

COURT OF APPEALS OF TEXAS, FOURTEENTH DISTRICT

Alphaville Ventures, Inc., and Noam Bizman v. First Bank

No. 14-12-00580-CV · No. No. 14-12-00580-CV · Decided October 25, 2012

SUMMARY

The Fourteenth Court of Appeals of Texas granted the parties' agreed motion to abate an appeal for sixty days while they pursued settlement discussions. The court suspended the appellate timetable, treated the appeal as closed during the abatement, and provided procedures for reinstatement, dismissal, or extension.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourteenth District
JURISDICTION	Texas
DECIDED	October 25, 2012
DOCKET	No. 14-12-00580-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from a final summary judgment; the appellate court granted the parties' agreed motion to abate the appeal while they pursued settlement discussions.
PRECEDENTIAL VALUE	Published abatement order
PARTIES	Alphaville Ventures, Inc., Noam Bizman v. First Bank

TOPICS

[appellate procedure](#) [civil procedure](#) [summary judgment](#) [commercial litigation](#)

PRACTICE AREAS

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

QUESTIONS PRESENTED

- Whether the appellate court should grant the parties' agreed motion to abate the appeal for sixty days while they pursued settlement discussions.

HOLDINGS

1. The court granted the agreed motion and abated the appeal for sixty days, suspended the appellate timetable during that period, and directed that the appeal be reinstated after sixty days unless the parties filed an appropriate dispositive motion or sought other relief.

KEY QUOTATIONS

“The court ORDERS the appeal ABATED for a period of sixty days.”

“The appeal is ABATED, treated as a closed case, and removed from this court=s active docket for a period of sixty days.”

FACTUAL BACKGROUND

The appeal arose from a final summary judgment signed by the 189th District Court of Harris County on March 30, 2012. The parties were engaged in settlement discussions and jointly sought a sixty-day abatement of the appellate proceedings.

PROCEDURAL HISTORY

The 189th District Court of Harris County, Texas, signed a final summary judgment on March 30, 2012. During the appeal, the parties jointly requested a sixty-day abatement because they were engaged in settlement discussions. The Fourteenth Court of Appeals granted the motion, suspended the appellate timetable, treated the appeal as closed, and ordered that it be reinstated after sixty days unless the parties filed a dispositive motion or a motion seeking other relief.

DISPOSITION

other

OPINION

PER CURIAM.

Motion Granted; Abatement Order filed October 25, 2012. In The Fourteenth Court of Appeals _____ NO. 14-12-00580-CV _____ ALPHAVILLE VENTURES, INC., AND NOAM BIZMAN, Appellants V. FIRST BANK, Appellee On Appeal from the 189th District Court Harris County, Texas Trial Court Cause No. 2011-16429 ABATEMENT ORDER This is an appeal from a final summary judgment signed March 30, 2012.

The parties filed an agreed motion to abate the appeal for a period of sixty days because the parties are engaged in settlement discussions. We grant the motion and issue the following order: The court ORDERS the appeal ABATED for a period of sixty days.

The court ORDERS the appellate timetable in this case suspended for 60 days from the date of this order. If a settlement is reached the parties shall promptly notify this court and file an appropriate motion to dismiss the appeal or other dispositive motion as soon as practicable.

The appeal is ABATED, treated as a closed case, and removed from this court=s active docket for a period of sixty days. The appeal will be reinstated on this court=s active docket after sixty days. Any party may file a motion stating grounds for reinstating the appeal before the end of the sixty-day period. Any party may also file a motion to dismiss the appeal or other dispositive motion at any time.

Any party may file a motion to extend the abatement period for completion to finalize a settlement. PER CURIAM 2