

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

City of Leon Valley, Texas, Unknown Employee(s) of City of Leon Valley, and Irene Baldrige v. Wm. Rancher Estates Joint Venture, Rafael Alfaro, Jose Alfaro, Carman Alfaro, Daniel Bee, Robert Caldwell, Anne Caldwell, Earl Doderer, Sylvia Doderer, James Dowdy, Betty Dowdy, Issac Elizondo, Suzanne Elizondo, Roberto Galindo, Erma Galindo

City of Leon Valley · No. 04-14-00542-CV · Decided February 4, 2015

SUMMARY

The Fourth Court of Appeals in San Antonio grants appellees' third request for an extension of time to file their brief in this accelerated appeal. The court finds extraordinary circumstances, sets a February 12, 2015 deadline, and states that no further extensions will be granted.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Marialyn Barnard
JURISDICTION	Texas
DECIDED	February 4, 2015
DOCKET	04-14-00542-CV
DISPOSITION	other
PROCEDURAL POSTURE	Accelerated appeal in which appellees requested a third extension of time to file their appellate brief.
PRECEDENTIAL VALUE	published
PARTIES	City of Leon Valley, Texas, Unknown Employee(s) of City of Leon Valley, Irene Baldrige v. Wm. Rancher Estates Joint Venture, Rafael Alfaro, Jose Alfaro, Carman Alfaro, Daniel Bee, Robert Caldwell, Anne Caldwell, Earl Doderer, Sylvia Doderer, James Dowdy, Betty Dowdy, Issac Elizondo, Suzanne Elizondo, Roberto Galindo, Erma Galindo, Et al.

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether appellees demonstrated extraordinary circumstances warranting a third extension of time to file their appellate brief.

KEY QUOTATIONS

“Accordingly, we GRANT appellees’ request for an additional fourteen days to file their brief and ORDER appellees to file their brief in this court on or before February 12, 2015.”

FACTUAL BACKGROUND

This accelerated appeal was pending before the Fourth Court of Appeals. Appellees had already received two extensions to file their appellate brief and requested a third fourteen-day extension, asserting extraordinary circumstances.

PROCEDURAL HISTORY

The appeal arose from the 225th Judicial District Court of Bexar County, Texas, trial court cause number 2013-CI-03399. After granting appellees two prior extensions, the court of appeals considered appellees' third request for an additional fourteen days and granted it based on extraordinary circumstances.

DISPOSITION

other

OPINION

PER CURIAM.

Wm. Rancher Estates Joint Venture, Rafael Alfaro, Jose Alfaro, Carman Alfaro, Daniel Fourth Court of Appeals San Antonio, Texas February 4, 2015 No. 04-14-00542-CV CITY OF LEON VALLEY, Texas, Unknown Employee(s) of City of Leon Valley, and Irene Baldrige, Appellants v. WM. RANCHER ESTATES JOINT VENTURE, Rafael Alfaro, Jose Alfaro, Carman Alfaro, Daniel Bee, Robert Caldwell, Anne Caldwell, Earl Doderer, Sylvia Doderer, James Dowdy, Betty Dowdy, Issac Elizondo, Suzanne Elizondo, Roberto Galindo, Erma Galindo, Et al., Appellees From the 225th Judicial District Court, Bexar County, Texas Trial Court No. 2013-CI-03399 Honorable Laura Salinas, Judge Presiding ORDER This is an accelerated appeal.

We have previously granted appellees two extensions of time to file appellees' brief. When we granted the second extension, we advised appellees that no further extension would be granted absent written proof of extraordinary circumstances. Appellees have now filed a third request for additional time, seeking an additional fourteen days to file their brief.

After reviewing appellees' motion, we find appellees have demonstrated the required extraordinary circumstances. Accordingly, we GRANT appellees' request for an additional fourteen days to file their brief and ORDER appellees to file their brief in this court on or before February 12, 2015. Appellees are advised that no further extensions of time to file the brief will be granted.

If the brief is not timely filed, the case will be submitted without the benefit of the appellees' brief.

Marialyn Barnard, Justice IN WITNESS WHEREOF, I
have hereunto set my hand and affixed the seal of the said court on this 4th day of February, 2015.

Keith E. Hottle Clerk of Court