

COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO

Barbara Ann Dominey, Individually, and as Trustee of the Dominey Exempt Bypass Trust, the Dominey Non-Exempt Bypass Trust, the Dominey 2012 Irrevocable Trust F/B/O Elena Marquarita Dominey Langston, Teresa Eddinger, and Allison Allen, Co-Trustees of the Dominey Insurance Trust of 1993, and Estate of Samuel Dominey Jr. v. Elena Marquarita Dominey Langston, Florence Olivia Dominey Campbell, and Matthew David Dominey, Beneficiaries of the Dominey 2012 Irrevocable Trust, the Dominey Exempt Bypass Trust, the Dominey Non-Exempt Bypass Trust, and the Dominey Insurance Trusts of 1993

No. 08-21-00187-CV, Court of Appeals of Texas, Eighth District, El Paso (August 3, 2022)

SUMMARY

The Eighth District Court of Appeals of Texas granted the parties' joint motion to abate the appeal based on settlement. The court suspended the appellate timetable and ordered the appeal abated until September 2, 2022, with instructions for the parties to report whether the dispute was resolved.

CASE DETAILS

COURT	Court of Appeals of Texas, Eighth District, El Paso
WRITING FOR THE COURT	Rodriguez, C.J.; Palafox, J.; Alley, J.
JURISDICTION	Texas
DECIDED	August 3, 2022
DOCKET	08-21-00187-CV
DISPOSITION	other
PROCEDURAL POSTURE	The parties jointly moved to abate the pending interlocutory appeal based on settlement.
PRECEDENTIAL VALUE	Published
PARTIES	Barbara Ann Dominey, Individually, and as Trustee of the Dominey Exempt Bypass Trust, the Dominey Non-Exempt Bypass Trust, the

Dominey 2012 Irrevocable Trust F/B/O Elena Marquarita Dominey Langston, Teresa Eddinger and Allison Allen, Co-Trustees of the Dominey Insurance Trust of 1993, Estate of Samuel Dominey Jr. v. Elena Marquarita Dominey Langston, Florence Olivia Dominey Campbell, Matthew David Dominey

TOPICS

appellate procedure civil procedure trusts probate procedure probate

PRACTICE AREAS

appellate procedure trust administration probate

QUESTIONS PRESENTED

1. Whether the appeal should be abated based on the parties' joint motion and settlement efforts.

HOLDINGS

1. The court granted the joint motion and abated the appeal until September 2, 2022, suspended the appellate timetable during the abatement, and directed the parties to notify the court whether the dispute had been resolved and to file the motion necessary to dispose of the appeal.

KEY QUOTATIONS

“Therefore, we ORDER this appeal to be abated until September 2, 2022.” (at 1)

“The appellate timetable will be suspended during the abatement.” (at 1)

FACTUAL BACKGROUND

The parties reported that they had reached or were pursuing a settlement of the dispute underlying the appeal. They jointly requested that the appellate court abate the appeal to allow the settlement process to proceed. The court found good cause for abatement.

PROCEDURAL HISTORY

The appeal was taken from the 278th District Court of Walker County, Texas, in trial court cause number 2130121. The parties filed a joint motion to abate the appeal while pursuing settlement, and the Court granted the motion, suspended the appellate timetable, and directed the parties to report whether the dispute had been resolved.

DISPOSITION

other

OPINION

PER CURIAM.

COURT OF APPEALS EIGHTH DISTRICT OF TEXAS EL PASO, TEXAS § Barbara Ann Dominey, Individually, and No. 08-21-00187-CV as Trustee of the Dominey Exempt Bypass § Trust, the Dominey Non-Exempt Bypass Appeal from the Trust, the Dominey 2012 Irrevocable Trust § f/b/o Elena Marquarita Dominey Langston, 278th District Court Teresa Eddinger, and Allison Allen, co- § trustees of the Dominey Insurance Trust of of Walker County, Texas 1993, and Estate of Samuel Dominey Jr., § (TC# 2130121) Appellants, § v. § Elena Marquarita Dominey Langston, § Florence Olivia Dominey Campbell, and Matthew David Dominey, Beneficiaries of § the Dominey 2012 Irrevocable Trust, the Dominey Exempt Bypass Trust, the § Dominey Non-Exempt Bypass Trust, and the Dominey Insurance Trusts of 1993, § Appellees. § § ORDER The parties have filed a joint motion to abate this appeal based on settlement.

The Court finds good cause to grant this abatement. Therefore, we ORDER this appeal to be abated until September 2, 2022. The appellate timetable will be suspended during the abatement. The parties are directed to notify the Court whether the dispute has been resolved and to file the motion necessary to dispose of the appeal. See TEX.R.APP.P. 42.1(a)(1), (2).

If the parties are 1 unsuccessful in resolving the appeal by agreement, the appeal will be reinstated and the Appellants' brief will be due 20 days from the date of the reinstatement order. IT IS SO ORDERED this 3rd day of August, 2022. PER CURIAM Before Rodriguez, C.J., Palafox and Alley, JJ. 2