

FIRST COURT OF APPEALS OF TEXAS

Rolando Acevedo v. The O'Quinn Law Firm, John M. O'Quinn & Associates, LLP, and T. Gerald Treece, as Independent of the Estate of John M. O'Quinn

No. 01-14-00138-CV, First Court of Appeals of Texas (June 19, 2015)

SUMMARY

This document is an appellants' unopposed motion to dismiss an appeal in the First Court of Appeals of Texas. The motion states that the parties reached a settlement and asks the court to dismiss the appeal after an abatement for settlement approval.

CASE DETAILS

COURT	First Court of Appeals of Texas
JURISDICTION	Texas
DECIDED	June 19, 2015
DOCKET	01-14-00138-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellants filed an unopposed motion requesting dismissal of their appeal after reaching a settlement.
PRECEDENTIAL VALUE	unknown
PARTIES	Rolando Acevedo, et al. v. The O'Quinn Law Firm, John M. O'Quinn & Associates, LLP, and T. Gerald Treece, as Independent of the Estate of John M. O'Quinn

TOPICS

appellate procedure probate procedure probate civil procedure

PRACTICE AREAS

appellate procedure civil procedure probate

QUESTIONS PRESENTED

1. Whether the appellants' unopposed motion to dismiss the appeal should be granted after settlement.

KEY QUOTATIONS

“Therefore, Appellants no longer wish to prosecute this appeal and ask this Court to dismiss this appeal.”

FACTUAL BACKGROUND

The parties engaged in settlement negotiations concerning the appeal. Appellants obtained an abatement while seeking client approval of a global settlement, and counsel later confirmed that appellants agreed to the settlement.

PROCEDURAL HISTORY

The appeal was pending in the First Court of Appeals of Texas from Probate Court Number 2 of Harris County, Texas, Cause No. 392,247-416. The appellate record had been filed, the appeal was abated during settlement negotiations, and appellants stated that settlement approval had been obtained and that they no longer wished to prosecute the appeal.

DISPOSITION

other

OPINION

PER CURIAM.

ACCEPTED 01-14-00138-CV FIRST COURT OF APPEALS HOUSTON, TEXAS 6/19/2015
5:03:56 PM CHRISTOPHER PRINE CLERK No. 01-14-00138-CV
FILED IN 1st
COURT OF APPEALS In the First Court of Appeals HOUSTON, TEXAS Houston, Texas
6/19/2015 5:03:56 PM
CHRISTOPHER
A. PRINE Clerk ROLANDO ACEVEDO, ET AL., Appellants, v. THE O’QUINN LAW FIRM,
ET AL., Appellees.
On Appeal from
the Probate Court Number 2, Harris County, Texas Cause No. 392,247-416
APPELLANTS’
UNOPPOSED MOTION TO DISMISS TO THE HONORABLE FIRST COURT OF APPEALS:
Appellants, Rolando Acevedo, et al., respectfully file this Appellants’ Unopposed Motion to
Dismiss as a result of a settlement agreement between the parties of this appeal.

1. This case is pending in this Court. The Clerk’s Record has been on file since August 6, 2014. 2. Appellants’ brief was originally due September 6, 2014. 3. The parties have been involved in settlement negotiations, which have been fruitful.

The clients have been contacted to seek their agreement to a global settlement. Appellants asked for and received an abatement from the Court of Appeals. 4. As requested by the Court, Appellants have provided status reports to the Court on a regular basis. 5.

The Court has graciously extended the abatement of this appeal until June 20, 2015 so that counsel for Appellants could have time to obtain approval for the settlements from Appellants. 6. Counsel has now confirmed Appellants' agreement to the settlement, thus, the abatement and appeal is no longer necessary. 7.

Therefore, Appellants no longer wish to prosecute this appeal and ask this Court to dismiss this appeal. Respectfully submitted, /s/Lance Christopher Kassab Lance Christopher Kassab State Bar No. 00794070 lck@texaslegalmalpractice.com David Eric Kassab State Bar No. 24071351 dek@texaslegalmalpractice.com 1420 Alabama Houston, Texas 77004 Telephone: 713.522.7400 2 Facsimile: 713.522.7410 Attorneys for Appellants CERTIFICATE OF CONFERENCE I have conferred with Dale Jefferson, one of the attorneys for Appellees, and he is unopposed to this motion. /s/Lance Christopher Kassab Lance Christopher Kassab 3 CERTIFICATE OF SERVICE On June 19, 2015, I electronically filed this Unopposed Motion to Abate Appeal Pending Settlement Approval with the Clerk of Court using the eFile.TX.gov electronic filing system which will send notification of such filing to the following (except where alternate service is otherwise noted): Jim Peacock Dale Jefferson LAW OFFICES OF JIM PEACOCK MARTIN DISIERE JEFFERSON & 112 East 4th Street WISDOM LLP Houston, Texas 77007 808 Travis, Suite 1800 jimpeacock@msn.com Houston, Texas 77002 jefferson@mdjwlaw.com /s/Lance Christopher Kassab Lance Christopher Kassab 4