

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

Diana Leticia Sandoval v. Erick Trevino

Sandoval v. Trevino · No. 13-22-00139-CV · Decided May 10, 2022

SUMMARY

The Thirteenth Court of Appeals of Texas ordered the appeal abated and referred the case to mediation. The order establishes procedures for selecting a mediator, conducting mediation, reporting its outcome, addressing fees, and seeking dispositive relief if the case settles.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Chief Justice Contreras; Justice Benavides; Justice Tijerina
JURISDICTION	Texas
DECIDED	May 10, 2022
DOCKET	13-22-00139-CV
DISPOSITION	other
PROCEDURAL POSTURE	The court, on its own motion and after reviewing the docketing statements, abated the appeal and referred the case to mediation.
PRECEDENTIAL VALUE	Published order; no reporter citation appears in the provided text.
PARTIES	Diana Leticia Sandoval v. Erick Trevino

TOPICS

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

PRACTICE AREAS

[civil procedure](#) [appellate procedure](#) [alternative dispute resolution](#)

QUESTIONS PRESENTED

1. Whether the appeal should be abated and referred to mediation based on the court's review of the docketing statements.
2. What procedures and deadlines would govern the mediation while the appeal was abated.

HOLDINGS

1. The court ordered the appeal abated and referred the case to mediation.
2. The parties were required to promptly select or notify the court regarding a mediator, attend a full-day confidential and non-binding mediation, comply with the court's deadlines and attendance requirements, and report the mediation's outcome to the court.

KEY QUOTATIONS

“This cause is before the Court on its own motion. Upon review of the docketing statements in this matter, the Court has determined the case should be referred to mediation.” (at 1)

“Mediation is a mandatory, non-binding settlement conference conducted with the assistance of a mediator.” (at 2)

FACTUAL BACKGROUND

The opinion provides no substantive facts concerning the underlying dispute. Based on its review of the docketing statements, the appellate court determined that the case should be referred to mediation.

PROCEDURAL HISTORY

The appeal was taken from County Court at Law No. 4 of Hidalgo County, Texas. The Thirteenth Court of Appeals determined that mediation was appropriate, ordered the parties to mediate under specified conditions, and abated the appeal pending review of the mediator's report and further order.

DISPOSITION

other

REMAND INSTRUCTIONS

The appeal was abated pending the court's review of the mediator's report and further order. If mediation fully resolved the case, the parties were ordered to file a joint or agreed motion seeking dispositive relief within fourteen days after mediation, or an agreed motion for additional time.

OPINION

PER CURIAM.

NUMBER 13-22-00139-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI – EDINBURG DIANA LETICIA SANDOVAL, Appellant, v. ERICK
TREVINO, Appellee. On appeal from County Court at Law No. 4 of Hidalgo County, Texas.
ORDER OF ABATEMENT AND REFERRING CASE TO MEDIATION Before Chief Justice
Contreras and Justices Benavides and Tijerina Order Per Curiam This cause is before the Court on
its own motion.

Upon review of the docketing statements in this matter, the Court has determined the case should be referred to mediation. Accordingly, it is ordered that this appeal be abated and the case be mediated under the following terms and conditions: 1.

The parties must promptly agree upon a mediator and, within fourteen days of this Order, notify the Court in writing of the name and address of the mediator selected. If the parties are unable to agree upon a mediator, they must so notify the Court within the fourteen-day period and the Court will appoint a mediator. 2. All parties must confer with their mediator within fourteen days of the date of this Order, or in the case of a court appointed mediator, within fourteen days of the appointment of the mediator, to establish a date and place for the mediation.

The parties shall agree on a date for the mediation that is consistent with the mediator's schedule and is no later than thirty days after the date of this Order. In the event the parties cannot agree on a date, the mediator shall select and set a date.

The mediator shall notify the Court of the date selected for the mediation. 3. In the discretion of the mediator, each party may be required to provide a confidential memorandum and/or information sheet setting forth the issues of the case and their positions on these issues. Additionally, upon request of the mediator, the parties shall produce all information the mediator deems necessary to understand the issues of the case.

The memorandum and/or information sheet and other information produced to the mediator will not be made a part of the file in this case and will be destroyed by the mediator at the conclusion of the mediation proceeding. 4. All parties to this matter or their authorized representatives, accompanied by their counsel, must appear and attend the mediation proceeding.

In accordance with the Supreme Court of Texas's Emergency Orders Regarding the Covid-19 State of Disaster, the parties may elect to attend the mediation remotely by teleconference or videoconference. The mediation shall be for a full day. 5. Mediation is a mandatory, non-binding settlement conference conducted with the assistance of a mediator.

The mediation proceeding will be confidential within the meaning of the Texas Civil Practice and Remedies Code sections 154.053 and 154.073. 6. Unless otherwise agreed, the mediation proceeding will not be recorded. 7.

The mediator will negotiate a reasonable fee with the parties. The mediator's fee will be borne equally by the parties unless otherwise agreed by the parties and will be paid directly to the mediator. If the parties do not agree upon the fee requested by the mediator, the court will set a reasonable fee, which shall be taxed as costs. Id. § 154.054. 2 8. Within two days after the conclusion of the mediation, the mediator shall certify to this Court as follows: (a) whether the parties appeared as ordered; (b) whether the case settled; and (c) whether the mediation fees were paid in accordance with the court's order or as otherwise agreed by the parties.

9. If mediation fully resolves the issues in this case, the parties must file a joint or agreed motion seeking dispositive relief within fourteen days of the conclusion of the mediation. If the parties need more time to effectuate the terms of the settlement agreement, they must, within fourteen days of the conclusion of mediation, file a joint or agreed motion for an extension of time to file their disposition motion.

It is further ordered that this case is abated pending this Court's review of the mediator's report and further order of this Court. PER CURIAM Delivered and filed on the 10th day of May, 2022.