

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON

ART FM SPC and Assured Risk Transfer LLC v. Gary Holley, Mike Heidt, Jeremy Counahan, Carl (Eric) Dowden, Herb Cattee, Art Regehr, Alejandro Banda, Gary Campbell, Jason Crouch, Aaron Medina, Nick Median, Oklahoma Rig Fabricators, LLC, and 66 Oilfield Services; and East African Drilling, Ltd. a/k/a East Africa Drilling, Ltd. v. Gary Holley, Mike Heidt, Jeremy Counahan, Carl (Eric) Dowden, Herb Cattee, Art Regehr, Alejandro Banda, Gary Campbell, Jason Crouch, Aaron Medina, Nick Median, Oklahoma Rig Fabricators, LLC, and 66 Oilfield Services

No. 01-16-00192-CV, Court of Appeals for the First District of Texas at Houston (June 23, 2016)

SUMMARY

The Texas Court of Appeals for the First District reinstated the appeal after being notified that the bankruptcy case involving appellant East African Drilling, Ltd. had been dismissed with prejudice. The court deemed the clerk's record filed as of the order date and set a deadline for filing the reporter's record.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas at Houston
WRITING FOR THE COURT	Terry Jennings
JURISDICTION	Texas
DECIDED	June 23, 2016
DOCKET	01-16-00192-CV
DISPOSITION	other
PROCEDURAL POSTURE	Interlocutory appellate docket order reinstating an appeal that had been stayed because of a bankruptcy filing.
PRECEDENTIAL VALUE	Published procedural order
PARTIES	ART FM SPC, Assured Risk Transfer LLC, East African Drilling, Ltd. a/k/a East Africa Drilling, Ltd. v. Gary Holley, Mike Heidt, Jeremy

Counahan, Carl (Eric) Dowden, Herb Cattee, Art Regehr, Alejandro Banda, Gary Campbell, Jason Crouch, Aaron Medina, Nick Median, Oklahoma Rig Fabricators, LLC, 66 Oilfield Services

TOPICS

automatic stay appellate procedure bankruptcy chapter 11

PRACTICE AREAS

bankruptcy appellate procedure civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be reinstated after the bankruptcy proceeding that triggered the automatic stay was dismissed with prejudice.
2. When the clerk's record should be deemed filed following reinstatement of the appeal.

HOLDINGS

1. The appeal should be reinstated on the Court's docket because the bankruptcy case that triggered the stay had been dismissed with prejudice.

KEY QUOTATIONS

"Accordingly, we reinstate the case on the Court's docket." (Order)

FACTUAL BACKGROUND

The appeal was stayed on March 28, 2016, after East African Drilling, Ltd. a/k/a East Africa Drilling, Ltd. filed a Chapter 11 bankruptcy petition in the United States Bankruptcy Court for the Southern District of Texas. On June 2, 2016, the bankruptcy court dismissed that case with prejudice. The appellees notified the Texas Court of Appeals of the dismissal on June 8, 2016.

PROCEDURAL HISTORY

The appeal from the 215th District Court of Harris County was stayed after appellant East African Drilling, Ltd. filed for Chapter 11 bankruptcy. After the bankruptcy court dismissed the bankruptcy case with prejudice, appellees notified the Court of Appeals, which reinstated the appeal and deemed the clerk's record filed as of the order date.

DISPOSITION

other

OPINION

PER CURIAM.

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON ORDER
Appellate case name: ART FM SPC and Assured Risk Transfer LLC v. Gary Holley, Mike Heidt, Jeremy Counahan, Carl (Eric) Dowden, Herb Cattee, Art Regehr, Allejandro Banda, Gary Campbell, Jason Crouch, Aaron Medina, Nick Median, Oklahoma Rig Fabricators, LLC, and 66 Oilfield Services; and East African Drilling, Ltd. a/k/a East Africa Drilling, Ltd. v. Gary Holley, Mike Heidt, Jeremy Counahan, Carl (Eric) Dowden, Herb Cattee, Art Regehr, Allejandro Banda, Gary Campbell, Jason Crouch, Aaron Medina, Nick Median, Oklahoma Rig Fabricators, LLC, and 66 Oilfield Services Appellate case number: 01-16-00192-CV Trial court case number: 2015-58376 Trial court: 215th District Court of Harris County This appeal was stayed pursuant to suggestions of bankruptcy, filed in this Court on March 28, 2016, stating that appellant, East African Drilling, Ltd. a/k/a East Africa Drilling, Ltd., had filed a petition for relief under Chapter 11 of Title 11, United States Code, in Case 16- 31447, in the United States Bankruptcy Court for the Southern District of Texas.

See TEX. R. APP. P. 8.2; see also 11 U.S.C. § 362(a) (automatic stay in bankruptcy). On June 8, 2016, appellees notified this Court that, on June 2, 2016, the bankruptcy court signed an order dismissing the case with prejudice.

Accordingly, we reinstate the case on the Court's docket. See TEX. R. APP. P. 8.3(a). The clerk's record, received in this Court on June 21, 2016, is deemed filed as of the date of this order. See TEX. R. APP. P. 8.2.

The reporter's record is due to be filed within 30 days of the date of this order. See TEX. R. APP. P. 35.3(c). It is so ORDERED. Judge's signature: /s/ Terry Jennings Date: June 23, 2016