

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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PRACTICE AREAS

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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 This court’s opinion filed January 13, 2015, is withdrawn, and our judgment of that date is vacated.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

OPINION

PER CURIAM.

Motion Granted; Memorandum Opinion filed January 13, 2015, Withdrawn, Appeal Reinstated, and Order filed January 27, 2015 In The Fourteenth Court of Appeals _____ NO. 14-14-00788-CV _____ EXERGY DEVELOPMENT GROUP OF IDAHO, LLC AND JAMES T. CARKULIS, Appellants V. HIGHER POWER ENERGY, LLC, BLUE RENEWABLE ENERGY, LLC, AND BLACK MOUNTAIN FINANCIAL CORP, Appellees On Appeal from the 125th District Court Harris County, Texas Trial Court Cause No. 2012-67104 ORDER On January 13, 2015, this court issued an opinion dismissing this appeal for failure to make payment arrangements for the clerk’s record.

On January 13, 2015, the district clerk filed the clerk’s record. On January 16, 2015, appellants filed a motion to reinstate the appeal. Appellee Higher Power Energy opposes appellant’s motion.

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. Appellants' brief is due on or before February 26, 2015. PER CURIAM Panel consists of Justices Jamison, Busby, and Brown.