

TEXAS COURT OF APPEALS, SECOND DISTRICT AT FORT WORTH

**Whitney Rembert v. U.S. Alliance Prominence Venture, LLC dba
Prose Prominence**

No. 02-25-00302-CV (Tex. App. Dec. 18, 2025) · No. 02-25-00302-CV · Decided December 18, 2025

SUMMARY

The Court of Appeals for the Second Appellate District of Texas dismissed Whitney Rembert’s appeal for want of prosecution. The court concluded that she failed to file an appellant’s brief or respond after being notified of the overdue brief and given an opportunity to explain the delay.

CASE DETAILS

COURT	Texas Court of Appeals, Second District at Fort Worth
WRITING FOR THE COURT	Per Curiam; Bassel; Womack; Wallach
JURISDICTION	Court of Appeals for the Second Appellate District of Texas at Fort Worth
DECIDED	December 18, 2025
DOCKET	02-25-00302-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from dismissal for want of prosecution
PRECEDENTIAL VALUE	published
PARTIES	Whitney Rembert v. U.S. Alliance Prominence Venture, LLC dba Prose Prominence

TOPICS

- appellate procedure
- civil procedure
- default

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed for want of prosecution due to appellant's failure to file a brief after notice and opportunity to cure the default.

HOLDINGS

1. The appeal is dismissed for want of prosecution under Texas Rules of Appellate Procedure 38.8(a)(1), 42.3(b), and 43.2(f) because appellant failed to file her brief even after being afforded an opportunity to explain the initial failure.

KEY QUOTATIONS

“Because appellant has failed to file a brief even after we afforded an opportunity to explain the initial failure, we dismiss the appeal for want of prosecution.” (at 2)

FACTUAL BACKGROUND

Appellant Whitney Rembert appealed from a judgment in a forcible entry and detainer action. Her appellate brief was due on October 30, 2025. She failed to file the brief by that deadline. After notification and an opportunity to cure the default, she failed to respond or file the required brief.

PROCEDURAL HISTORY

Appellant appealed from County Court at Law No. 2 of Denton County. Appellant failed to file her brief by the October 30, 2025 deadline. The court notified her of the deficiency on November 18, 2025, and gave her ten days to file a brief with an explanation for the untimely filing and a motion for extension. No response was received.

DISPOSITION

dismissed

OPINION

Whitney Rembert v. U.S. Alliance Prominence Venture, LLC DbA Prose Prominence

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth
_____ No. 02-25-00302-CV _____

WHITNEY REMBERT, Appellant V.

U.S. ALLIANCE PROMINENCE VENTURE, LLC DBA PROSE PROMINENCE,

Appellee On Appeal from County Court at Law No. 2 Denton County, Texas Trial Court No. CV-2025-01894-JP Before Bassel, Womack, and Wallach, JJ. Per Curiam Memorandum Opinion

MEMORANDUM OPINION AND JUDGMENT

Appellant’s brief was due on October 30, 2025. On November 18, 2025, we notified appellant by email and by mail that her brief had not been filed as the appellate rules require. See Tex. R. App. P. 38.6(a). We stated that we could dismiss the appeal for want of prosecution unless, within ten days, appellant filed with the court an appellant’s brief and an accompanying motion reasonably explaining the brief’s untimely filing and why an extension was needed. See Tex. R. App. P.

10.5(b), 38.8(a)(1), 42.3(b). We have received no response. Because appellant has failed to file a brief even after we afforded an opportunity to explain the initial failure, we dismiss the appeal for want of prosecution. See Tex. R. App. P. 38.8(a)(1), 42.3(b), 43.2(f). Per Curiam Delivered: December 18, 2025 2

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