

COURT OF APPEALS OF THE FIFTH DISTRICT OF TEXAS AT DALLAS

Alliance Royalties, Inc. and Royalties, LLC v. Ventos Entities and DLNGR NR LLC

No. 05-15-01259-CV, Court of Appeals of the Fifth District of Texas at Dallas (October 10, 2016)

SUMMARY

The Fifth District Court of Appeals at Dallas denied the parties' joint motion to abate the appeal without prejudice. The court noted that the parties had reached a settlement but that their requested abatement period extended beyond the scheduled submission date, leaving open the possibility of seeking future relief if the settlement process was not completed.

CASE DETAILS

COURT	Court of Appeals of the Fifth District of Texas at Dallas
WRITING FOR THE COURT	Robert M. Fillmore, Presiding Justice
JURISDICTION	Texas
DECIDED	October 10, 2016
DOCKET	05-15-01259-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellants jointly moved to abate the appeal while the parties completed settlement documents and pursued dismissal of the appeal.
PRECEDENTIAL VALUE	published
PARTIES	Alliance Royalties, Inc., Royalties, LLC v. Ventos Entities, DLNGR NR LLC

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the appeal should be abated under Texas Rule of Appellate Procedure 42.1(a)(2)(C) to allow the parties to complete their settlement process.

HOLDINGS

1. The court denied the joint motion to abate the appeal without prejudice.

KEY QUOTATIONS

“Given these circumstances, we DENY appellants’ joint motion to abate the appeal without prejudice to the parties seeking relief in the future if they are unable to complete the settlement process by the date of submission.”

FACTUAL BACKGROUND

The parties informed the court that they had reached a settlement agreement. They stated that definitive settlement documents were to be completed and executed by October 28, 2016, followed by a request to release interpleaded funds and dismiss the appeal. The appeal was set for submission on briefs on November 15, 2016, and the parties sought abatement until December 15, 2016 to complete the settlement process.

PROCEDURAL HISTORY

The appeal was pending from the County Court at Law No. 5 of Dallas County, Texas. After the parties reported reaching a settlement, they requested abatement until December 15, 2016. The court denied the motion without prejudice because the appeal was scheduled for submission on November 15, 2016, only eighteen days after the parties' deadline to complete and execute the settlement documents.

DISPOSITION

other

OPINION

PER CURIAM.

Order entered October 10, 2016 In The Court of Appeals Fifth District of Texas at Dallas No. 05-15-01259-CV ALLIANCE ROYALTIES, INC. AND ROYALTIES, LLC, Appellants V. VENTOS ENTITIES AND DLNGR NR LLC, Appellees On Appeal from the County Court at Law No. 5 Dallas County, Texas Trial Court Cause No. CC-14-02930-E ORDER The Court has before it the parties’ October 7, 2016 joint motion to abate this appeal pursuant to Texas Rule of Appellate Procedure 42.1(a)(2)(C).

In the motion, the parties state they have reached a settlement agreement and the “definitive settlement documents” must be completed and executed by October 28, 2016, after which the parties will request release of funds interpleaded into the trial court to the settling parties and then request a dismissal of this appeal.

The parties request we abate the case until December 15, 2016 to “accomplish this process.” Submission of this appeal was previously postponed at the request of appellants. It is currently set

for submission on briefs on November 15, 2016, eighteen days after the parties' own deadline for completing and executing the settlement documents. Given these circumstances, we DENY appellants' joint motion to abate the appeal without prejudice to the parties seeking relief in the future if they are unable to complete the settlement process by the date of submission. /s/ ROBERT M. FILLMORE PRESIDING JUSTICE