file her appellate brief. The motion was filed in the Texas Third Court of Appeals in case number 03-15-00280-CV and cites Texas Rules of Appellate Procedure 38.6(d), 10.5(b), and 10.1.

CASE DETAILS

COURT	Third Court of Appeals of Texas
JURISDICTION	Texas
DECIDED	June 17, 2015
DOCKET	03-15-00280-CV
DISPOSITION	other
PROCEDURAL POSTURE	Accelerated appeal in which Appellee Nancy Schaefer moved for a twenty-day extension of time to file her appellate brief.
PRECEDENTIAL VALUE	No merits precedential value apparent from the provided motion.
PARTIES	Michael J. DeLitta v. Nancy Schaefer

TOPICS

- appellate procedure
- civil procedure

PRACTICE AREAS

- Appellate procedure
- Civil procedure

QUESTIONS PRESENTED

- Whether the appellee should receive a twenty-day extension of time to file her brief in an accelerated appeal.

FACTUAL BACKGROUND

Appellant filed his brief on June 10, 2015, in an accelerated appeal. Appellee's counsel requested additional time because of an unexpected death in the Taylor, Dunham, and Rodriguez family, which created uncertainty in the

firm's docket. The requested extension was identified as the appellee's first request, was not sought for delay, and was unopposed by Appellant.

PROCEDURAL HISTORY

Appellant filed his brief on June 10, 2015, in an accelerated appeal. Appellee's brief was due June 30, 2015, and Appellee filed an unopposed motion requesting that the deadline be extended to July 20, 2015. The provided text contains the motion but no judicial ruling on it.

DISPOSITION

other

OPINION

PER CURIAM.

ACCEPTED 03-15-00280-CV 5716292 THIRD COURT OF APPEALS AUSTIN, TEXAS
6/17/2015 3:08:56 PM JEFFREY D. KYLE CLERK No. 03-15-00280-CV In the Third Court of
Appeals3rd COURT FILED IN OF APPEALS AUSTIN, TEXAS Austin, Texas 6/17/2015 3:08:56
PM JEFFREY D. KYLE _____ Clerk
Michael J. DeLitta, Appellant v. Nancy Schaefer Appellee

UNOPPOSED MOTION FOR
EXTENSION OF TIME _____ TO
THE HONORABLE THIRD COURT OF APPEALS: Pursuant to Texas Rules of Appellate
Procedure 38.6(d) and 10.5(b), Appellee Nancy Schaefer files this motion for extension of time
and would respectfully show the Court as follows: I. Appellant filed his brief on June 10, 2015.

In this accelerated appeal, Appellee's brief currently is due on Tuesday, June 30, 2015. Appellee requests that the Court grant a 20-day extension of time by which to file her brief. Granting this motion would make the brief due on July 20, 2015. 1 II. Tragedy has struck the TAYLOR, DUNHAM AND RODRIGUEZ family, as David Dunham's young son died unexpectedly.

While Mr. Dunham is not counsel of record in this appeal, the sad situation has created uncertainty in the small firm's docket. Additional time would allow the partners to support each other during this difficult time, personally and professionally. This extension is not sought for delay and is Ms. Schaefer's first request for extension of time in this case.

Appellant, through counsel, indicates that he does not oppose the relief sought in this motion. PRAYER Appellee Nancy Schaefer asks the Court to grant her a 20-day extension, making her brief due on July 20, 2015. Appellee also prays for any and all further relief to which she may be entitled. 2 Dated: June 17, 2015 Respectfully submitted, By: /s/ Lisa Bowlin Hobbs Donald R. Taylor Lisa Bowlin Hobbs State Bar No. 19688800 State Bar No. 24026905

dtaylor@taylordunham.com Lisa@KuhnHobbs.com Of Counsel Stacey Reese Kurt Kuhn State Bar No. 24056188 State Bar No. 24002433 stacey@reeselawpractice.com Kurt@KuhnHobbs.com TAYLOR DUNHAM & RODRIGUEZ LLP KUHN HOBBS PLLC 301 Congress Avenue, Suite 1050 3307 Northland Drive, Suite 310 Austin, Texas 78701 Austin, Texas 78731 (512) 473-2257 (512) 476-6003 (512) 478-4409 (fax) (512) 476-6002 (fax) Howard F. Carter, Jr., State Bar No. 03916500 sam@scarterlawfirm.com HOWARD F. CARTER, JR., P.C.

5600 Tennyson Parkway, Suite 160 Plano, Texas 75024 (972) 455-2001 (972) 455-2015 (fax) CERTIFICATE OF CONFERENCE Pursuant to Texas Rule of Appellate Procedure 10.1, I certify that, on June 16, 2015, I conferred with Douglas R. Drucker, counsel for Appellant, regarding this motion via email. Mr. Drucker indicated that he is not opposed to the relief requested. /s/ Lisa Bowlin Hobbs Lisa Bowlin Hobbs 3 CERTIFICATE OF SERVICE I hereby certify that, on June 17, 2015, and in compliance with the Texas Rules of Appellate Procedure, a true and correct copy of this motion has been served as follows: Douglas R. Drucker via e-Service Kirby D. Hopkins DRUCKER | HOPKINS LLP 21 Watery Avenue, Suite 300 The Woodlands, TX 77380 Counsel for Appellant Eric J. Taube via e-Service HOHMANN, TAUBE & SUMMERS LLP 100 Congress Avenue, 18th Floor Austin, Texas 78701 Counsel for Axiom entities and Jeff Compton /s/ Lisa Bowlin Hobbs Lisa Bowlin Hobbs 4