

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON

Terry Neff and Iron Workers Mid-South Pension Fund, derivatively on behalf of Weatherford International, Ltd. v. Nicholas F. Brady, David J. Butters, Robert B. Millard, Robert A. Rayne

Neff · No. 01-18-00170-CV · Decided October 8, 2019

SUMMARY

The First District Court of Appeals of Texas stayed the appeal based on appellees' bankruptcy filings and the resulting automatic stay. The court granted appellees' unopposed motion to withdraw James A. Reeder, Jr. as counsel and confirmed Michael A. Heidler and Nicholas Shum as counsel of record.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas at Houston
JURISDICTION	Texas
DECIDED	October 8, 2019
DOCKET	01-18-00170-CV
DISPOSITION	other
PROCEDURAL POSTURE	During a pending appeal, appellees filed a suggestion of bankruptcy, resulting in an automatic stay. Appellees then moved to withdraw James A. Reeder, Jr. as counsel and substitute Michael A. Heidler and Nicholas Shum as continuing counsel.
PRECEDENTIAL VALUE	Nonprecedential procedural order
PARTIES	Terry Neff, Iron Workers Mid-South Pension Fund, derivatively on behalf of Weatherford International, Ltd. v. Nicholas F. Brady, David J. Butters, William E. Macaulay, Robert B. Millard, Robert A. Rayne

TOPICS

[automatic stay](#) [appellate procedure](#) [bankruptcy](#) [civil procedure](#)

PRACTICE AREAS

[appellate procedure](#) [bankruptcy](#) [civil procedure](#)

QUESTIONS PRESENTED

1. Whether appellees' unopposed motion to withdraw James A. Reeder, Jr. and substitute counsel should be granted while the appeal was stayed because of bankruptcy.

HOLDINGS

1. The court granted appellees' unopposed motion to withdraw James A. Reeder, Jr. as counsel and treated the motion as a motion to substitute counsel under Texas Rule of Appellate Procedure 6.5(d).
2. The appeal was stayed pursuant to the bankruptcy suggestion filed by appellees.

FACTUAL BACKGROUND

Appellees filed a suggestion of bankruptcy in the appellate court, causing the appeal to be stayed. While the appeal was stayed, appellees sought to withdraw James A. Reeder, Jr. and identified Michael A. Heidler and Nicholas Shum of Vinson & Elkins, LLP as remaining counsel.

PROCEDURAL HISTORY

The appeal arose from the 270th District Court of Harris County in trial court cause number 2010-40764. The appellate court stayed the appeal under the bankruptcy automatic stay and granted appellees' unopposed motion to withdraw and substitute counsel.

DISPOSITION

other

CASES CITED

- Springer v. Tummel, No. 13-14-00446-CV, 2016 WL 8919854, at *1 (Tex. App.—Corpus Christi—Edinburg Dec. 8, 2016, no pet.) (mem. op.)

OPINION

Terry Neff and Iron Workers Mid-South Pension Fund v. Nicholas F. Brady, David J Butters, William E. MacAulay, Robert B. Millard, Robert K Moses, Jr., Robert a Rayne, Bernard J. Duroc-Danner and Bruce M. Martin and Weatherford International LTD., a Swiss Corporation

PER CURIAM.

COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON
ORDER

Appellate case name: Terry Neff and Iron Workers Mid-South Pension Fund, derivatively on behalf of Weatherford International, Ltd. v. Nicholas F. Brady, David J. Butters, William E. Macaulay, Robert B. Millard, and Robert A. Rayne Appellate case number: 01-18-00170-CV Trial court case number: 2010-40764 Trial court: 270th District Court of Harris County This appeal is stayed pursuant to a suggestion of bankruptcy filed by appellees, Nicholas F. Brady, David J.

Butters, William E. Macaulay, Robert B. Millard, and Robert A. Rayne, in this Court. See TEX. R. APP. P. 8.1 (notice of bankruptcy); see also 11 U.S.C. § 362(a) (automatic stay in bankruptcy). Appellees have filed an Unopposed Motion to Withdraw James A. Reeder, Jr. as Counsel, requesting that James A. Reeder, Jr. be allowed to withdraw as their attorney and stating that Michael A. Heidler and Nicholas Shum of Vinson & Elkins, LLP will remain as counsel for appellees in this matter. Appellees request that the Court treat their motion as a motion to substitute counsel under Texas Rule of Appellate Procedure 6.5(d). See TEX. R. APP. P. 6.5 (d). Appellees' motion is granted. See, e.g., Springer v. Tummel, No. 13-14-00446-CV, 2016 WL 8919854, at *1 (Tex. App.—Corpus Christi—Edinburg Dec. 8, 2016, no pet.) (mem. op.) (noting, while case abated due to bankruptcy, “the only activity in th[e] appeal [was] appellant’s motion to substitute counsel and motion to withdraw as counsel”). The Clerk of this Court is directed to note the withdrawal of James A. Reeder, Jr. as counsel for appellees. We note that appellees previously filed a Designation of New Lead Counsel, designating Michael A. Heidler as their new lead counsel on appeal. See TEX. R. APP. P. 6.1(c). Michael A. Heidler and Nicholas Shum shall remain as counsel for appellees on the docket of this Court. See TEX. R. APP. P. 6.1, 6.2. It is so ORDERED. Judge’s signature: __/s/ Julie Countiss__ Acting individually Acting for the Court Date: __October 8, 2019__