

FOURTEENTH COURT OF APPEALS OF TEXAS

Scwyana Smith v. Ankus, L.L.C.

No. 14-21-00468-CV · No. 14-21-00468-CV · Decided September 1, 2022

SUMMARY

The Fourteenth Court of Appeals of Texas ordered the trial court to conduct a hearing under Texas Rule of Civil Procedure 145(i) to determine which portions of the record should be transcribed for an appellant proceeding without payment of costs. The appeal was abated, treated as closed, and removed from the court's active docket pending the trial court's written findings and supplemental records.

OPINION

PER CURIAM.

Order filed September 1, 2022 In The Fourteenth Court of Appeals _____ NO. 14-21-00468-CV _____ SCWYANA SMITH, Appellant V. ANKUS, L.L.C., Appellee On Appeal from the 113th District Court Harris County, Texas Trial Court Cause No. 2018-52368 ORDER No reporter's record has been filed in this case. Appellant is proceeding without payment of costs.

See Tex. R. Civ. P. 145. The clerk's record does not reflect that appellant filed a request for a court reporter's record. See Tex. R. App. P. 34.6 (b). On April 14, 2022, the court reporter provided this court with an uncertified copy of a document filed by appellant requesting the portions of the record.

On April 28, 2022, this court ordered the trial court to conduct a hearing pursuant to Texas Rule of Civil Procedure 145(i). See Tex. R. App. P. 145(i). The District Court responded with a letter stating there is "no order signed regarding findings and fact and conclusion of law on this case. And no request for finding of fact." This court orders the trial court to conduct a hearing and provide findings, as explained below.

Pursuant to Texas Rule of Civil Procedure 145(i), when a declarant is proceeding without payment of costs, "the court must designate the portions to be transcribed." Tex. R. Civ. P. 145(i). Accordingly, the trial court is directed to conduct a hearing, with 10 days' notice to the parties and the court reporter, to determine what portions of the record are to be transcribed by the court reporter.

The court is directed to reduce its findings to writing and to have a supplemental clerk's record containing those findings filed with the clerk of this court, together with a supplemental reporter's record from the hearing, by October 3, 2022. See Tex. R. App. P. 34.6(e)(3).

The appeal is abated, treated as a closed case, and removed from this court's active docket. The appeal will be reinstated on this court's active docket when the trial court's findings and recommendations are filed in this court.

The court will also consider an appropriate motion to reinstate the appeal filed by either party, or the court may reinstate the appeal on its own motion. It is the responsibility of any party seeking reinstatement to request a hearing date from the trial court and to schedule a hearing in compliance with this court's order. If the parties do not request a hearing, the court coordinator of the trial court shall set a hearing date and notify the parties of such date.

PER CURIAM Panel Consists of Justices Chief Justice Christopher and Justices Wise and Hassan.