

FOURTH COURT OF APPEALS OF TEXAS

Ammonite Oil & Gas Corporation v. Railroad Commission of Texas

Ammonite Oil & Gas · No. 04-20-00465-CV · Decided October 20, 2020

OPINION

PER CURIAM.

FILE COPY COURT OF APPEALS SANDEE BRYAN MARION FOURTH COURT OF APPEALS DISTRICT MICHAEL A. CRUZ, CHIEF JUSTICE CADENA-REEVES JUSTICE CENTER CLERK OF COURT REBECA C. MARTINEZ 300 DOLOROSA, SUITE 3200 PATRICIA O. ALVAREZ SAN ANTONIO, TEXAS 78205-3037 LUZ ELENA D. CHAPA WWW.TXCOURTS.GOV/4THCOA.ASPX TELEPHONE IRENE RIOS (210) 335-2635 BETH WATKINS LIZA A. RODRIGUEZ FACSIMILE NO. JUSTICES (210) 335-2762 October 20, 2020 Shelly M. Doggett J. Bruce Bennett Office of the Attorney General of Cardwell, Hart & Bennett, L.L.P.

Texas 807 Brazos, Suite 1001 P.O. Box 12548 Austin, TX 78701-2553 Austin, TX 78711 * DELIVERED VIA E-MAIL * * DELIVERED VIA E-MAIL * Jane Webre John Henderson Bennett Scott Douglass & McConnico, OSBORN, MARSLAND & LLP HARGROVE 303 Colorado Street, Suite 2400 515 Congress Ave., Suite 2450 Austin, TX 78701-2589 Austin, TX 78701-3558 * DELIVERED VIA E-MAIL * * DELIVERED VIA E-MAIL * RE: Court of Appeals Number: 04-20-00465-CV Trial Court Case Number: M-18-0003-CV-A Style: Ammonite Oil & Gas Corporation v. Railroad Commission of Texas Enclosed please find the order which the Honorable Court of Appeals has issued in reference to the above styled and numbered cause.

If you should have any questions, please do not hesitate to contact me. Very truly yours, Michael A. Cruz, Clerk of Court _____ Monica Rivera Deputy Clerk, Ext. 53855 cc: Mattie Sadovsky (DELIVERED VIA E-MAIL) Douglas J. Dashiell (DELIVERED VIA E-MAIL) FILE COPY Fourth Court of Appeals San Antonio, Texas October 20, 2020 No. 04-20-00465-CV AMMONITE OIL & GAS CORPORATION, Appellant v. RAILROAD COMMISSION OF TEXAS, Appellee From the 36th Judicial District Court, McMullen County, Texas Trial Court No. M-18-0003-CV-A Honorable Janna K. Whatley, Judge Presiding ORDER The trial court signed a final appealable order on June 22, 2020.

Because the clerk's record does not contain a motion for new trial, motion to modify the judgment, motion for reinstatement, or request for findings of fact and conclusions of law, the notice of appeal was due by July 22, 2020. See TEX. R. APP. P. 26.1(a). A motion for extension of time to file the notice of appeal was due by August 6, 2020. See TEX. R. APP.

P. 26.3. Appellant filed its notice of appeal on September 17, 2020. “[O]nce the period for granting a motion for extension of time under Rule [26.3] has passed, a party can no longer invoke the appellate court’s jurisdiction. See *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997) (construing the predecessor to Rule 26).

Because the notice of appeal was untimely filed, we ORDER appellant to show cause why this appeal should not be dismissed for lack of jurisdiction by October 30, 2020. See *id.* If appellants fail to respond to this order by the date ordered, this appeal will be dismissed for lack of jurisdiction. See TEX. R. APP. P. 42.3. If a supplemental clerk’s record is required, appellant must ask the trial court clerk to prepare one and must notify the clerk of this court that such a request was made.

All other appellate deadlines are suspended until further order of this court. FILE COPY

_____ Beth Watkins, Justice IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 20th day of October, 2020.

_____ MICHAEL A. CRUZ, Clerk of Court