

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

In the Interest of R.A.G.C., et al., Children

No. 04-14-00120-CV · No. No. 04-14-00120-CV · Decided September 11, 2014

SUMMARY

The Fourth Court of Appeals of San Antonio reinstated the appeal after abatement for mediation. The court ordered the appellant to file either a motion to dismiss based on settlement or an updated status report by September 22, 2014.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth District, San Antonio
WRITING FOR THE COURT	Rebeca C. Martinez
JURISDICTION	Texas
DECIDED	September 11, 2014
DOCKET	No. 04-14-00120-CV
DISPOSITION	other
PROCEDURAL POSTURE	The court considered the status of an abated appeal after the parties reported reaching a settlement but had not yet filed a joint motion to dismiss.
PRECEDENTIAL VALUE	Published

TOPICS

- appellate procedure
- mediation
- family law procedure
- civil procedure

PRACTICE AREAS

- Appellate procedure
- Family law

QUESTIONS PRESENTED

- Whether the appeal should be reinstated on the appellate court's docket after the period of abatement expired and the parties had not yet filed a motion to dismiss.

KEY QUOTATIONS

“The appeal is REINSTATED on this Court’s docket. Appellant is ORDERED to file either a motion to dismiss

the appeal or an updated status report no later than September 22, 2014.” (order)

FACTUAL BACKGROUND

The parties requested abatement of the appeal while they pursued mediation. They later reported that they had reached a settlement agreement on June 19, 2014, but had not yet entered the subject order or filed a joint motion to dismiss. The appellant submitted two status reports repeating that information.

PROCEDURAL HISTORY

The parties jointly moved to abate the appeal pending mediation and to suspend deadlines. The court abated the appeal until July 7, 2014, directing the appellant either to move for dismissal based on settlement or to move to reinstate the appeal. After the parties reported a settlement but failed to enter the anticipated order or file a joint dismissal motion, the court reinstated the appeal on its docket and ordered the appellant to file a dismissal motion or updated status report by September 22, 2014.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas September 11, 2014 No. 04-14-00120-CV IN THE INTEREST OF R.A.G.C., ET AL., CHILDREN, From the 131st Judicial District Court, Bexar County, Texas Trial Court No. 2011-CI-00860 Honorable Martha B. Tanner, Judge Presiding ORDER Pursuant to the parties’ “Joint Motion to Abate Appeal Pending Mediation and Suspend All Deadlines,” we ordered the appeal abated until July 7, 2014.

We instructed appellant to file a motion to dismiss the appeal due to settlement, or if a settlement was not reached, a motion to reinstate the appeal after the July 7, 2014 deadline. See TEX. R. APP. P. 42.1(a). On July 21, 2014, appellant filed a “Status Report on Abated Case” informing the Court that the parties reached a settlement agreement on June 19, 2014.

The parties had not yet been able to enter the subject order, but anticipated filing a joint motion to dismiss as soon as practicable. On September 3, 2014, appellant filed a second “Status Report on Abated Case” in which she repeated the same information as above.

The appeal is REINSTATED on this Court’s docket. Appellant is ORDERED to file either a motion to dismiss the appeal or an updated status report no later than September 22, 2014.

Rebeca C. Martinez, Justice IN WITNESS WHEREOF,
I have hereunto set my hand and affixed the seal of the said court on this 11th day of September, 2014. _____ Keith E. Hottle Clerk of Court

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