

SUPREME COURT OF TEXAS

In re Penn-America Insurance Company

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

OPINION

PER CURIAM.

December 22, 2006

Mr. Michael W. McCoy
Fowler Rodriguez
1331 Lamar, Suite 1560
Houston, TX 77010

Mr. James Hans Barcus
Cantrell, Ray, Maltsberger & Barcus L.L.P.
P.O. Box 1019
Huntsville, TX 77342
Honorable Kenneth H. Keeling
278th District Court of Walker County
1100 University Ave., Ste. 303
Huntsville, TX 77340-4642

Mr. Michael G. Dunnahoo
Rymer, Moore, Jackson & Echols, P.C.
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 efileing 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 efilings 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)

