

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.

OPINION

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 Trey Yarbrough Greg Smith Texas Bar No. 22133500 Texas Bar No. 18600600 Dallas W. Tharpe Nolan D. Smith Texas Bar No. 24052036 Texas Bar No. 24075632 YARBROUGH WILCOX GUNTER, PLLC RAMEY & FLOCK, P.C.

100 E. Ferguson, Suite 1015 100 E. Ferguson, Suite 500 Tyler, Texas 75702 Tyler, Texas 75702 Telephone: 903-595-3111 Telephone: 903-597-3301 Facsimile: 903-595-0191 Facsimile: 903-597-2413 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 YARBROUGH WILCOX GUNTER, PLLC 100 E. Ferguson, Suite 1015 Tyler, TX 75702 Telephone: (903) 595-3111 Facsimile: (903) 595-0191 trey@yw-lawfirm.com dallas@yw-lawfirm.com 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 Martin, Disiere, Jefferson & Wisdom, L.L.P.

808 Travis, 20th Floor Houston, Texas 77002 Ryan K. Geddie geddie@mdjwlaw.com Martin, Disiere, Jefferson & Wisdom, L.L.P. Tollway Plaza One 16000 N. Dallas Parkway, Suite 800 Dallas, Texas 75248 /s/ Greg Smith Greg Smith 4