

TENTH COURT OF APPEALS OF TEXAS

**Roger Martin, Individually and as Successor Trustee of the Martin
Family Trust v. Dale Martin**

No. 10-18-00279-CV (Tex. App.—Waco Nov. 21, 2018) · No. No. 10-18-00279-CV · Decided November 21,
2018

SUMMARY

The Tenth Court of Appeals of Texas dismissed Roger Martin’s appeal from a judgment for breach of fiduciary duty and his removal as successor trustee of the Martin Family Trust. The court dismissed the appeal under Texas Rule of Appellate Procedure 42.3(c) because Martin failed to file the required notice concerning mediation after being ordered to do so.

OPINION

PER CURIAM.

IN THE TENTH COURT OF APPEALS No. 10-18-00279-CV ROGER MARTIN, INDIVIDUALLY AND AS SUCCESSOR TRUSTEE OF THE MARTIN FAMILY TRUST, Appellant v. DALE MARTIN, Appellee From the 87th District Court Freestone County, Texas Trial Court No. 11-136-A MEMORANDUM OPINION Appellant, Roger Martin, Individually and as Successor Trustee of the Martin Family Trust, appeals the trial court’s judgment rendered against him for breach of fiduciary duty and removing him as successor trustee of the Martin Family Trust.

Per appellant’s request, we referred this appeal to mediation on August 29, 2018. In the referral, the Court ordered the parties to confer and attempt to agree upon a mediator. Appellant was ordered to file a notice with the Clerk of this Court, within 14 days from the date of the order, which either identified the agreed-upon mediator or stated that the parties were unable to agree upon a mediator.

No notice was filed. The Court then issued an order on October 24, 2018 directing appellant to provide this Court with the required notice within 14 days from the date of the order. The Court warned appellant that the “failure to timely provide the notice WILL result in the dismissal of this appeal without further notice.” More than 14 days have passed, and appellant has not provided the Court with the required notice.

Accordingly, this appeal is dismissed. See TEX. R. APP. P. 42.3(c) TOM GRAY Chief Justice Before Chief Justice Gray, Justice Davis, and Justice Scoggins Appeal dismissed Opinion delivered and filed November 21, 2018 [CV06] Martin v. Martin Page 2

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