

**COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS  
CHRISTI–EDINBURG**

**Mariann Bacharach v. Eufemia Garcia**

Bacharach · No. 13-14-00693-CV · Decided June 25, 2015

**SUMMARY**

The Thirteenth Court of Appeals of Texas grants Mariann Bacharach’s motion to file a fourth amended brief. The amendment is limited to issues allegedly raised during the October 1, 2014 hearing on her motion to dismiss, and the court sets deadlines for the amended brief and appellee’s response.

**CASE DETAILS**

|                              |                                                                                                                                                                   |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>COURT</b>                 | Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg                                                                                           |
| <b>WRITING FOR THE COURT</b> | Justice Rodriguez; Justice Garza; Justice Longoria                                                                                                                |
| <b>JURISDICTION</b>          | Texas                                                                                                                                                             |
| <b>DECIDED</b>               | June 25, 2015                                                                                                                                                     |
| <b>DOCKET</b>                | 13-14-00693-CV                                                                                                                                                    |
| <b>DISPOSITION</b>           | other                                                                                                                                                             |
| <b>PROCEDURAL POSTURE</b>    | Appellant moved for leave to file a fourth amended appellate brief to address issues allegedly raised during an October 1, 2014 hearing on her motion to dismiss. |
| <b>PRECEDENTIAL VALUE</b>    | published                                                                                                                                                         |
| <b>PARTIES</b>               | Mariann Bacharach v. Eufemia Garcia                                                                                                                               |

**TOPICS**

[motion to amend](#) [appellate procedure](#) [civil procedure](#)

**PRACTICE AREAS**

[appellate procedure](#) [civil procedure](#)

**QUESTIONS PRESENTED**

1. Whether appellant should be permitted to amend or supplement her appellate brief under Texas Rule of Appellate Procedure 38.7 to address issues allegedly raised at the October 1, 2014 hearing.

## HOLDINGS

1. The court granted appellant leave to file a fourth amended brief, if she chose to do so, but limited the amendment to issues appellant claimed were raised at the October 1, 2014 hearing on her motion to dismiss.

## KEY QUOTATIONS

*“[a] brief may be amended or supplemented whenever justice requires, on whatever reasonable terms the court may prescribe.” (2)*

## FACTUAL BACKGROUND

The court reporter filed a supplemental record containing only appellant's direct examination from an October 1, 2014 hearing on her motion to dismiss. Appellant filed an original brief and three amended briefs, and sought permission to file a fourth amended brief to reflect issues she claimed were raised at that hearing.

## PROCEDURAL HISTORY

The appeal was pending in the Thirteenth Court of Appeals after proceedings in the 389th District Court of Hidalgo County. After the supplemental reporter's record was filed, appellant submitted several amended briefs; the third amended brief complied with the appellate court's requirements but did not include issues appellant claimed arose from her testimony at the October 1 hearing. The appellate court granted leave for appellant to file a fourth amended brief on limited terms and set briefing deadlines.

## DISPOSITION

other