

COURT OF APPEALS OF TEXAS, FOURTH COURT OF APPEALS, SAN ANTONIO

402 Lone Star Property, LLC and Craig Otto v. Barry L. Bradford

No. 04-16-00721-CV · No. No. 04-16-00721-CV · Decided January 18, 2018

SUMMARY

The Fourth Court of Appeals of San Antonio issued an order concerning a motion for rehearing filed to correct a typographical error in the judgment. Because the court had already issued a corrected judgment on its own motion, it deemed the motion for rehearing moot.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth Court of Appeals, San Antonio
WRITING FOR THE COURT	Patricia O. Alvarez; Sandee Bryan Marion, Chief Justice; Karen Angelini, Justice; Patricia O. Alvarez, Justice
JURISDICTION	Texas
DECIDED	January 18, 2018
DOCKET	No. 04-16-00721-CV
DISPOSITION	other
PROCEDURAL POSTURE	After the court issued its judgment in the appeal, an appellant moved for rehearing to correct a typographical error. The court sua sponte issued a corrected judgment, rendering the motion for rehearing moot.
PRECEDENTIAL VALUE	Published
PARTIES	402 Lone Star Property, LLC, Craig Otto v. Barry L. Bradford

TOPICS

[motion for reconsideration](#) [appellate procedure](#) [civil procedure](#)

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether the appellant's motion for rehearing remained necessary after the court issued a corrected judgment correcting the identified typographical error.

KEY QUOTATIONS

“Appellant’s motion for rehearing is MOOT.”

FACTUAL BACKGROUND

The order concerns a typographical error in the appellate judgment rather than the underlying dispute between the parties. After the appellant filed a motion for rehearing seeking correction of the error, the court independently issued a corrected judgment.

PROCEDURAL HISTORY

The appeal arose from the 438th Judicial District Court of Bexar County, Texas, trial court cause number 2014-CI-08653. The court of appeals issued a judgment on November 29, 2017. Following a December 29, 2017 motion for rehearing, the court issued a corrected judgment on January 18, 2018, and declared the motion moot.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas January 18, 2018 No. 04-16-00721-CV 402 LONE STAR PROPERTY, LLC and Craig Otto, Appellants v. Barry L. BRADFORD, Appellee From the 438th Judicial District Court, Bexar County, Texas Trial Court No. 2014-CI-08653 Honorable Gloria Saldana, Judge Presiding ORDER Sitting: Sandee Bryan Marion, Chief Justice Karen Angelini, Justice Patricia O. Alvarez, Justice On December 29, 2017, appellant filed a motion for rehearing to correct a typographical error in the judgment issued in this appeal on November 29, 2017.

On its own motion, this court issued a corrected judgment in this appeal on January 18, 2018. Appellant’s motion for rehearing is MOOT. _____ Patricia O. Alvarez, Justice IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 18th day of January, 2018. _____ KEITH E. HOTTLE, Clerk of Court