

COURT OF APPEALS OF THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

John Duffie Baker III, Carley Baker, Kay Baker, and Sandra Waller
v. Farmers New World Life Insurance Company and Joshua Haessly

No. 07-25-00332-CV, Court of Appeals of the Seventh District of Texas at Amarillo (June 8, 2026)

SUMMARY

The Seventh Court of Appeals of Texas abates the appeal and remands the case to the trial court for supplementation of the clerk’s record. The court directs the trial court to ensure that Exhibits 5 through 7, consisting of recorded telephone calls, are provided to the district clerk in an appropriate electronic format and transmitted to the appellate court. The supplemental clerk’s record and exhibits are due on or before July 8, 2026.

CASE DETAILS

COURT	Court of Appeals of the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Per Curiam; Parker, C.J.; Doss, J.; Pratt, J.
JURISDICTION	Court of Appeals of the Seventh District of Texas at Amarillo
DECIDED	June 8, 2026
DOCKET	07-25-00332-CV
DISPOSITION	remanded
PROCEDURAL POSTURE	Interlocutory appellate order abating the appeal and remanding the cause for supplementation of the clerk's record in an appeal from summary-judgment orders.
PRECEDENTIAL VALUE	Published
PARTIES	John Duffie Baker III, Carley Baker, Kay Baker, Sandra Waller v. Farmers New World Life Insurance Company, Joshua Haessly

TOPICS

- appellate procedure
- summary judgment
- authentication
- evidence
- civil procedure

PRACTICE AREAS

- civil procedure
- insurance
- appellate procedure
- evidence

QUESTIONS PRESENTED

1. Whether the appeal should be abated and remanded when the appellate record lacks exhibits referenced in the appellants' summary-judgment response.
2. Whether the trial court should ensure that the exhibits are provided to the district clerk in an appropriate electronic format and included in a supplemental clerk's record.

HOLDINGS

1. When exhibits referenced in a summary-judgment response are not accessible or verifiable as part of the appellate record, the appellate court may abate the appeal and remand the cause for supplementation of the clerk's record so the exhibits can be transmitted to the appellate court.

KEY QUOTATIONS

“Because the appellate record does not contain certain exhibits referenced in Appellants’ summary-judgment response, we abate the appeal and remand the cause to the trial court for supplementation of the clerk’s record.”

“Moreover, even if the exhibits were accessible through the link, the Court would be unable to verify their authenticity or integrity in that format.”

FACTUAL BACKGROUND

Appellants referenced Exhibits 5 through 7, consisting of recorded telephone calls in WAV format, in their response to Farmers New World Life Insurance Company's motions for partial traditional summary judgment and no-evidence summary judgment. They stated that the exhibits could not be electronically filed because of e-filing-system limitations and supplied a Dropbox hyperlink and a flash drive to the trial court. The appellate court could not access the exhibits through the hyperlink and stated that, even if accessible, it could not verify their authenticity or integrity in that format.

PROCEDURAL HISTORY

Appellants appealed the trial court's orders granting summary judgment in favor of Appellees. The appeal was originally filed in the Second Court of Appeals and was transferred to the Seventh Court of Appeals pursuant to the Texas Supreme Court's docket-equalization authority. Because the appellate record did not contain certain exhibits referenced in Appellants' summary-judgment response, the court abated the appeal and remanded the cause to the trial court for supplementation of the record.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The trial court must ensure that Exhibits 5 through 7 are provided to the district clerk on appropriate electronic media, such as a flash drive or other compatible storage device, in their original format; ensure that the exhibits

become part of the trial court record and are available for transmission to the appellate court; direct the district clerk to prepare and file a supplemental clerk's record identifying and containing the exhibits; and transmit the exhibits to the appellate court on the provided electronic media on or before July 8, 2026. The appeal is abated pending supplementation.

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