

**COURT OF APPEALS FOR THE FOURTEENTH JUDICIAL DISTRICT OF
TEXAS AT HOUSTON**

**David Rafferty, Steve Gann, Kathy Hilton, Irene Garcia, Steve
Stuckey and April Brown v. The Landing Counsel of Co-Owners, et
al.**

No. 14-14-00981-CV, Court of Appeals for the Fourteenth Judicial District of Texas at Houston (June 9, 2015)

SUMMARY

This document is an agreed motion by the appellants for a thirty-day extension of the deadline to file their appellate brief. It was filed in the Texas Fourteenth Court of Appeals in connection with an appeal from the 127th Judicial District Court of Harris County, Texas.

CASE DETAILS

COURT	Court of Appeals for the Fourteenth Judicial District of Texas at Houston
JURISDICTION	Texas
DECIDED	June 9, 2015
DOCKET	14-14-00981-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellants filed an agreed motion in the interlocutory appeal requesting a thirty-day extension of time to file their appellate brief.
PRECEDENTIAL VALUE	Procedural filing; no precedential legal holding stated in the provided document.
PARTIES	David Rafferty, Steve Gann, Kathy Hilton, Irene Garcia, Steve Stuckey, April Brown v. The Landing Counsel of Co-Owners, et al.

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether appellants should receive an additional thirty-day extension of the deadline to file their appellate brief.

FACTUAL BACKGROUND

Appellants' brief was originally due April 13, 2015, and prior extensions moved the deadline to May 13 and then June 12, 2015. Appellants' lead counsel stated that preparation for a San Antonio Planning Commission matter and a Harris County District Court trial prevented counsel from giving significant attention to the appellate brief. Appellants requested an additional thirty-day extension and represented that appellees did not oppose the request.

PROCEDURAL HISTORY

The appeal was pending in the Fourteenth Court of Appeals from the 127th Judicial District Court of Harris County, Texas, trial court cause number 2010-56653-B. Appellants' brief had previously been extended twice, and appellants sought another extension, stating that counsel had competing court and administrative obligations. Appellees were represented as unopposed to the requested extension.

DISPOSITION

other

OPINION

PER CURIAM.

ACCEPTED 14-14-00981-cv FOURTEENTH COURT OF APPEALS HOUSTON, TEXAS
6/9/2015 12:00:34 PM CHRISTOPHER PRINE CLERK IN THE COURT OF APPEALS FOR
THE FOURTEENTH JUDICIAL DISTRICT OF TEXAS AT HOUSTON FILED IN 14th COURT
OF APPEALS _____ HOUSTON,
TEXAS 6/9/2015 12:00:34 PM No. 14-14-00981-CV CHRISTOPHER A. PRINE Clerk
_____ DAVID RAFFERTY,
STEVE GANN, KATHY HILTON, IRENE GARCIA, STEVE STUCKEY and APRIL BROWN
Appellants, v. THE LANDING COUNSEL OF CO-OWNERS, ET AL. Appellees.
_____ On Appeal
from the 127th Judicial District Court of Harris County, Texas Trial Court Cause No. 2010-56653-
B _____ THIRD
AGREED MOTION FOR EXTENSION OF TIME TO FILE APPELLANTS' BRIEF TO THE
HONORABLE JUDGE OF THIS COURT: COME NOW, April Brown, David Rafferty, Steve
Gann, Kathy Hilton, Irene Garcia and Steve Stuckey (hereinafter "Appellants") in the above-
referenced matter and file this Second Agreed Motion for Extension of Time to File Appellants'
Brief and, as such, will show as follows: 1.

Appellants' Brief was originally due to be filed with this Court on April 13, 2015. This Court granted an extension, making the Brief due on May 13, 2015 and another extension making it due on June 12, 2015. Appellants seek an additional 30 day extension, making Appellants' Brief due on July 13, 2015. 2.

The undersigned is lead counsel in a matter that is going before the Planning Commission in San Antonio on June 10, 2015. Additionally, Counsel has a trial scheduled for the docket beginning June 15, 2015 in Harris County District Court.

The case is third on the docket, so it is likely to get reached. As such, Counsel has spent this week preparing for trial. As a result of this, Counsel has been unable to give significant attention to this matter. Accordingly, due to these matters and other pending trial court matters that require immediate attention of counsel, Appellants request a thirty day extension of its June 12 Brief deadline.

3. Appellants do not seek this extension merely for the sake of seeking a delay in the proceedings. To the contrary, Appellants are simply asking for some additional time so that counsel has sufficient time to research, draft and file their Brief.

The undersigned has conferred with counsel for Appellees in this matter and she has indicated that they are unopposed to this Motion. PRAYER Appellants respectfully request that the Court grant their Unopposed Motion for Extension of Time to File Appellants' Brief and extend the June 13 deadline by thirty (30) days. 2 Respectfully Submitted, Andy Taylor & Associates, P.C.

BY: /s/Andy Taylor Andy Taylor State Bar No. 19727600 2668 Highway 36 S, #288 Brenham, Texas 77833 713-222-1817 (telephone) 713-222-1855 (facsimile) CERTIFICATE OF SERVICE I certify that on June 9, 2015, I conferred with Shelley White, counsel for Appellees, in this matter and he indicated that he is unopposed to the relief sought in this motion. /s/ Amanda Peterson Amanda Peterson CERTIFICATE OF SERVICE I hereby certify that a true and correct copy of the foregoing document was served via electronic service to the following counsel of record on June 9, 2015.

Shelley White, Henry Platts, Jr., Howard Close, 713-572-4320 Tod Phillips, Patrick McAndrew /s/ Andy Taylor Andy Taylor 3