

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Matt Malouf v. Sterquell PSF Settlement, L.C.

Malouf · No. 05-17-01343-CV · Decided August 9, 2018

SUMMARY

The Court of Appeals for the Fifth District of Texas orders the court reporter to file the overdue reporter's record by August 13, 2018. The court cautions that failure to comply may result in an order barring the reporter from sitting as a court reporter until the record is filed.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	David Evans
JURISDICTION	Texas
DECIDED	August 9, 2018
DOCKET	05-17-01343-CV
DISPOSITION	other
PROCEDURAL POSTURE	Interlocutory appellate order directing the court reporter to file the overdue reporter's record so that the appeal could proceed.
PRECEDENTIAL VALUE	published
PARTIES	Matt Malouf v. Sterquell PSF Settlement, L.C.

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. What action should the appellate court take when the reporter's record necessary for an appeal has not been filed by the applicable deadline?

HOLDINGS

1. The appeal could not proceed without the reporter's record, so the court ordered the overdue record filed by a specified deadline and warned of possible sanctions for noncompliance.

KEY QUOTATIONS

“This appeal cannot proceed without the reporter’s record.”

FACTUAL BACKGROUND

The court reporter, Vielica Dobbins, had not filed the reporter's record for the appeal. The record was initially due February 26, 2018, and the appellate court had granted a final extension after Dobbins represented that she only needed to finish proofreading it. The record remained unfiled as of the August 9, 2018 order.

PROCEDURAL HISTORY

Malouf appealed from the 134th Judicial District Court of Dallas County, Texas, trial court cause number DC-15-02371. The reporter's record was originally due February 26, 2018; after a final extension was granted through July 24, 2018, the record still had not been filed. The Court of Appeals ordered the reporter's record filed by August 13, 2018 and warned the court reporter that noncompliance could result in an order barring her from sitting as a court reporter until the record was filed.

DISPOSITION

other

OPINION

PER CURIAM.

Order entered August 9, 2018 In The Court of Appeals Fifth District of Texas at Dallas No. 05-17-01343-CV MATT MALOUF, Appellant V. STERQUELL PSF SETTLEMENT, L.C., Appellee On Appeal from the 134th Judicial District Court Dallas County, Texas Trial Court Cause No. DC-15-02371 ORDER On July 23, 2018, on court reporter Vielica Dobbins’s request for a final extension of time to file the record and her representation that she “just” needed to “finish proofing,” we extended the deadline for filing the reporter’s record to July 24, 2018.

To date, however, the record has not been filed. This appeal cannot proceed without the reporter’s record. Because the record was first due February 26, 2018 and Ms. Dobbins represented that she “just” needed to “finish proofing,” we ORDER the reporter’s record be filed no later than August 13, 2018.

We caution Ms. Dobbins that failure to comply may result in an order that she not sit as a court reporter until the record is filed. We DIRECT the Clerk of the Court to send a copy of this order to the Honorable Dale B. Tillery, Presiding Judge of the 134th Judicial District Court; Ms. Dobbins; and, the parties. /s/ DAVID EVANS JUSTICE

