

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

Jayme Bobette Estes v. Terry Leifeste, Individually and as Trustee of the Leifeste 2001 Descendants Trust

No. 04-22-00694-CV, Court of Appeals of Texas, Fourth District, San Antonio (December 19, 2022)

SUMMARY

The Fourth Court of Appeals of San Antonio ordered appellant Jayme Bobette Estes to show cause why the appeal should not be dismissed for want of prosecution after she failed to timely file an appellant's brief or a motion for extension. The order also directed her to explain why the appellee was not significantly injured by the failure, citing Texas Rule of Appellate Procedure 38.8(a)(1).

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth District, San Antonio
WRITING FOR THE COURT	Lori I. Valenzuela
JURISDICTION	Texas
DECIDED	December 19, 2022
DOCKET	04-22-00694-CV
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order requiring the appellant to show cause why the appeal should not be dismissed for want of prosecution after the appellant failed to timely file an appellate brief.
PRECEDENTIAL VALUE	published
PARTIES	Jayme Bobette Estes v. Terry Leifeste, Individually and as Trustee of the Leifeste 2001 Descendants Trust

TOPICS

[appellate procedure](#) [civil procedure](#) [final judgment rule](#)

PRACTICE AREAS

[appellate procedure](#) [civil procedure](#)

QUESTIONS PRESENTED

1. Whether the appellant should be required to show cause why the appeal should not be dismissed for want of prosecution because no timely appellate brief or extension motion was filed.
2. Whether the appellee may have been significantly injured by the appellant's failure to timely file an appellate brief.

KEY QUOTATIONS

"It is therefore ORDERED that appellant show cause in writing no later than December 29, 2022 why this appeal should not be dismissed for want of prosecution and why appellee is not significantly injured by appellant's failure to timely file a brief."

FACTUAL BACKGROUND

Jayme Bobette Estes's appellate brief was due on December 8, 2022. Estes filed neither the brief nor a motion for extension of time. The appellate court required Estes to show cause why the appeal should not be dismissed for want of prosecution and why the appellee was not significantly injured by the untimely filing.

PROCEDURAL HISTORY

The appeal and cross-appeal arose from the 452nd District Court of Mason County, Texas, trial court cause number 215999. The appellant's brief was due December 8, 2022, but no brief or motion for extension was filed. The court ordered the appellant to respond by December 29, 2022, explaining why the appeal should not be dismissed for want of prosecution and why the appellee was not significantly injured by the failure to timely file the brief.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas December 19, 2022 No. 04-22-00694-CV Jayme Bobette ESTES, Appellant / Cross-Appellee v. Terry LEIFESTE, Individually and as Trustee of the Leifeste 2001 Descendants Trust, Appellee / Cross-Appellant From the 452nd District Court, Mason County, Texas Trial Court No. 215999 Honorable Robert Rey Hofmann, Judge Presiding ORDER Appellant's brief was due to be filed by December 8, 2022.

Neither the brief nor a motion for extension of time have been filed. It is therefore ORDERED that appellant show cause in writing no later than December 29, 2022 why this appeal should not be dismissed for want of prosecution and why appellee is not significantly injured by appellant's failure to timely file a brief. TEX. R. APP. P. 38.8(a)(1). If appellant fails to respond by December 29, 2022, this appeal will be dismissed for want of prosecution.

Lori I. Valenzuela, Justice IN WITNESS WHEREOF, I

have hereunto set my hand and affixed the seal of the said court on this 19th day of December, 2022. _____ MICHAEL A. CRUZ, Clerk of Court

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