

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Carlos Andujar v. Yeisson Enterprises, LLC; Jacqueline Mendez; and Yeisson Mendez

No. 01-21-00119-CV · No. No. 01-21-00119-CV · Decided March 30, 2021

SUMMARY

The Texas Court of Appeals for the First District refers this appeal to mediation under the Texas Civil Practice and Remedies Code. The order establishes deadlines for selecting a mediator, conducting mediation, and reporting whether the dispute was settled, and addresses confidentiality and mediator fees.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Peter Kelly
JURISDICTION	Texas
DECIDED	March 30, 2021
DOCKET	No. 01-21-00119-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appeal referred to mediation by memorandum order.
PRECEDENTIAL VALUE	Procedural memorandum order with no merits disposition.
PARTIES	Carlos Andujar v. Yeisson Enterprises, LLC, Jacqueline Mendez, Yeisson Mendez

TOPICS

mediation appellate procedure civil procedure

PRACTICE AREAS

alternative dispute resolution appellate procedure civil procedure

QUESTIONS PRESENTED

1. Whether the pending appeal should be referred to mediation under the Texas Civil Practice and Remedies Code.

HOLDINGS

1. Because mediation was appropriate, the court ordered the appeal referred to mediation unless a party filed a timely objection.

FACTUAL BACKGROUND

The document does not describe the underlying dispute or the material facts giving rise to the appeal. The court addressed only the procedural matter of referring the pending appeal to mediation.

PROCEDURAL HISTORY

Carlos Andujar appealed from proceedings in County Civil Court at Law No. 4 of Harris County, Texas. The Court of Appeals determined that mediation was appropriate and ordered the appeal referred to mediation unless a party objected within ten days.

DISPOSITION

other

OPINION

PER CURIAM.

Order issued March 30, 2021 In The Court of Appeals For The First District of Texas NO. 01-21-00119-CV CARLOS ANDUJAR, Appellant V. YEISSON ENTERPRISES, LLC; JACQUELINE MENDEZ; AND YEISSON MENDEZ, Appellees On Appeal from Co Civil Ct at Law No 4 Harris County, Texas Trial Court Cause No. 1150866 MEMORANDUM ORDER OF REFERRAL TO MEDIATION The Court determines that it is appropriate to refer this appeal for resolution by mediation.

See TEX. CIV. PRAC. & REM. CODE ANN. §§ 154.021, 154.022(a), 154.023 (Vernon 2011). Accordingly, the Court orders that this appeal be referred to mediation unless any party to the appeal files an objection with the Clerk of this Court within ten days after receiving this order. See id. § 154.022(b).

The parties shall choose a qualified mediator and agree on a reasonable fee for the mediator's services. 1 See id. §§ 154.052, 154.054(a) (Vernon 2011). The Court sets the following deadlines:

- No later than 15 days from the date that this order is issued, the parties shall file with the Clerk of this Court a completed "Parties' Notification to Court of Mediator." This document can be downloaded from the forms page of the Court's website at <http://www.txcourts.gov/1stcoa>.
- No later than 45 days from the date that this order is issued, the parties shall conduct the mediation.
- No later than two days from the conclusion of the mediation, the parties and the mediator shall

advise the Clerk of this Court in writing whether the parties did or did not settle the underlying dispute.

All parties, or their representative with full settlement authority, shall attend the mediation with their counsel. The mediator shall encourage and assist the parties in reaching a settlement of their dispute, but may not compel or coerce the parties to enter into a settlement agreement. See id. § 154.053(a) (Vernon 2011). All communications relating to the mediation are confidential and not subject to 1 The Court does not recommend mediators.

Mediation information is available from the Dispute Resolution Center of Harris County ((713) 755- 8274 and <https://drc.harriscountytexas.gov/>), the Fort Bend Dispute Resolution Center ((281) 342-5000), the Alternate Dispute Resolution Section of the State Bar of Texas (<http://www.texasadr.org/>), and other groups.

The parties are not required to use a mediator recommended or listed by these groups. disclosure, except as set forth by law. See id. § 154.073 (Vernon 2011). The Clerk of this Court, however, will file this order, any objection to this order, and the completed “Parties’ Notification to Court of Mediator” with the other documents filed in this appeal that are available for public inspection.

Unless expressly authorized by the disclosing party, the mediator may not disclose to either party information given in confidence by the other and shall at all times maintain confidentiality with respect to communications relating to the subject matter of the dispute. See id. § 154.053(b). Unless the parties agree otherwise, all matters, including the conduct and demeanor of the parties and their counsel during the settlement process, are confidential and may never be disclosed to anyone, including this Court.

See id. § 154.053(c). The Court will consider the agreed fee for the mediator’s services to be reasonable and tax that fee as a cost of the appeal unless the parties agree to another method of payment. See id. § 154.054. /s/ Peter Kelly Justice Peter Kelly Acting Individually