

FIRST COURT OF APPEALS OF TEXAS AT HOUSTON

Chi Truc Hoang v. Trevor Gilbert and Jorja Gilbert

No. 01-15-00681-CV, First Court of Appeals of Texas at Houston (October 13, 2015)

SUMMARY

This document is Appellant Chi Truc Hoang’s motion in the First Court of Appeals of Texas requesting a 33-day extension to file an appellate brief. The motion cites Texas Rule of Appellate Procedure 38.6(d) and states that counsel requires additional time due to other appellate, bankruptcy, discovery, mediation, and trial commitments.

CASE DETAILS

COURT	First Court of Appeals of Texas at Houston
JURISDICTION	Texas
DECIDED	October 13, 2015
DOCKET	01-15-00681-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellant filed a motion for extension of time to file an appellate brief.
PRECEDENTIAL VALUE	No precedential value determined from the provided motion text.
PARTIES	Chi Truc Hoang v. Trevor Gilbert, Jorja Gilbert

TOPICS

appellate procedure civil procedure

PRACTICE AREAS

appellate procedure civil procedure

QUESTIONS PRESENTED

- Whether the time for filing Appellant's brief should be extended under Texas Rule of Appellate Procedure 38.6(d).

FACTUAL BACKGROUND

Appellant's brief was due October 23, 2015. Appellant's lead appellate counsel, a sole practitioner who was not trial counsel, asserted that she had other appellate and bankruptcy matters, an impending trial, ongoing discovery, and scheduled mediations that required additional time. The motion sought an extension through November 25, 2015.

PROCEDURAL HISTORY

The provided document is Appellant Chi Truc Hoang's motion requesting a thirty-three-day extension of the deadline for filing the appellant's brief. The motion states that the brief was due October 23, 2015, and requests an extension until November 25, 2015, based primarily on counsel's conflicting appellate, bankruptcy, discovery, mediation, and trial obligations. No court order granting or denying the motion appears in the provided text.

DISPOSITION

other

OPINION

Chi Truc Hoang v. Trevor Gilbert and Jorja Gilbert

PER CURIAM.

ACCEPTED

01-15-00681-CV

FIRST COURT OF APPEALS

HOUSTON, TEXAS

10/13/2015 5:34:29 PM

CHRISTOPHER PRINE

CLERK

CASE NO. 01-15-00681-CV

IN THE FIRST COURT OF APPEALS

AT HOUSTON, TEXAS FILED IN

1st COURT OF APPEALS

HOUSTON, TEXAS

CHI TRUC HOANG 10/13/2015 5:34:29 PM

Appellant CHRISTOPHER A. PRINE Clerk vs.

TREVOR GILBERT AND JORJA GILBERT

Appellees

APPELLANT CHI TRUC HOANG'S

MOTION FOR EXTENSION OF TIME TO FILE BRIEF

COME NOW Appellant Chi Truc Hoang ("Hoang") and files this Motion for Extension of Time to File Brief and in support thereof show as follows:

INTRODUCTION

1. Appellant is Chi Truc Hoang.
2. There is no specific deadline to file this motion to extend time. See Tex. R. App. P. 38.6(d).

ARGUMENT AND AUTHORITIES

3. The Court has the authority under Texas Rule of Appellate Procedure 38.6(d) to extend the time to file a brief.
4. Appellant's Brief is currently due on October 23, 2015.
5. Appellant Hoang requests an additional thirty-three (33) days to file his brief extending the time until November 25, 2015.
6. No extension has been granted to extend the time to file Appellant Hoang's brief.
7. Appellant Hoang needs additional time to file his brief because his lead attorney Mynde S. Eisen ("Eisen" has the following conflicts: a. Eisen is lead appellate counsel in Case No. 07-15-00358-CV; Terry T. Blevins v. Vincent Ali a/k/a James Vincent Houston and Martha Houston pending in the Seventh Court of Appeals, Amarillo, Texas. Her brief is due in that case on October 29, 2015. b. Eisen is set for trial on November 20, 2015 in Adversary No. 15-3128; Tondi Whitfield vs Harandi Corporation, et al; pending in the United States Bankruptcy Court for the Southern District of Texas. This case is still has on-going discovery and is set for a mediation on October 23, 2015. If the mediation is not successful, counsel will have to complete numerous depositions and discovery and prepare for trial. c. Eisen also has numerous other cases with on-going discovery which have discovery cutoff deadlines in the middle of November and mediation set through the end of November.
8. Eisen is a sole practitioner and requests this extension in order to properly represent her client. Eisen was not trial counsel so she is having to review all of the issues that occurred at the trial in this case.
9. Eisen has emailed Dana LaJune, attorney for Appellants, who has not yet responded to her any of her two emails to see if he opposes this Motion, so she is cannot represent whether he opposes this Motion or not. -2- WHEREFORE PREMISES CONSIDERED Appellant Chi Truc Hoang's request that this Court grant an extension of time to file his brief until November 25, 2015 and for such other and further relief to which he may be entitled. Respectfully submitted, LAW OFFICE OF MYNDE S. EISEN, P.C. By /s/ Mynde S. Eisen Mynde S. Eisen State Bar No. 06503950 P. O. Box 630749 Houston, Texas 77263
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ATTORNEYS FOR APPELLANT

CHI TRUC HOANG

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CERTIFICATE OF CONFERENCE

Appellants counsel has attempted to conferred with Dana LaJune, attorney for Appellees by email, but has had no response to her emails, so no representation can be made as to whether he opposes or doesn't oppose the email. /s/ Mynde S. Eisen Mynde S. Eisen

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Response has been served on all parties in interest as listed below by ecf transmission and/or by facsimile and/or by depositing the same in the U.S. mail, certified mail, return receipt requested on this 13th day of October 2015. /s/ Mynde S. Eisen Dana LeJune Dana LeJune & Associates 6526 Washington Avenue, Suite 300 Houston, Texas 77007 -4-