

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Terry Christopher Bounds and Diana Bounds v. Bounds and Pinto Marketing, Inc. d/b/a Canyon Lake Visitors Bureau and f/k/a PBC Marketing Company; Austrends, Inc.; and Randy Osherow, Trustee of the Chapter 7 Bankruptcy Estate of Terry Christopher Bounds

No. 03-13-00530-CV · No. No. 03-13-00530-CV · Decided January 22, 2014

SUMMARY

The Texas Court of Appeals, Third District, abated the appeal because the parties had reached a settlement subject to approval by the United States Bankruptcy Court. The court directed the parties to seek reinstatement and dismissal if the settlement was approved, or to report on the settlement status and request an extension if necessary.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Chief Justice Jones; Justice Bob Pemberton; Justice Goodwin
JURISDICTION	Texas
DECIDED	January 22, 2014
DOCKET	No. 03-13-00530-CV
DISPOSITION	other
PROCEDURAL POSTURE	The parties jointly moved to abate the appeal while the United States Bankruptcy Court considered approval of their settlement of the underlying dispute.
PRECEDENTIAL VALUE	Unclear from the opinion text; memorandum opinion concerning abatement of an appeal
PARTIES	Terry Christopher Bounds, Diana Bounds v. Bounds and Pinto Marketing, Inc. d/b/a Canyon Lake Visitors Bureau and f/k/a PBC Marketing Company, Austrends, Inc., Randy Osherow, Trustee of the Chapter 7 Bankruptcy Estate of Terry Christopher Bounds

TOPICS

appellate procedure

bankruptcy

civil procedure

PRACTICE AREAS

appellate procedure

bankruptcy

civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be abated pending approval of the parties' settlement by the United States Bankruptcy Court.

KEY QUOTATIONS

“We will abate the appeal until March 3, 2014.” (at 2)

FACTUAL BACKGROUND

The parties informed the court that they had reached a settlement of the underlying dispute. Approval of the settlement was pending before the United States Bankruptcy Court because the dispute involved the Chapter 7 bankruptcy estate of Terry Christopher Bounds.

PROCEDURAL HISTORY

The appeal arose from the District Court of Travis County, 419th Judicial District, in cause number D-1-GN-13-002131. After the appeal was filed, all parties agreed that the underlying dispute had been settled and requested abatement pending approval of the settlement by the United States Bankruptcy Court. The court of appeals abated the appeal until March 3, 2014.

DISPOSITION

other

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-13-00530-CV Terry Christopher Bounds and Diana Bounds, Appellants v. Bounds and Pinto Marketing, Inc. d/b/a Canyon Lake Visitors Bureau and f/k/a PBC Marketing Company; Austrends, Inc.; and Randy Osherow, Trustee of the Chapter 7 Bankruptcy Estate of Terry Christopher Bounds, Appellees FROM THE DISTRICT COURT OF TRAVIS COUNTY, 419TH JUDICIAL DISTRICT NO. D-1-GN-13-002131, HONORABLE GISELA D. TRIANA, JUDGE PRESIDING MEMORANDUM OPINION The parties have filed an agreed motion, signed by counsel for all parties, informing this Court that they have reached a settlement of the underlying dispute, and requesting that we abate this appeal pending approval of the settlement by the United States Bankruptcy Court.

We will abate the appeal until March 3, 2014. If the parties' settlement is approved, they are instructed to file a motion to reinstate and dismiss the appeal in accordance with the settlement

agreement. If the parties have not finalized the settlement by March 3, 2014, they are instructed to file a report informing this Court as to the status of the appeal and, if necessary, requesting an extension of the abatement. _____ Bob Pemberton,
Justice Before Chief Justice Jones, Justices Pemberton and Goodwin Bankruptcy Filed: January 22, 2014 2