

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON

Jim P. Benge, M.D. and Kelsey-Seybold Medical Group PLLC v. Lauren Williams

Benge v. Williams · No. 01-12-00578-CV · Decided July 16, 2013

SUMMARY

The First Court of Appeals for the First District of Texas ruled on motions concerning appellee Lauren Williams's sur-reply brief. The court granted appellants leave to file a reply to any sur-reply, subject to a 2,000-word limit and a fifteen-day filing deadline.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas at Houston
WRITING FOR THE COURT	Harvey Brown
JURISDICTION	Texas
DECIDED	July 16, 2013
DOCKET	01-12-00578-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellants moved to strike appellee's sur-reply brief and requested leave to file a reply to any additional sur-reply brief. The court had previously granted the motion to strike, denied leave to exceed the word limit, and permitted a compliant sur-reply.
PRECEDENTIAL VALUE	procedural order
PARTIES	Jim P. Benge, M.D., Kelsey-Seybold Medical Group PLLC v. Lauren Williams

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

health law

QUESTIONS PRESENTED

1. Whether appellants should be permitted to file a reply to any sur-reply brief filed by appellee.

HOLDINGS

1. Appellants were granted leave to file a reply brief of no more than 2,000 words to any sur-reply brief filed by appellee, provided the reply is filed no later than fifteen days after the sur-reply.

KEY QUOTATIONS

“Appellants’ request for leave to file a reply brief to any additional brief that Appellee files is granted.”

“Appellants may file a reply brief that does not exceed 2,000 words to any sur-reply brief that Appellee files no later than fifteen days after Appellee files a sur-reply brief.”

FACTUAL BACKGROUND

This order concerns briefing in an appeal arising from a case in the 164th District Court of Harris County. Appellants sought to strike appellee Lauren Williams's sur-reply brief and requested permission to respond to any additional sur-reply. The court regulated the permissible briefing and word limits.

PROCEDURAL HISTORY

The appeal was pending in the First District Court of Appeals of Texas. Appellants challenged the filing of appellee's sur-reply and sought leave to respond to any further sur-reply. On July 5, 2013, the court struck the existing sur-reply, denied permission to exceed 7,500 words, and authorized a compliant sur-reply. On July 16, 2013, the court granted appellants leave to file a reply of no more than 2,000 words within fifteen days after any sur-reply was filed.

DISPOSITION

other

OPINION

PER CURIAM.

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON ORDER
Appellate case name: Jim P. Bengé, M.D. and Kelsey-Seybold Medical Group PLLC v. Lauren Williams
Appellate case number: 01-12-00578-CV Trial court case number: 2010-52657 Trial court: 164th District Court of Harris County
Appellants Jim P. Bengé, M.D. and Kelsey-Seybold Medical Group PLLC filed their motion to strike appellee Lauren Williams’s sur-reply brief, filed in this Court on June 25, 2013.

Appellee responded and, in the alternative, filed a motion to file a sur-reply brief exceeding the word limit. On July 5, 2013, this Court granted Appellants’ motion to strike Appellee’s sur-reply brief, denied Appellee’s request to file a sur-reply brief exceeding 7,500 words, and allowed Appellee to file a sur-reply brief that does not exceed 7,500 words no later than Monday, July 22, 2013.

In their Reply Supporting their Motion to Strike Appellee's Motion to File a Sur-Reply, Appellants requested leave to file a reply brief to any additional brief that Appellee files. Appellants' request for leave to file a reply brief to any additional brief that Appellee files is granted. Appellants may file a reply brief that does not exceed 2,000 words to any sur-reply brief that Appellee files no later than fifteen days after Appellee files a sur-reply brief.

It is so ORDERED. Judge's signature: s/Harvey Brown X Acting individually ☐ Acting for the Court Date: July 16, 2013