

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

**Progressive County Mutual Insurance Company v. Anselmo M.
Caltzonsing**

Progressive County Mutual Insurance Co. · No. 13-21-00209-CV · Decided July 21, 2021

SUMMARY

The Thirteenth Court of Appeals of Texas granted Progressive County Mutual Insurance Company’s petition for permissive appeal from the 377th District Court of Victoria County. The court deemed a notice of appeal filed, ordered that the appeal proceed under accelerated-appeal rules, and directed the clerk to provide the order to the trial court clerk.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Chief Justice Contreras; Justice Benavides; Justice Silva
JURISDICTION	Texas
DECIDED	July 21, 2021
DOCKET	13-21-00209-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellant sought a permissive appeal from the 377th District Court of Victoria County, Texas. The court of appeals granted the petition for permissive appeal.
PRECEDENTIAL VALUE	published
PARTIES	Progressive County Mutual Insurance Company v. Anselmo M. Caltzonsing

TOPICS

appellate procedure

interlocutory appeal

civil procedure

insurance

PRACTICE AREAS

appellate procedure

insurance

QUESTIONS PRESENTED

1. Whether the petition for permissive appeal should be granted.
2. What procedural consequences follow from granting permission to appeal, including whether a notice of appeal is deemed filed and whether the appeal proceeds under accelerated-appeal rules.

HOLDINGS

1. The petition for permissive appeal should be granted.
2. Upon granting permission to appeal, a notice of appeal is deemed to have been filed, and the appeal is governed by the rules for accelerated appeals.

FACTUAL BACKGROUND

The opinion contains no substantive merits facts. It concerns Progressive County Mutual Insurance Company's petition for permissive appeal from an order entered by the 377th District Court of Victoria County, with Anselmo M. Caltzonsing declining to file a response while disagreeing with the petition's merits.

PROCEDURAL HISTORY

Progressive County Mutual Insurance Company filed a petition for permissive appeal on July 7, 2021, from an order of the 377th District Court of Victoria County. The court of appeals granted permission to appeal, deemed a notice of appeal filed on that date, and directed that the appeal proceed under the rules governing accelerated appeals.

DISPOSITION

other

REMAND INSTRUCTIONS

The clerk of the court of appeals was directed to file a copy of the order with the trial court clerk. The appeal is to proceed under the rules for accelerated appeals.

OPINION

Progressive County Mutual Insurance Company v. Anselmo M. Caltzonsing
PER CURIAM.

NUMBER 13-21-00209-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

PROGRESSIVE COUNTY MUTUAL

INSURANCE COMPANY, Appellant, v. ANSELMO M. CALTZONSING, Appellee. On Petition for Permissive Appeal from the 377th District Court of Victoria County, Texas.

ORDER

Before Chief Justice Contreras and Justices Benavides and Silva Order Per Curiam Appellant Progressive County Mutual Insurance Company filed a petition for permissive appeal on July 7, 2021. See generally Tex. R. App. P. 28.3. Appellee Anselmo M. Catzonsing filed a letter stating that he would not be filing a response to appellant's petition but disagreed with the appellant on the merits. The Court, having examined and fully considered the petition for permissive appeal, is of the opinion that the petition should be granted. Accordingly, we GRANT permission to appeal. Thus, a notice of appeal is deemed to have been filed on this date. See id. R. 28.3(k); see also id. 25.1(c) ("A party who seeks to alter the trial court's judgment or other appealable order must file a notice of appeal."). The appeal will be governed by the rules for accelerated appeal. See id. R. 28.1(e) ("The deadlines and procedures for filing the record and briefs in an accelerated appeal are provided in Rules 35.1 and 38.6."). We direct the Clerk of the Court to file a copy of this order with the trial court clerk. See id. R. 28.3(k).

PER CURIAM

Delivered and filed on the 21st day of July, 2021. 2