

FIFTH DISTRICT COURT OF APPEALS OF TEXAS AT DALLAS

Tonya Parks and Parks Realty Firm, LLC v. Affiliated Bank

Parks v. Affiliated Bank · No. 05-16-00784-CV · Decided March 27, 2018

SUMMARY

This document is Appellants' First Motion for Extension of Deadline to File a Supplemental Brief in an appeal before the Fifth Court of Appeals of Texas at Dallas. Tonya Parks and Parks Realty Firm, LLC request a 31-day extension of the March 23, 2018 filing deadline and corresponding extensions of related briefing deadlines.

CASE DETAILS

COURT	Fifth District Court of Appeals of Texas at Dallas
JURISDICTION	Texas
DECIDED	March 27, 2018
DOCKET	05-16-00784-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellants filed their first motion for an extension of the deadline to file a supplemental brief and reply supplemental brief in an appeal pending before the Fifth District Court of Appeals of Texas at Dallas.
PRECEDENTIAL VALUE	Nonprecedential motion filing; no opinion or merits holding appears in the document.
PARTIES	Tonya Parks, Parks Realty Firm, LLC v. Affiliated Bank

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether appellants should receive a thirty-one-day extension of the deadline to file their supplemental brief and corresponding extensions of the related briefing deadlines.

FACTUAL BACKGROUND

The appellate court's March 8, 2018 order set March 23, 2018 as the deadline for appellants' supplemental brief, April 9, 2018 as the deadline for appellee's response, and April 16, 2018 as the deadline for appellants' reply. Appellants' counsel asserted that he did not learn of the March 8 order until March 27, 2018 and requested additional time, stating that this was the first requested extension and was not sought for purposes of delay.

PROCEDURAL HISTORY

The appeal was taken from the County Court at Law No. 3 of Dallas County, Texas, trial court cause number CC-15-04540-C. The appellate court had ordered appellants' supplemental brief filed by March 23, 2018, and appellants moved on March 27, 2018, for a thirty-one-day extension and corresponding extensions of appellee's response deadline and appellants' reply deadline. The document contains the appellants' motion and does not state a ruling on it.

DISPOSITION

other

OPINION

PER CURIAM.

ACCEPTED 05-16-00784-CV FIFTH COURT OF APPEALS DALLAS, TEXAS 3/27/2018 1:46 PM LISA MATZ CLERK IN THE COURT OF APPEALS FIFTH DISTRICT OF TEXAS AT DALLAS FILED IN 5th COURT OF APPEALS DALLAS, TEXAS CAUSE NO. 05-16-00784-CV 3/27/2018 1:46:07 PM LISA MATZ Clerk TONYA PARKS and PARKS REALTY FIRM, LLC, Appellants, v. AFFILIATED BANK, Appellee.

On Appeal from the County Court at Law No. 3 Dallas County, Texas Trial Court Cause No. CC-15-04540-C APPELLANTS' FIRST MOTION FOR EXTENSION OF DEADLINE TO FILE APPELLANTS' SUPPLEMENTAL BRIEF Baltasar D. Cruz Texas Bar No. 05196150 P.O. Box 600823 Dallas, Texas 75360 telephone: (214) 369 - 9058 telecopier: (732) 875 - 0792 email: BaltasarDCruz@aol.com ATTORNEY FOR APPELLANTS TONYA PARKS and PARKS REALTY FIRM, LLC APPELLANTS' FIRST MOTION FOR EXTENSION OF DEADLINE TO FILE APPELLANTS' REPLY SUPPLEMENTAL BRIEF Page 1 Parks.ExtDdlNSuppBrf.Mtn TO THE HONORABLE JUSTICES OF SAID COURT: NOW COME TONYA PARKS and PARKS REALTY FIRM, LLC, the Appellants in the above-styled and numbered appeal, and file this, Appellants' First Motion for Extension of Deadline to File Appellants' Supplemental Brief, and, in support of same, respectfully show: I. 1.1 Pursuant to this Court's Order of March 8, 2018, the deadline for Appellants to file Appellants' supplemental brief in the above-styled and numbered appeal was March 23, 2018.

However, Appellants' counsel did not become aware of this Court's Order of March 8, 2018 until March 27, 2018. Appellants' counsel apologizes for this oversight. 1.2 Appellants, therefore,

respectfully ask this Court to grant a thirty-one (31) day extension of the March 23, 2018 deadline for Appellants to file Appellants' supplemental brief until Monday, April 23, 2018, or that this Court grant such other extension of said deadline as this Court considers just and reasonable, and that the other deadlines imposed by this Court's Order of March 8, 2019 – i.e., April 9, 2018 for filing Appellee's brief in response to same and April 16, 2018 for filing Appellants' reply brief – be likewise extended because Appellants' attorney only became aware of this Court's Order of March 8, 2018 on March 27, 2018 and, therefore, requires additional time to prepare Appellants' supplemental brief which was due on March 23, 2018 and the thirtieth day from the date Appellants' supplemental brief is due falls on Sunday, April 22, 2018.

1.3 This is the first extension that has been requested of the deadline for Appellants to file Appellants' supplemental brief. 1.4 The extension requested herein is not being sought for purposes of delay but so that APPELLANTS' FIRST MOTION FOR EXTENSION OF DEADLINE TO FILE APPELLANTS' REPLY SUPPLEMENTAL BRIEF Page 2 Parks.ExtDdlnSuppBrf.Mtn justice may be served because Appellants' counsel requires additional time to prepare Appellants' reply brief in this matter for the reasons stated above.

WHEREFORE, PREMISES CONSIDERED, Appellants respectfully request that they be granted a thirty-one (31) day extension until Monday, April 23, 2018 of the March 23, 2018 deadline for Appellants to file Appellants' supplemental brief, or that this Court grant such other extension of said deadline as this Court considers just and reasonable, and that the April 9, 2018 deadline for filing Appellee's brief in response to same and the April 16, 2018 deadline for Appellants to file a reply brief be likewise extended, and that Appellants be granted such other and further relief to which they may be justly entitled.

Respectfully submitted, /s/ Baltasar D. Cruz Baltasar D. Cruz Texas Bar No. 05196150 P.O. Box 600823 Dallas, Texas 75360 Telephone: (214) 369-9058 Telecopier: (732) 875-0792 e-mail: BaltasarDCruz@aol.com COUNSEL FOR APPELLANTS TONYA PARKS and PARKS REALTY FIRM, LLC CERTIFICATE OF CONFERENCE I hereby certify that I have conferred with Appellee's attorney, John Browning, regarding this motion and that he told me he is opposed to same.

Certified to, the 27th day of March, 2018, by Baltasar D. Cruz. /s/ Baltasar D. Cruz Baltasar D. Cruz APPELLANTS' FIRST MOTION FOR EXTENSION OF DEADLINE TO FILE APPELLANTS' REPLY SUPPLEMENTAL BRIEF Page 3 Parks.ExtDdlnSuppBrf.Mtn CERTIFICATE OF SERVICE I certify that on this, the 27th day of March, 2018, a complete and accurate copy of this document was electronically served upon the following attorneys for Appellee Affiliated Bank by means of transmission to their respective electronic filing service providers in compliance with rule 9.5 of the Texas Rules of Appellate Procedure: Jerry Alexander John Browning Passman & Jones, PC 2500 Renaissance Tower 1201 Elm Street Dallas, Texas

