

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

OPINION

in the Matter of K.A.E.

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas July 16, 2021 No. 04-21-00261-CV

IN THE MATTER OF K.A.E.,

From the 386th Judicial District Court, Bexar County, Texas Trial Court No. 2021JUV00067
Honorable Jacqueline Herr-Valdez, Judge Presiding

ORDER

A copy of appellant's notice of appeal was filed in this court on June 29, 2021. In accordance with section 51.017(a) of the Texas Civil Practice and Remedies Code, a notice of appeal must be served on each court reporter responsible for preparing the reporter's record. TEX. CIV. PRAC. & REM. CODE ANN. § 51.017(a). The clerk of the court notified the appellant in writing that the certificate of service attached to the notice of appeal filed in this appeal does not certify that any court reporter was served. The clerk instructed the appellant to file an amended notice of appeal certifying proper service on the responsible court reporter(s). An amended notice of appeal has not been filed. It is therefore ORDERED that Patrick B. Montgomery file an amended notice of appeal in compliance with section 51.017(a) within ten days from the date of this order. If appellant fails to file an amended notice of appeal within the time provided, an order may be issued directing Mr. Montgomery to appear and show cause why he should not be held in contempt for failing to file the amended notice of appeal. The clerk of this court shall cause a copy of this order to be served on Mr. Montgomery by certified mail, return receipt requested, or give other personal notice of this order with proof of delivery. _____ Beth Watkins, Justice

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 16th day of July, 2021. _____ MICHAEL A. CRUZ,
Clerk of Court