

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON

Mary Lynn Kantara Gerke v. Jamil James Kantara

Kantara Gerke · No. 01-14-00082-CV · Decided January 22, 2015

SUMMARY

This document is a pro se appellant's motion in a Texas intermediate appellate court requesting that the appellant's attorney be ordered to rebrief the case to expressly challenge trial-court findings that the underlying suit was frivolous and brought for purposes of harassment. In the alternative, the appellant asks the court to treat the motion as a supplemental request to the existing brief.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas at Houston
JURISDICTION	Texas
DECIDED	January 22, 2015
DOCKET	01-14-00082-CV
PROCEDURAL POSTURE	Appellant, proceeding pro se, filed a motion asking the appellate court to order her appointed attorney to rebrief the appeal to expressly request vacatur of trial-court findings that her suit was frivolous and brought for purposes of harassment. In the alternative, she requested that the motion be treated as a supplemental request to her attorney's brief.
PRECEDENTIAL VALUE	none
PARTIES	Mary Lynn Kantara Gerke v. Jamil James Kantara

TOPICS

- appellate procedure
- family law procedure
- civil procedure

PRACTICE AREAS

- appellate procedure
- family law
- civil procedure

QUESTIONS PRESENTED

- Whether the appellate court should order appellant's attorney to resubmit or amend the appellate brief to expressly request vacatur of the trial court's findings that appellant's suit was frivolous and brought for purposes of harassment.

2. Whether the court should accept appellant's motion as a supplemental request to the attorney's previously filed brief.

FACTUAL BACKGROUND

The motion concerns trial-court findings that Mary Lynn Kantara Gerke's suit was frivolous and brought for purposes of harassment. Appellant contended that her appellate counsel had already presented arguments challenging those findings but omitted an express request for relief in the brief's conclusion and prayer. She asserted that appellee had addressed the issue in a reply brief and would not be harmed by allowing rebriefing or supplementation.

PROCEDURAL HISTORY

The motion states that the appeal was pending in the First Court of Appeals and that appellant's attorney filed an appellate brief on January 9, 2015, which the court accepted on January 12, 2015. Appellant asserted that the brief argued the frivolousness and harassment findings but did not expressly request their vacatur. The document contains no appellate ruling or disposition on the motion.