

## FOURTEENTH COURT OF APPEALS OF TEXAS

# Exergy Development Group of Idaho, LLC and James T. Carkulis v. Higher Power Energy, LLC, Blue Renewable Energy, LLC, and Black Mountain Financial Corp.

Exergy Development Group · No. 14-14-00788-CV · Decided January 27, 2015

### SUMMARY

The Fourteenth Court of Appeals of Texas granted appellants' motion to reinstate the appeal after the district clerk filed the clerk's record. The court withdrew and vacated its January 13, 2015 opinion and judgment dismissing the appeal, reinstated the appeal, and set February 26, 2015, as the deadline for appellants' brief.

### CASE DETAILS

|                       |                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Fourteenth Court of Appeals of Texas                                                                                                              |
| WRITING FOR THE COURT | Justice Jamison; Justice Busby; Justice Brown                                                                                                     |
| JURISDICTION          | Texas                                                                                                                                             |
| DECIDED               | January 27, 2015                                                                                                                                  |
| DOCKET                | 14-14-00788-CV                                                                                                                                    |
| DISPOSITION           | other                                                                                                                                             |
| PROCEDURAL POSTURE    | Appellants moved to reinstate an appeal after the court dismissed it for failure to make payment arrangements for the clerk's record.             |
| PRECEDENTIAL VALUE    | Published status is indicated in the provided metadata, but the text is an order reinstating an appeal and contains no reporter citation.         |
| PARTIES               | Exergy Development Group of Idaho, LLC, James T. Carkulis v. Higher Power Energy, LLC, Blue Renewable Energy, LLC, Black Mountain Financial Corp. |

### TOPICS

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## QUESTIONS PRESENTED

1. Whether the appeal should be reinstated after the clerk's record was filed and the appellants moved for reinstatement.

## HOLDINGS

1. The motion to reinstate the appeal was granted because the clerk's record had been filed.

## KEY QUOTATIONS

*“The motion to reinstate is granted. This court’s opinion filed January 13, 2015, is withdrawn, and our judgment of that date is vacated. The appeal is ordered reinstated.”*

## FACTUAL BACKGROUND

The appeal was initially dismissed because appellants had failed to make payment arrangements for the clerk's record. The district clerk subsequently filed the clerk's record, after which appellants sought reinstatement of the appeal. Appellee Higher Power Energy opposed reinstatement.

## PROCEDURAL HISTORY

The Fourteenth Court of Appeals dismissed the appeal on January 13, 2015, because appellants had not made payment arrangements for the clerk's record. The district clerk filed the clerk's record on January 13, and appellants moved to reinstate the appeal on January 16. The court granted reinstatement, withdrew its January 13 opinion, vacated its judgment, and reinstated the appeal.

## DISPOSITION

other

## INSTRUCTIONS FOR AN AI ASSISTANT

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