

COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

Jovita Opara v. Federal National Mortgage Association a/k/a Fannie Mae

Opara · No. 05-12-00250-CV · Decided September 14, 2012

SUMMARY

The Texas Court of Appeals for the Fifth District at Dallas ordered the appeal submitted without a reporter's record after the court reporter confirmed that no request to prepare the record had been received. The court directed the appellant to file an appellate brief within thirty days of the order.

CASE DETAILS

COURT	Court of Appeals for the Fifth District of Texas at Dallas
JURISDICTION	Texas
DECIDED	September 14, 2012
DOCKET	05-12-00250-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellant's appeal was before the Texas Court of Appeals after the court reporter advised that no request had been received to prepare the reporter's record.
PRECEDENTIAL VALUE	published
PARTIES	Jovita Opara v. Federal National Mortgage Association a/k/a Fannie Mae

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be submitted without a reporter's record after the court reporter verified that appellant had not requested preparation of the record.

HOLDINGS

1. Because the official court reporter verified that appellant had not requested preparation of the reporter's record, the court ordered the appeal submitted without that record and ordered appellant's brief to be filed within thirty days.

KEY QUOTATIONS

“Accordingly, we ORDER the appeal submitted without the reporter's record.”

FACTUAL BACKGROUND

The appellate court had previously ordered the official court reporter to file the reporter's record, verify that no hearings were recorded, or verify that appellant had not requested or made payment arrangements for the record. The reporter advised that she had not received a request to prepare the reporter's record.

PROCEDURAL HISTORY

The appeal arose from County Court at Law No. 3 of Dallas County, Texas, in trial court cause number CC-11-08783-C. After the appellate court ordered the official court reporter to provide the reporter's record or verify that no request had been made, the reporter confirmed that no request had been received. The appellate court ordered the appeal submitted without the reporter's record and gave appellant thirty days to file a brief.

DISPOSITION

other

OPINION

PER CURIAM.

- ----=---- ~.---;_~-----:~------- Order issued September Ji, 2012 In The Oiourt of Appeals lf.ift}f 1llistrict of IDexas at 1llallas No. 05-12-00250-CV JOVITA OPARA, Appellant V. FEDERAL NATIONAL MORTGAGE ASSOCIATION A/KIA FANNIE MAE, Appellee On Appeal from the County Court at Law No. 3 Dallas County, Texas Trial Court Cause No. CC-11-08783-C ORDER By order dated July 30,2012, the Court ordered Janet Wright, Official Court Reporter of County Court at Law No. 3 of Dallas County, Texas, to file either: (1) the reporter's record; (2) written verification- that no hearings were recorded; or (3) written verification that appellant has not requested or made payment arrangements for the record.

We cautioned appellant that if we received verification of no request, we would order the appeal submitted without the reporter's record. See TEx. R. APP. P. 37.3(c). On August 10, 2012, the Court received a letter from Ms. Wright informing the Court that she did not receive a request to prepare the reporter's record.

Accordingly, we ORDER the appeal submitted without the reporter's record. Appellant's brief is due THIRTY DAYS from the date of this order.

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/texas-court-of-appeals-for-the-fifth-district-of-texas-at-dallas/2012/jovita-opara-v-federal-national-mortgage-association-a-k-a-ez5gm1e0>