

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON

Jennifer Webb v. Benjamin Shapley

Webb v. Shapley · No. 01-18-00084-CV · Decided July 24, 2018

SUMMARY

The First District Court of Appeals of Texas ordered the continued abatement of Jennifer Webb’s appeal concerning modification of conservatorship and child support. The court directed the parties to report on or otherwise dispose of the appeal within 30 days and stated that the case remained abated and removed from the active docket.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas at Houston
WRITING FOR THE COURT	Terry Jennings
JURISDICTION	Texas
DECIDED	July 24, 2018
DOCKET	01-18-00084-CV
DISPOSITION	other
PROCEDURAL POSTURE	Interlocutory appellate order continuing the abatement of an appeal from a final judgment in a suit to modify conservatorship and child support.
PRECEDENTIAL VALUE	published
PARTIES	Jennifer Webb v. Benjamin Shapley

TOPICS

- appellate procedure
- family law procedure
- child custody
- child support

PRACTICE AREAS

- family law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal should remain abated and what filings the parties must make to permit the court to determine whether to reinstate, dismiss, or otherwise dispose of the appeal.

HOLDINGS

1. Because the parties failed to respond to the court's prior directive, the appeal remains abated, is treated as a closed case, and is removed from the court's active docket; the parties must file a specified motion or status report within 30 days.

KEY QUOTATIONS

“The appeal remains abated, treated as a closed case, and removed from this Court’s active docket.”

FACTUAL BACKGROUND

The appeal arose from a final judgment in a suit involving modification of conservatorship and child support. The parties were also involved in trial-court proceedings to enforce their agreement on conservatorship and support. The parties did not respond to the appellate court's prior directive concerning how to proceed with the abated appeal.

PROCEDURAL HISTORY

Webb appealed the trial court's final judgment in a suit for modification of conservatorship and child support. On April 24, 2018, the court of appeals granted in part Webb's motion to abate and remanded the case to the trial court pending proceedings to enforce the parties' agreement concerning conservatorship and support. After the parties failed to provide the required status report or motion by June 25, 2018, the court continued the abatement and directed them to file the required submission within 30 days.

DISPOSITION

other

REMAND INSTRUCTIONS

The parties were directed, no later than 30 days from July 24, 2018, to file a motion to reinstate and dismiss or otherwise dispose of the appeal, a motion to reinstate and proceed with the appeal, or a report advising the court of the status of the trial-court proceedings.

OPINION

Jennifer Webb v. Benjamin Shapley

PER CURIAM.

COURT OF APPEALS FOR THE

FIRST DISTRICT OF TEXAS AT HOUSTON

ORDER OF CONTINUING ABATEMENT

Appellate case name: Jennifer Webb v. Benjamin Shapley Appellate case number: 01-18-00084-CV Trial court case number: 13-FD-1037 Trial court: County Court at Law No. 1 of Galveston County Appellant, Jennifer Webb, has filed a notice of appeal of the trial court’s final judgment in a suit for modification of conservatorship and child support. On April 24, 2018, we granted in part

Webb's motion to abate the appeal and remand the case to the trial court pending resolution of proceedings to enforce the parties' agreement on the issues of conservatorship and support. And we directed the parties, no later than June 25, 2018, to file a motion to reinstate and dismiss or otherwise dispose of the appeal, a motion to reinstate and proceed with the appeal, or a report advising the Court of the status of the any trial court proceedings. The parties have not responded. Accordingly, no later than 30 days from the date of this order, the parties are directed to file a motion to reinstate and dismiss or otherwise dispose of the appeal, a motion to reinstate and proceed with the appeal, or a report advising the Court of the status of the trial court proceedings. If the parties do not respond as directed, the case may be reinstated on the Court's active docket and the appeal will proceed under the applicable Texas Rules of Appellate Procedure. The appeal remains abated, treated as a closed case, and removed from this Court's active docket. It is so ORDERED. Judge's signature: /s/ Terry Jennings Acting individually Acting for the Court
Date: July 24, 2018