

## 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

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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