

FOURTEENTH COURT OF APPEALS OF TEXAS

Shelton R. Modelist v. Joseph Dixon and Wanda Dixon, Jointly and Severally and d/b/a Dixon Concrete Contractors

No. 14-11-01036-CV · No. No. 14-11-01036-CV · Decided January 13, 2012

SUMMARY

The Fourteenth Court of Appeals addresses whether a reporter's record is necessary in an appeal from a summary judgment. The court explains that summary judgment proceedings are decided on written materials and orders the appellant's brief to be filed by February 13, 2012.

OPINION

PER CURIAM.

Order filed January 13, 2012. In The Fourteenth Court of Appeals _____ NO. 14-11-01036-CV _____ SHELTON R. MODELIST, Appellant V. JOSEPH DIXON and WANDA DIXON, Jointly and Severally and d/b/a DIXON CONCRETE CONTRACTORS, Appellees On Appeal from the County Civil Court at Law No. 4 Harris County, Texas Trial Court Cause No. 984759 ORDER The clerk's record in this appeal was filed December 19, 2011.

According to the clerk's record, this is an appeal from a summary judgment signed August 30, 2011. A reporter's record of the hearing is not necessary in summary judgment proceedings. See *McConnell v. Southside I.S.D.*, 858 S.W.2d 337, 343, n.7 (Tex. 1993); *Rios v. Northwestern Steel & Wire Co.*, 974 S.W.2d 932, 936 (Tex. App.—Houston [14th Dist.] 1998, no pet.).

Motions for summary judgment are decided solely on the written pleadings, affidavits and discovery on file with the trial court. See Tex. R. Civ. P. 166a(b). Therefore, no reporter's record is required to be filed in this appeal unless appellant establishes that the record is necessary to his appeal.

Accordingly, we issue the following order: Appellant's brief shall be due on or before February 13, 2012. PER CURIAM 2