

TWELFTH COURT OF APPEALS OF TEXAS

Garry L. Rollins and Carla D. Rollins v. Texas College and MPF Investments, LLC d/b/a "A-1 Rent All"

Rollins v. Texas College · No. 12-15-00121-CV · Decided December 15, 2015

SUMMARY

This document is Texas College's second unopposed motion to extend the deadline for filing its appellee's brief in an appeal before the Twelfth Court of Appeals of Texas. It requests a 30-day extension, until January 15, 2016, based on counsel's workload and the need for client review and approval.

CASE DETAILS

COURT	Twelfth Court of Appeals of Texas
JURISDICTION	Texas
DECIDED	December 15, 2015
DOCKET	12-15-00121-CV
PROCEDURAL POSTURE	An appeal was pending in the Twelfth Court of Appeals from the Seventh Judicial District Court of Smith County, Texas. Appellee Texas College filed an unopposed second motion to extend the deadline for filing its appellee's brief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Garry L. Rollins, Carla D. Rollins v. Texas College, MPF Investments, LLC d/b/a "A-1 Rent All"

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether Texas College should receive a 30-day extension of the deadline for filing its appellee's brief.

KEY QUOTATIONS

"Counsel is unable to complete the brief and secure the necessary client review and approval by the current deadline." (1)

FACTUAL BACKGROUND

Texas College's appellee brief was due on December 16, 2015. Its lead appellate counsel stated that additional time was needed to complete the brief and obtain client review and approval while also working on other appellate and summary-judgment matters. The motion represented that the request was unopposed and was not made solely for delay.

PROCEDURAL HISTORY

The case was appealed from the Seventh Judicial District Court of Smith County, Texas. While the appeal was pending, Texas College requested a second 30-day extension of the appellee's briefing deadline, from December 16, 2015, through January 15, 2016. The document states that opposing counsel did not oppose the requested extension, but it does not include a ruling on the motion.

OPINION

Garry L. Rollins and Carla D. Rollins v. Texas College and MPF Investments, LLC D/B/A "A-1 Rent All"

PER CURIAM.

ACCEPTED

12-15-00121-CV

TWELFTH COURT OF APPEALS

TYLER, TEXAS

12/15/2015 10:35:49 AM Pam Estes

CLERK

No. 12-15-00121-CV

FILED IN

12th COURT OF APPEALS

TYLER, TEXAS

12/15/2015 10:35:49 AM

PAM ESTES

In the Twelfth Court of Appeals Clerk Tyler, Texas Garry L. Rollins and Carla D. Rollins, Appellants v. Texas College and MPF Investments, LLC, d/b/a "A-1 Rent All," Appellees Appealed from the 7th Judicial District Court Smith County, Texas

APPELLEE TEXAS COLLEGE'S SECOND

UNOPPOSED MOTION TO EXTEND BRIEFING DEADLINE

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ATTORNEYS FOR APPELLEE TEXAS COLLEGE

To the Honorable Court of Appeals: Texas College asks the Court to extend the time for filing its appellee's brief by 30 days, to and including Friday, January 15, 2016. 1. Information Required by Rule 10.5 The following information supports this request. (i) Appellee's brief is currently due to be filed December 16, 2015. (ii) Texas College requests that the deadline for filing this brief be extended by 30 days, to Friday, January 15, 2016. (iii) This is Texas College's second request to extend the briefing deadline. 2. Facts Explaining the Need to Extend the Briefing Deadline Counsel is unable to complete the brief and secure the necessary client review and approval by the current deadline. Besides work on this brief, Greg Smith, lead counsel on appeal, has been and will be required to divide his available briefing time among the following matters: (i) No. 12-15-00287-CV, Blue Cross & Blue Shield of Texas, a Division of Healthcare Service Corp., et al. v. East Texas Medical Center, In the Twelfth Court of Appeals, Tyler, Texas (motion for stay and appellant's brief); 1 (ii) No. 12-15-00105-CV; Consolidated Property Interests, LLC v. Jerry Payne and Penny Payne; In the Twelfth Court of Appeals, Tyler, Texas (appellant's reply brief); and (iii) No. 12-0517; Harleton Oil & Gas, Inc. v. Frank M. Bufkin, III, et al.; In the 71st District Court of Harrison County, Texas (summary-judgment proceedings). 3. This motion is not sought solely for delay, but in the interest of justice and to ensure that Appellee's brief sufficiently aids the Court's decisional process. 4. Conference with Opposing Counsel Ernesto D. Sigmon, counsel for Appellants, and Levon G. Hovnatanian, counsel for MPF Investments, state that the relief requested in this motion is unopposed. 5. Conclusion and Prayer Appellee, Texas College, prays that the Court would extend the time for filing its appellee's brief by 30 days, to and including Friday, January 15, 2016. 2 Respectfully submitted, /s/ Greg Smith Greg Smith State Bar No. 18600600 Nolan Smith State Bar No. 24075632 RAMEY & FLOCK, P.C. 100 East Ferguson, Suite 500 Tyler, TX 75702 Telephone: (903) 597-3301 Facsimile: (903) 597-2413 gregs@rameyflock.com nolans@rameyflock.com Trey Yarbrough State Bar No. 22133500 Dallas W. Tharpe State Bar No. 24052036

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COUNSEL FOR APPELLEE,

TEXAS COLLEGE

3 Certificate of Service The undersigned certifies that a copy of the above and foregoing document was served upon counsel of record in accordance with the applicable Texas Rules of Civil Procedure on this the 15th day of December, 2015, on the following: Via E-Service Ernesto D. Sigmon esigmon@esigmon.com Walker Sigmon 416 West Saulnier Street Houston, Texas 77019 Levon G. Hovnatanian hovnatanian@mdjwlaw.com Todd M. Lonergan lonergan@mdjwlaw.com

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