

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**City of Taylor, Texas; Mayor Dwayne Ariola, in His Official Capacity;  
Council Members Gerald Anderson, Shelli Cobb, Kelly Cmerek,  
Robert Garcia, in Their Official Capacities; and City Manager Bryan  
Laborde, in His Official Capacity v. Robert Marek, Cherie Turner-  
Marek, Julius A. Wolbrueck, Roxana Thomas Wolbrueck, Jona  
Enterprises LLC, Michael F. Herzog Jr., Laurel T. Herzog, Glen R.  
Polasek, Joan P. Polasek, Duane D. Stoll, Sandra G. Stoll, Cecilia Ida  
Hannan as Trustee of The Cecilia Ida Hannan Trust, Loren Hengst,  
Kathleen Hengst, Erwin Hengst, and Sara Hengst**

Nos. 03-25-00369-CV and 03-25-00546-CV · No. Nos. 03-25-00369-CV and 03-25-00546-CV · Decided  
February 27, 2026

SUMMARY

The Texas Court of Appeals, Third District, granted the parties’ joint motion to continue abating two appeals for an additional 90 days while they pursue settlement negotiations. The court ordered the parties to file a dismissal motion, reinstatement motion, or status report with a motion to extend the abatement by May 28, 2026.

CASE DETAILS

|                       |                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Texas Court of Appeals, Third District, at Austin                                                                                                 |
| WRITING FOR THE COURT | Per Curiam; Justice Triana; Justice Kelly; Justice Ellis                                                                                          |
| JURISDICTION          | Texas Court of Appeals, Third District, at Austin                                                                                                 |
| DECIDED               | February 27, 2026                                                                                                                                 |
| DOCKET                | Nos. 03-25-00369-CV and 03-25-00546-CV                                                                                                            |
| DISPOSITION           | other                                                                                                                                             |
| PROCEDURAL POSTURE    | Two appeals were previously abated for settlement negotiations. The parties jointly moved to extend the abatement for an additional three months. |
| PRECEDENTIAL VALUE    | published                                                                                                                                         |
|                       |                                                                                                                                                   |

## PARTIES

City of Taylor, Texas, Mayor Dwayne Ariola, in his Official Capacity, Council Members Gerald Anderson, Shelli Cobb, Kelly Cmerek, and Robert Garcia, in their Official Capacities, City Manager Bryan Laborde, in his Official Capacity v. Robert Marek, Cherie Turner-Marek, Julius A. Wolbrueck, Roxana Thomas Wolbrueck, Jona Enterprises LLC, Michael F. Herzog Jr., Laurel T. Herzog, Glen R. Polasek, Joan P. Polasek, Duane D. Stoll, Sandra G. Stoll, Cecilia Ida Hannan as Trustee of The Cecilia Ida Hannan Trust, Loren Hengst, Kathleen Hengst, Erwin Hengst, Sara Hengst

## TOPICS

appellate procedure

civil procedure

## PRACTICE AREAS

appellate procedure

civil procedure

municipal law

## QUESTIONS PRESENTED

1. Whether the appeals should be abated for an additional 90 days to allow the parties to continue settlement negotiations.

## HOLDINGS

1. The court granted the parties' joint motion and abated both appeals for an additional 90 days.

## KEY QUOTATIONS

*"We grant the parties' joint motion and abate the appeals for an additional 90 days to allow the parties more time to engage in settlement negotiations." (2)*

## FACTUAL BACKGROUND

The parties were engaged in settlement negotiations while the appeals were pending. The court had previously abated the appeals and ordered the parties to provide a status report concerning the settlement process. The parties jointly requested an additional 90-day abatement to continue negotiations.

## PROCEDURAL HISTORY

The Texas Court of Appeals had previously abated the appeals on appellants' unopposed motion to permit settlement negotiations. After receiving a joint status report and joint motion requesting an additional three-month abatement, the court granted the motion and abated the appeals for an additional 90 days.

## DISPOSITION

other

## REMAND INSTRUCTIONS

The parties were ordered to submit, on or before May 28, 2026, a motion to dismiss the appeals, a motion to reinstate the appeals, or a status report on the settlement process accompanied by a motion to extend the abatement.

## OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-25-00369-CV NO. 03-25-00546-CV City of Taylor, Texas; Mayor Dwayne Ariola, in his Official Capacity; Council Members Gerald Anderson, Shelli Cobb, Kelly Cmerek, Robert Garcia, in their Official Capacities; and City Manager Bryan Laborde, in his Official Capacity, Appellants v. Robert Marek, Cherie Turner-Marek, Julius A. Wolbrueck, Roxana Thomas Wolbrueck, Jona Enterprises LLC, Michael F. Herzog Jr., Laurel T. Herzog, Glen R. Polasek, Joan P. Polasek, Duane D. Stoll, Sandra G. Stoll, Cecilia Ida Hannan as Trustee of The Cecilia Ida Hannan Trust, Loren Hengst, Kathleen Hengst, Erwin Hengst, and Sara Hengst, Appellees FROM THE 425TH JUDICIAL DISTRICT COURT OF WILLIAMSON COUNTY, NO. 24-0447-C425, THE HONORABLE BETSY F. LAMBETH, JUDGE PRESIDING ORDER AND MEMORANDUM OPINION PER CURIAM On appellants' unopposed motion, this Court previously abated these appeals to allow the parties to engage in settlement negotiations.

As ordered by the Court, the parties have filed a joint status report regarding their request to extend the abatement period. They also filed a joint motion to abate these appeals for an additional three months to continue their efforts to negotiate and resolve this matter.

We grant the parties' joint motion and abate the appeal for an additional 90 days to allow the parties more time to engage in settlement negotiations. The parties shall submit a motion to dismiss the appeals, a motion to reinstate the appeals, or a status report on the settlement process accompanied by a motion to extend the abatement on or before May 28, 2026.

It is so ordered on February 27, 2026. Before Justices Triana, Kelly, and Ellis Abated Filed: February 27, 2026 2