

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

**Warren Chen and Dynacolor, Inc. v. Razberi Technologies, Inc.,
Thomas J. Galvin, Liveoak Ventures Partners I, L.P., Liveoak
Ventures Partners 1A, L.P., Kenneth L. and Virginia T. Boyda, as
Trustees of the Boyda Family Revocable Trust Dated 10/12/1990, and
Jiri and Rosemary Modry, as Trustees of the JRAM Trust UDT
8/12/1996**

No. 05-19-01551-CV, Court of Appeals of Texas, Fifth District at Dallas (February 12, 2021)

SUMMARY

The Fifth District Court of Appeals at Dallas withdrew a prior order and established deadlines for any supplemental briefing following supplementation of the clerk's record. Appellants could file a supplemental brief within 10 days of the order, and appellees could respond within 10 days after that filing.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
JURISDICTION	Texas
DECIDED	February 12, 2021
DOCKET	05-19-01551-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellate order issued in a pending appeal from the 193rd Judicial District Court of Dallas County, Texas, concerning recently supplemented clerk's records and pending motions.
PRECEDENTIAL VALUE	published
PARTIES	Warren Chen, Dynacolor, Inc. v. Razberi Technologies, Inc., Thomas J. Galvin, Liveoak Ventures Partners I, L.P., Liveoak Ventures Partners 1A, L.P., Kenneth L. and Virginia T. Boyda, as Trustees of the Boyda Family Revocable Trust Dated 10/12/1990, Jiri and Rosemary Modry, as Trustees of the JRAM Trust UDT 8/12/1996

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the parties should be permitted to file supplemental briefs addressing recently supplemented clerk's records, the merits of pending motions, or other issues pending before the court.

KEY QUOTATIONS

"We withdraw the Court's order of February 5, 2021 and, in view of recent supplementations to the clerk's record, ORDER that, should either party wish to file a supplemental brief addressing the supplemental records, the merits of the pending motions or any issue pending before the court, that they do so according to the following deadlines."

FACTUAL BACKGROUND

The appellate record had recently been supplemented. The court's order addressed only the opportunity for the parties to submit supplemental briefing concerning the supplemental records, pending motions, and other issues before the court; it did not resolve the merits of the underlying dispute.

PROCEDURAL HISTORY

The case was appealed from the 193rd Judicial District Court of Dallas County, Texas, trial court cause number DC-18-16568. The court of appeals withdrew its February 5, 2021 order and authorized either party to file supplemental briefing addressing the supplemental records, the merits of pending motions, or other issues pending before the court.

DISPOSITION

other

OPINION

Warren Chen and Dynacolor, Inc. v. Razberi Technologies, Inc., Thomas J. Galvin, Liveoak Ventures Partners 1A, L.P., Kenneth L. and Virginia T. Boyda, as Trustees of the Boyda Family
PER CURIAM.

Order entered January 12, 2021 In The Court of Appeals Fifth District of Texas at Dallas No. 05-19-01551-CV WARREN CHEN AND DYNACOLOR, INC., Appellants V. RAZBERI TECHNOLOGIES, INC., THOMAS J. GALVIN, LIVEOAK VENTURE PARTNERS I, L.P., LIVEOAK VENTURES PARTNERS 1A, L.P., KENNETH L. AND VIRGINIA T. BOYDA, AS TRUSTEES OF THE

BOYDA FAMILY REVOCABLE TRUST DATED 10/12/1990, AND JIRI
AND ROSEMARY MODRY, AS TRUSTEES OF THE JRAM TRUST UDT

8/12/1996, Appellees On Appeal from the 193rd Judicial District Court Dallas County, Texas Trial
Court Cause No. DC-18-16568

ORDER

We withdraw the Court's order of February 5, 2021 and, in view of recent supplementations to the clerk's record, ORDER that, should either party wish to file a supplemental brief addressing the supplemental records, the merits of the pending motions or any issue pending before the court, that they do so according to the following deadlines. Appellants are to file a supplement brief, if any, on or before 10 days of the date of this Order. Appellees are to file a supplemental brief or response, if any, on or before 10 days following the filing of Appellants' supplemental brief.

/s/ DAVID J. SCHENCK

JUSTICE