

FOURTH COURT OF APPEALS OF TEXAS

Hector Gonzalez v. Atenea Capital Markets Fund, L.P.

No. 04-14-00614-CV, Fourth Court of Appeals of Texas (March 12, 2015)

SUMMARY

This document is an unopposed first motion by Atenea Capital Markets Fund, L.P. to extend the deadline for filing its appellee's brief in an appeal before the Fourth Court of Appeals of Texas. The motion requests a 30-day extension, through April 11, 2015, under Texas Rules of Appellate Procedure 10.1 and 38.6(d).

CASE DETAILS

COURT	Fourth Court of Appeals of Texas
JURISDICTION	Texas
DECIDED	March 12, 2015
DOCKET	04-14-00614-CV
PROCEDURAL POSTURE	Appellee filed an unopposed first motion in the Fourth Court of Appeals of Texas to extend the deadline for filing its appellee's brief.
PRECEDENTIAL VALUE	nonprecedential procedural filing
PARTIES	Hector Gonzalez v. Atenea Capital Markets Fund, L.P.

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the court should grant appellee's unopposed first motion to extend the deadline for filing appellee's brief.

FACTUAL BACKGROUND

The record reflected that appellant's appendix had been submitted on February 23, 2015, resubmitted on March 3, 2015, and remained unapproved because corrections to the cover sheet and service information were pending.

Appellee's counsel also cited other practice deadlines and requested additional time to prepare its brief. Appellant did not oppose the requested extension.

PROCEDURAL HISTORY

The appeal was pending in the Fourth Court of Appeals of Texas. Appellant's appendix was submitted and resubmitted but had not yet been accepted, and appellee requested a thirty-day extension of the deadline for filing its brief, from March 12, 2015, to April 11, 2015. The document contains the motion and supporting certificates but no court order ruling on the request.

OPINION

PER CURIAM.

ACCEPTED 04-14-00614-CV FOURTH COURT OF APPEALS SAN ANTONIO, TEXAS 3/12/2015 6:19:50 PM KEITH HOTTLE CLERK No. 04-14-00614-CV In The Fourth Court of Appeals FILED IN San Antonio, Texas 4th COURT OF APPEALS SAN ANTONIO, TEXAS 03/12/2015 6:19:50 PM HECTOR GONZALEZ, KEITH E. HOTTLE Clerk Appellant v. ATENEA CAPITAL MARKETS FUND, L.P., Appellee First Unopposed Motion for Extension of Time to File Appellee's brief Lance Geppert Attorney at Law 8000 West Ave., Suite 1 Castle Hills, Texas 78213 Telephone: (210) 888-9836 Facsimile: (210) 855-9990 email: lgeppert@grandecom.net Attorney for Appellee TO THE HONORABLE FOURTH COURT OF APPEALS: Pursuant to TEX. R. APP.

P. 10.1 and 38.6(d), the Appellee Atenea Capital Markets Fund, L.P. ("Appellee" herein), files this its Unopposed First Motion to Extend Time to File Appellant's Brief. Appellee's responsive brief is currently due on March 12, 2015. Counsel for Appellee requests a thirty (30) day extension of time to file its brief, making the brief due on April 11, 2015. This is the first request for extension of time to file the Appellee's Brief.

Counsel for Appellee relies on the following reasons, in addition to the routine matters that counsel must attend to in daily practice, to explain the need for the requested extension: The Appellant first submitted his Appendix on February 23, 2015 and resubmitted it on March 3, 2015 and the Appendix has still not been accepted/approved by the Court.

As of the date of this Motion, the clerk is waiting for the cover sheet and service information to be corrected. The Appellee would like to wait to file its brief until after the Appendix to Appellant's brief has been accepted in whole. Counsel for Appellee has been completing other deadlines and other matters in his practice and seeks this extension of time to be able to prepare a cogent and succinct brief to aid this Court in its analysis of the issues presented.

This request is not sought for delay but so that justice may be done. The undersigned has conferred with opposing counsel, and he/she has indicated that his client does not oppose this motion. All

facts recited in this motion are within the personal knowledge of the counsel signing this motion, therefore no verification is necessary under Rule of Appellate Procedure 10.2.

PRAYER FOR RELIEF For the reasons set forth above, Appellee Atenea Capital Markets Fund, L.P. requests that this Court grant this Unopposed First Motion to Extend Time to File Appellee's Brief and extend the Deadline for Filing the Appellee's Brief up to and including April 11, 2015. Appellee further requests all other relief to which it may be entitled. Respectfully submitted, /s/ Lance Geppert _____ Lance Geppert Attorney at Law 8000 West Ave., Suite 1 Castle Hills, Texas 78213 Telephone: (210) 888-9836 Facsimile: (210) 855-9990 lgeppert@grandecom.net CERTIFICATE OF CONFERENCE I certify that I conferred with counsel for Appellee/Appellant regarding this motion and that Appellant is not opposed to this motion. /s/ Lance Geppert Lance Geppert, Attorney for Appellee CERTIFICATE OF SERVICE I certify that on March 12, 2015, I mailed a copy of this motion to the following counsel by electronic service and facsimile.

George D. Durham Via facsimile at (956) 524-5153 and email 517 W. Nolana, Suite 6 McAllen, Texas 78504 gsklawfirm@gmail.com /s/ Lance Geppert Lance Geppert, Attorney for Appellee