

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON

Jennifer Bargainer, Individually, as Administrator of the Estate of Vernon Jordan, and as Parent of Edwin Nieves, Kirsten Bargainer, and Kevin Bargainer Keith Bargainer Keiron Brisbane and Shayne Brisbane v. The Nexus Specialists Hospital, d/b/a Nexus Health Systems, Inc., and Daniele Thomas

Bargainer v. The Nexus Specialist Hospital · No. 01-12-00586-CV · Decided January 18, 2013

SUMMARY

The Court of Appeals for the First District of Texas ordered the appeal abated until April 24, 2013. Unless the parties filed an agreed motion to dismiss by that date, the appellee's brief would be due on April 24, 2013.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas at Houston
JURISDICTION	Texas
DECIDED	January 18, 2013
DOCKET	01-12-00586-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellee moved to abate the pending appeal. The court ordered the case abated until April 24, 2013, when it would be reinstated without further order unless the parties filed an agreed motion to dismiss.
PRECEDENTIAL VALUE	procedural order
PARTIES	Jennifer Bargainer, individually, as administrator of the estate of Vernon Jordan, and as parent of Edwin Nieves, Kirsten Bargainer, and Kevin Bargainer Keith Bargainer Keiron Brisbane and Shayne Brisbane v. The Nexus Specialists Hospital, d/b/a Nexus Health Systems, Inc., Daniele Thomas

TOPICS

appellate procedure

civil procedure

health law

PRACTICE AREAS

appellate procedure

civil procedure

health law

QUESTIONS PRESENTED

1. Whether the pending appeal should be abated pursuant to appellee's motion.

FACTUAL BACKGROUND

The order contains no substantive factual findings concerning the underlying dispute. It reflects only that an appeal was pending and that appellee requested abatement.

PROCEDURAL HISTORY

The appeal was pending before the First District Court of Appeals of Texas. Appellee filed a motion to abate on January 16, 2013. The court ordered the appeal abated until April 24, 2013, and directed that, absent an agreed motion to dismiss by that date, appellee's brief would be due on April 24, 2013.

DISPOSITION

other

OPINION

PER CURIAM.

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON ORDER ON MOTION Cause number: 01-12-00586-CV Style: Jennifer Bargainer v The Nexus Specialist Hospital Date motion filed*: January 16, 2013 Type of motion: Motion to Abate Party filing motion: Appellee Document to be filed: Is appeal accelerated? No If motion to extend time: Number of previous extensions granted: Current Due date: Ordered that motion is: Granted If document is to be filed, document due: Absent extraordinary circumstances, the Court will not grant additional motions to extend time Denied Dismissed (e.g., want of jurisdiction, moot)

Other: The case is ordered abated until April 24, 2013, at which time the case will be reinstated without further order of the Court.

If the parties do not file an agreed motion to dismiss on or before that date, appellee's brief will be due on April 24, 2013. Judge's signature: /s/ Terry Jennings Acting individually Acting for the Court Panel consists of _____ Date: November 16, 2012 November 7, 2008 Revision