

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

In the Matter of K.A.E.

No. 04-21-00261-CV · No. No. 04-21-00261-CV · Decided July 16, 2021

SUMMARY

The Fourth Court of Appeals of Texas ordered appellant Patrick B. Montgomery to file an amended notice of appeal certifying service on the responsible court reporter under Texas Civil Practice and Remedies Code section 51.017(a). The order warned that failure to comply within ten days could result in a show-cause order regarding contempt.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Beth Watkins
JURISDICTION	Texas
DECIDED	July 16, 2021
DOCKET	No. 04-21-00261-CV
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order requiring appellant to file an amended notice of appeal certifying service on the responsible court reporter or face a possible show-cause order concerning contempt.
PRECEDENTIAL VALUE	published

TOPICS

[appellate procedure](#) [service of process](#) [contempt](#) [civil procedure](#)

PRACTICE AREAS

[appellate procedure](#) [civil procedure](#)

QUESTIONS PRESENTED

1. Whether appellant must file an amended notice of appeal certifying service on each court reporter responsible for preparing the reporter's record under section 51.017(a) of the Texas Civil Practice and Remedies Code.

HOLDINGS

1. A notice of appeal must be served on each court reporter responsible for preparing the reporter's record, and the notice must certify that the required service occurred.

FACTUAL BACKGROUND

A notice of appeal was filed without a certificate of service showing that the responsible court reporter or reporters had been served. After the appellate clerk notified appellant of the defect and requested an amended notice, no amended notice was filed.

PROCEDURAL HISTORY

Appellant's notice of appeal was filed on June 29, 2021. The clerk notified appellant that the attached certificate of service did not certify service on any responsible court reporter and instructed appellant to file an amended notice of appeal. Because no amended notice had been filed, the court ordered compliance within ten days.

DISPOSITION

other

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