

SUPREME COURT OF TEXAS

In re Penn-America Insurance Company

In re Penn-America · No. 06-0977 · Decided December 22, 2006

SUMMARY

This document is a December 22, 2006 letter from the Clerk of the Supreme Court of Texas regarding briefing in In re Penn-America Insurance Company. It provides deadlines and electronic-filing instructions for merits briefs in the pending original proceeding and notes that the petition for writ of mandamus remained under consideration.

CASE DETAILS

COURT	Supreme Court of Texas
JURISDICTION	Texas
DECIDED	December 22, 2006
DOCKET	06-0977
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding involving a petition for writ of mandamus. The Supreme Court of Texas issued a stay order and requested merits briefing while the mandamus petition remained under consideration.
PRECEDENTIAL VALUE	Nonprecedential procedural order or clerk's letter; no merits holding identified.
PARTIES	Penn-America Insurance Company

TOPICS

[appellate procedure](#)[civil procedure](#)[writ of certiorari](#)

PRACTICE AREAS

[Appellate procedure](#)[Civil procedure](#)[Insurance](#)

QUESTIONS PRESENTED

1. Whether the Supreme Court of Texas should continue considering the pending petition for writ of mandamus after issuing a stay order.

2. What briefing and electronic-filing procedures govern the parties' merits submissions in the pending mandamus proceeding.

KEY QUOTATIONS

“The petition for writ of mandamus has not been granted and remains under consideration by the Court.”

FACTUAL BACKGROUND

The document contains no substantive facts concerning the underlying insurance dispute. It concerns the Supreme Court of Texas's procedural handling of a pending petition for writ of mandamus, including a stay and a briefing schedule.

PROCEDURAL HISTORY

The matter was identified as Texas Supreme Court Case No. 06-0977, arising from Court of Appeals No. 10-06-00333-CV and Walker County 278th District Court Cause No. 23353. On December 22, 2006, the clerk notified counsel that the Court had issued a stay order, requested briefing on the merits, and had not yet granted the petition for writ of mandamus.

DISPOSITION

other

OPINION

PER CURIAM.

December 22, 2006

Mr. Michael W. McCoy

Fowler Rodriguez

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Houston, TX 77010

Mr. James Hans Barcus

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Honorable Kenneth H. Keeling

278th District Court of Walker County

1100 University Ave., Ste. 303

Huntsville, TX 77340-4642

Mr. Michael G. Dunnahoo
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2801 Post Oak Blvd Suite 250
Houston, TX 77056

RE: Case Number: 06-0977
Court of Appeals Number: 10-06-00333-CV
Trial Court Number: 23353

Style: IN RE PENN-AMERICA INSURANCE COMPANY

Dear Counsel:

Today the Supreme Court of Texas issued the enclosed stay order in the above-referenced case.

Pursuant to Tex. R. App. P. 55.1, you are requested to file briefs on the merits in the above-styled case. Please refer to Tex. R. App. P. 55 for the requirements of relators' and real parties in interest briefs. Please note that any party may elect to rely upon the briefs already on file with this Court by notifying this office in writing no later than the due date of the brief. If you elect to rely upon a brief filed with the court of appeals, you must provide twelve copies in accordance with Tex. R. App. P. 9.3(b). The filing of a notification letter shall invoke the same timetable as the filing of a brief. The petition for writ of mandamus has not been granted and remains under consideration by the Court. The briefing schedule is outlined below. See Tex. R. App. P. 55.7. Please note that Tex. R. App. P. 9.2(b) does not apply. All briefs are due to be filed in this office on or before 3:00 p.m. on the due date:

Relator/s shall file their brief within thirty days of this date (on or before January 22, 2007).

Real party/parties in interest shall file their response brief within twenty days after receiving relator/s brief (no later than February 12, 2007).

Relator/s shall file any reply brief within fifteen days after receiving real party/parties in interest brief (no later than February 27, 2007).

Additionally, the Court requests that parties submit a copy of all briefs on the merits (including amicus and post-submission briefs) and the

respective petitions, responses, and replies - already on file - in electronic form within ten (10) days of the date of this letter. Also, please submit an electronic copy when filing the hard copies of any brief. Please see the enclosed information for guidelines.

Sincerely,
[pic]

Blake A. Hawthorne, Clerk

by Claudia Jenks, Chief Deputy Clerk

Enclosures

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INFORMATION ON SUBMISSION OF ELECTRONIC BRIEFING

In order to make more information available to the public via the Court's website, we request that all briefs on the merits (including amicus and post-submission briefs) be submitted electronically. Additionally, in all cases (such as this case) in which the Court requests full briefing on the merits, the Court requests that you submit an electronic copy of your previously filed petition for review, petition for writ of mandamus, response, or reply, etc., as applicable. Please submit an electronic copy of each filing in the following form and format when filing the hard copies of any brief.

The Court asks the parties to submit each electronic brief in the following form and format:

1. Each efileing should be submitted either by email attachment or on a separate 3 1/2 inch floppy disc/CD.
2. Each email attachment or disc/CD must include information or a label, respectively, that identifies the case name, the docket number, type of filing (i.e. petition for writ of mandamus, response, reply, relator's brief, real party in interest's brief, brief in reply, amicus brief), and the word-processing software and version used to prepare the brief. If submitting by email, please attach a Certificate of Compliance. A link to the certificate can be found on the Supreme Court's Website at <http://www.supreme.courts.state.tx.us/ebriefs>. If submitting an

efiling on floppy disc/CD, please enclose a Certificate of Compliance with the disc/CD.

3. If available, the Court prefers the use of searchable PDF files because files in this format generally may not be altered. If this format is not available to you, please use either Microsoft Word (up to Word 2003 (Word XP)) or WordPerfect version 7 through 12. Documents submitted in these versions will be converted to searchable PDF by the Clerk's office.

4. The email attachment or disc/CD must contain only an electronic copy of the submitted filing. The email attachment or disc/CD must not contain any document or material that is not included in the original hard copy of the filing with the Court.

5. The email attachment or disc/CD must be free of viruses or any other files that would be disruptive to the Court's computer system.

6. If submitting an efile as an email attachment at the time the brief is filed, please advise the Clerk's office in your transmittal letter accompanying hard copies; please send efilings to scebriefs@courts.state.tx.us.

CERTIFICATE OF COMPLIANCE

At the request of the Court, I certify that this submitted computer disc/CD (or email attachment) complies with the following requests of the Court:

1. 1. This ebrief is labeled with or accompanied by the following information:

1. a. Case Name: _____

2. b. The Docket Number: _____

3. c. The Type of Brief(s): _____

4. _____

5. _____

6. d. The Word Processing Software and Version Used to prepare the ebrief: _____

1. 2. This disc/CD (or email attachment) contains only an electronic copy of the submitted filing and does not contain any

document or portion thereof that is not included in the filing.

1. 3. The electronic filing is free of viruses or any other files that would be disruptive to the Court's computer system. The following software, if any, was used to ensure the filing is virus-free: _____.

1. 4. I understand that a copy of this filing will be posted on the Court's web site and becomes part of the Court's record.

(Signature of filing party and date)

(Printed name)

(Firm)