

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

TXU Portfolio Management Company, L.P. n/k/a Luminant Energy Company, L.L.C. v. FPL Energy, LLC; FPL Energy Pecos Wind I, LP; FPL Energy Pecos Wind II, L.P.; Indian Mesa Wind Farm, LP

No. 05-08-01584-CV · No. No. 05-08-01584-CV · Decided May 28, 2014

SUMMARY

The Fifth District Court of Appeals at Dallas abated the appeal for administrative purposes after being notified that Luminant Energy Company, L.L.C. and its parent company had filed for bankruptcy. The court concluded that the automatic stay under 11 U.S.C. § 362 applied and stated that the case could be reinstated after the stay was lifted.

OPINION

PER CURIAM.

Order entered May 28, 2014 In The Court of Appeals Fifth District of Texas at Dallas No. 05-08-01584-CV TXU PORTFOLIO MANAGEMENT COMPANY, L.P. N/K/A LUMINANT ENERGY COMPANY, L.L.C., Appellant V. FPL ENERGY, LLC; FPL ENERGY PECOS WIND I, LP; FPL ENERGY PECOS WIND II, L.P.; INDIAN MESA WIND FARM, LP, Appellees On Appeal from the 116th Judicial District Court Dallas County, Texas Trial Court Cause No. 04-10314 ORDER The Court has been notified that a petition for bankruptcy has been filed in the United States Bankruptcy Court for the District of Delaware concerning appellant Luminant Energy Company L.L.C. and its parent company Energy Future Holdings Corporation.

Pursuant to 11 U.S.C. § 362, further action in this cause is automatically stayed. See TEX. R. APP. P. 8.2. Accordingly, for administrative purposes, this cause is ABATED and will be treated as a closed case. It may be reinstated on prompt motion by any party showing that the stay has been lifted and specifying what further action, if any, is required of this Court.

See TEX. R. APP. P. 8.3. /s/ DAVID EVANS JUSTICE