

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

Spruce Lending, Inc. v. Marcos Garcia

No. 04-18-00797-CV · No. No. 04-18-00797-CV · Decided January 10, 2019

SUMMARY

The Fourth Court of Appeals in San Antonio, Texas, granted Appellee Marcos Garcia's unopposed motion for a twenty-day extension to file his appellate brief. The court set the new filing deadline as January 30, 2019, citing Texas Rule of Appellate Procedure 38.6(b).

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth District, San Antonio
WRITING FOR THE COURT	Patricia O. Alvarez, Justice
JURISDICTION	Texas
DECIDED	January 10, 2019
DOCKET	No. 04-18-00797-CV
DISPOSITION	other
PROCEDURAL POSTURE	During an appeal, appellee moved without opposition for a twenty-day extension of time to file the appellee's brief.
PRECEDENTIAL VALUE	published
PARTIES	Spruce Lending, Inc. v. Marcos Garcia

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether appellee should receive a twenty-day extension of time to file the appellee's brief.

FACTUAL BACKGROUND

The matter concerns the deadline for Marcos Garcia to file an appellee's brief in an appeal brought by Spruce Lending, Inc. The brief was due on December 31, 2018, but Garcia subsequently filed an unopposed motion for

a twenty-day extension. The motion specified January 30, 2019, as the requested due date.

PROCEDURAL HISTORY

The appeal was pending in the Fourth Court of Appeals of Texas. Appellee's brief was originally due December 31, 2018. After that deadline, appellee filed an unopposed motion seeking a twenty-day extension, and the court granted the motion, setting the new due date as January 30, 2019.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas January 10, 2019 No. 04-18-00797-CV SPRUCE LENDING, INC., Appellant v. Marcos GARCIA, Appellee From the County Court at Law No. 3, Bexar County, Texas Trial Court No. 2018CV04617 Honorable David J. Rodriguez, Judge Presiding ORDER Appellee's brief was due on December 31, 2018. See TEX. R. APP. P. 38.6(b).

After the due date, Appellee filed an unopposed motion for a twenty-day extension of time to file Appellee's brief, but specified a due date of January 30, 2019. Appellee's motion is GRANTED. Appellee's brief is due on January 30, 2019. _____ Patricia O. Alvarez, Justice IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 10th day of January, 2019. _____ KEITH E. HOTTLE, Clerk of Court