

**COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI-EDINBURG**

David Charles Loeb v. David M. Coover

No. 13-15-00366-CV, Court of Appeals of Texas, Thirteenth District, Corpus Christi-Edinburg (November 20, 2015)

SUMMARY

The Thirteenth Court of Appeals of Texas granted the appellant's amended motion to abate the appeal pending completion of a settlement concerning the estate. The court continued the abatement until January 6, 2016, and directed the appellant to file either a motion to reinstate or a motion to dismiss pursuant to settlement.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi-Edinburg
WRITING FOR THE COURT	Per Curiam; Chief Justice Valdez; Justice Rodriguez; Justice Perkes
JURISDICTION	Texas
DECIDED	November 20, 2015
DOCKET	13-15-00366-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellant moved to abate an appellate proceeding while the parties completed a settlement concerning the disposition of an estate.
PRECEDENTIAL VALUE	published
PARTIES	David Charles Loeb v. David M. Coover

TOPICS

[appellate procedure](#) [probate procedure](#) [estate administration](#) [probate](#)

PRACTICE AREAS

[Appellate procedure](#) [Probate](#)

QUESTIONS PRESENTED

1. Whether the appeal should be abated pending the parties' settlement concerning disposition of the estate.

HOLDINGS

1. The amended motion to abate the appeal should be granted, and the appeal remains abated until January 6, 2016.

KEY QUOTATIONS

“The amended motion to abate the appeal is GRANTED and this appeal remains abated until January 6, 2016.” (2)

FACTUAL BACKGROUND

The parties reached an agreement regarding disposition of an estate through mediation. The settlement contemplated closing on December 18, 2015, and no later than December 31, 2015. Appellant sought abatement until the settlement closing so that the appeal could thereafter be dismissed or prosecuted, while appellee agreed to abatement only until December 18, 2015.

PROCEDURAL HISTORY

The appeal from the County Court at Law No. 2 of Nueces County had previously been stayed on November 4, 2015, to permit mediation. After the parties reached an agreement regarding disposition of the estate, appellant filed an amended motion to abate the appeal pending settlement closing. The Court of Appeals granted the motion and continued the abatement until January 6, 2016.

DISPOSITION

other

REMAND INSTRUCTIONS

Appellant was directed to file on or before January 6, 2016, either a motion to reinstate the appeal or a motion to dismiss the appeal pursuant to settlement.

OPINION

PER CURIAM.

NUMBER 13-15-00366-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS CORPUS CHRISTI - EDINBURG DAVID CHARLES LOEB, Appellant, v. DAVID M. COOVER, Appellee. On appeal from the County Court at Law No. 2 of Nueces County, Texas ORDER OF ABATEMENT Before Chief Justice Valdez and Justices Rodriguez and Perkes Order Per Curiam This appeal was stayed by this Court on November 4, 2015, to allow the conclusion of mediation.

This cause is now before the Court on appellant David Loeb’s amended motion to abate. The motion indicates there has been an agreement regarding disposition of the estate and the settlement provides for closing on December 18, 2015, but no later than December 31, 2015. Appellant

requests this Court issue an order abating this cause until closing of settlement, at which time this appeal will either be dismissed or prosecuted without further delay.

The certificate of conference indicates that appellee is in agreement to abate the matter, but only until closing on December 18, 2015. The Court, having examined and fully considered the documents on file and the amended motion to abate, is of the opinion that the amended motion to abate the appeal should be granted.

The amended motion to abate the appeal is GRANTED and this appeal remains abated until January 6, 2016. The Court directs appellant to file, on or before January 6, 2016, either (1) a motion to reinstate the appeal, or (2) a motion to dismiss the appeal pursuant to settlement. PER CURIAM Delivered and filed the 20th day of November, 2015. 2