

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

**Chesapeake Exploration, L.L.C., Chesapeake Operating, L.L.C.,
Jamestown Resources, L.L.C., and OOGC American LLC v. 7K
Investments, Ltd., et al.**

No. 04-19-00503-CV · No. 04-19-00503-CV · Decided June 9, 2021

SUMMARY

The Fourth Court of Appeals of San Antonio reinstated the appeal after an abatement related to the appellants' bankruptcy filing. Pursuant to the parties' settlement, the court vacated the district court's corrected final judgment without regard to its merits and remanded for rendition of judgment consistent with the settlement agreement, taxing costs against the appellant.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth District, San Antonio
WRITING FOR THE COURT	Rebeca C. Martinez, Chief Justice; Patricia O. Alvarez, Justice; Lori I. Valenzuela, Justice
JURISDICTION	Texas
DECIDED	June 9, 2021
DOCKET	04-19-00503-CV
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from the 218th Judicial District Court of La Salle County, Texas, following entry of a corrected final judgment. During the appeal, the parties jointly moved to vacate the judgment and remand for rendition of judgment pursuant to a settlement agreement.
PRECEDENTIAL VALUE	Published memorandum opinion; no express precedential designation stated in the text
PARTIES	Chesapeake Exploration, L.L.C., Chesapeake Operating, L.L.C., Jamestown Resources, L.L.C., OOGC American LLC v. 7K Investments, Ltd., et al.

TOPICS

appellate procedure bankruptcy civil procedure remedies

PRACTICE AREAS

Appellate procedure

Bankruptcy

Civil procedure

Remedies

QUESTIONS PRESENTED

1. Whether the court should reinstate the abated appeal and grant the parties' joint motion to vacate the district court's corrected final judgment and remand pursuant to their settlement agreement.

HOLDINGS

1. The court granted the joint motion, vacated the district court's corrected final judgment without regard to its merits, and remanded the case for rendition of judgment in accordance with the parties' settlement agreement.
2. The bankruptcy filing stayed the appeal and all applicable time periods, and the appeal was properly treated as abated pending reinstatement under the Texas Rules of Appellate Procedure.

KEY QUOTATIONS

"We VACATE the district court's "Corrected Final Judgment" without regard to its merits and REMAND this case to the district court for rendition of judgment in accordance with the parties' settlement agreement."

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FACTUAL BACKGROUND

Appellants notified the court of appeals that they had filed for bankruptcy, resulting in a stay of the appeal and all applicable time periods. The appeal was subsequently abated and administratively treated as closed pending reinstatement. The parties then reached a settlement and jointly requested that the appellate court vacate the district court's corrected final judgment and remand for dismissal or other judgment consistent with the settlement.

PROCEDURAL HISTORY

Appellants appealed the district court's corrected final judgment. After appellants filed notice of bankruptcy, the appeal and applicable time periods were stayed under Texas Rule of Appellate Procedure 8, and the appeal was abated. The parties later filed a joint motion to vacate the judgment and remand pursuant to settlement; the court reinstated the appeal, granted the motion, vacated the judgment without regard to its merits, and remanded for rendition of judgment consistent with the settlement agreement.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The district court was directed to render judgment in accordance with the parties' settlement agreement. Appellate costs were taxed against the appellants because the parties' motion did not indicate that they had

agreed otherwise.

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas MEMORANDUM OPINION No. 04-19-00503-CV CHESAPEAKE EXPLORATION, L.L.C., Chesapeake Operating, L.L.C., Jamestown Resources, L.L.C., and OOGC American LLC, Appellants v. 7K INVESTMENTS, LTD., et al., Appellees From the 218th Judicial District Court, La Salle County, Texas Trial Court No. 16-03-00030-CVL Honorable John D. Gabriel, Jr., Judge Presiding PER CURIAM Sitting: Rebeca C. Martinez, Chief Justice Patricia O. Alvarez, Justice Lori I. Valenzuela, Justice Delivered and Filed: June 9, 2021 VACATED AND REMANDED On June 29, 2020, appellants filed a notice with this court stating appellants were in bankruptcy.

See TEX. R. APP. P. 8. This appeal and all time periods were accordingly stayed from the date the bankruptcy petition was filed. See TEX. R. APP. P. 8.2. This court subsequently issued an order abating this appeal. For administrative purposes, this case was treated as a closed case, unless and until it is reinstated in accordance with Rule 8.3 of the Texas Rules of Appellate Procedure.

04-19-00503-CV On May 26, 2021, the parties filed a “Joint Motion to Vacate Judgment and Remand Pursuant to Settlement” moving this court to set aside the district court’s “Corrected Final Judgment” without regard to the merits and remand the case to the district court to dismiss the claims pursuant to the parties’ settlement. See TEX. R. APP. P. 42.1(a)(2)(B).

We order this appeal REINSTATED, and the motion is GRANTED. We VACATE the district court’s “Corrected Final Judgment” without regard to its merits and REMAND this case to the district court for rendition of judgment in accordance with the parties’ settlement agreement. See id. Because the motion does not indicate that the parties agreed otherwise, costs are taxed against the appellant.

See TEX. R. APP. P. 42.1(d). PER CURIAM -2-