

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

In re Richard A. Garcia

No. 04-22-00399-CV · No. 04-22-00399-CV · Decided June 30, 2022

SUMMARY

The Fourth Court of Appeals of Texas issued a per curiam order in an original mandamus proceeding arising from a family-law case. The court partially granted an emergency motion to stay, staying specified contempt findings, the contempt of the relator, and an award of attorney's fees pending further order.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Per curiam; Patricia O. Alvarez; Irene Rios; Beth Watkins
JURISDICTION	Texas
DECIDED	June 30, 2022
DOCKET	04-22-00399-CV
DISPOSITION	other
PROCEDURAL POSTURE	Original mandamus proceeding in which the relator sought mandamus relief and an emergency stay of a trial-court enforcement order.
PRECEDENTIAL VALUE	Published
PARTIES	Richard A. Garcia, relator v. Respondent and real party in interest

TOPICS

appellate procedure civil procedure contempt attorney fees family law

PRACTICE AREAS

appellate procedure civil procedure family law contempt attorney fees

QUESTIONS PRESENTED

1. Whether the court of appeals should temporarily stay specified findings of violation, the contempt order, and the award of attorney's fees, expenses, and costs pending further consideration of the mandamus petition.

KEY QUOTATIONS

“This court believes a serious question concerning the mandamus relief sought requires further consideration.” (order)

“We GRANT the Emergency Motion to Stay, in part, as follows:” (order)

FACTUAL BACKGROUND

The proceeding arose from a family-law case involving the marriage of Elizabeth J. Ranft-Garcia and Richard Anthony Garcia and the interest of a child. The trial court signed an enforcement order containing findings of multiple violations, held Garcia in contempt, and ordered him to pay \$10,485 in attorney's fees, expenses, and costs. Garcia sought mandamus relief and a stay of enforcement of those matters.

PROCEDURAL HISTORY

Richard A. Garcia filed a petition for writ of mandamus and an emergency motion to stay enforcement of an order signed by the Bexar County district court on June 7, 2022. The court of appeals determined that a serious question concerning the requested mandamus relief required further consideration, ordered responses to the petition, and granted the emergency motion to stay in part.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas June 30, 2022 No. 04-22-00399-CV IN RE Richard A. GARCIA From the 37th Judicial District Court, Bexar County, Texas Trial Court No. 2017-CI-12755 Honorable John D. Gabriel Jr., Judge Presiding Original Mandamus Proceeding1 ORDER Sitting: Patricia O. Alvarez, Justice Irene Rios, Justice Beth Watkins, Justice On June 29, 2022, relator filed a Petition for Writ of Mandamus and an Emergency Motion to Stay the Enforcement Order the trial court signed on June 7, 2022.

This court believes a serious question concerning the mandamus relief sought requires further consideration. See TEX. R. APP. P. 52.8(b). The respondent and the real party in interest may file a response to the petition in this court no later than July 15, 2022. Any such response must conform to Texas Rule of Appellate Procedure 52.4.

The respondent and the real party in interest may also file a response to the Emergency Motion to Stay. We GRANT the Emergency Motion to Stay, in part, as follows: 1. The following findings contained in the Enforcement Order the trial court signed on June 7, 2022 are STAYED pending further order of this court: • Violation 20 (February 2021); • Violation 21 (March 2021); •

Violation 22 (April 2021); • Violation 23 (May 2021); • Violation 24 (June 2021); • Violation 28 (July 2021); 1 This proceeding arises out of Cause No. 2017-CI-12755, styled In the Matter of the Marriage of Elizabeth J. Ranft- Garcia and Richard Anthony Garcia and in the Interest of J.E.R.G., a Child, pending in the 37th Judicial District Court, Bexar County, Texas, the Honorable John D. Gabriel Jr. presiding. • Violation 29 (August 2021); • Violation 30 (September 2021); and • Violation 31 (October 2021).

2. The contempt of relator is STAYED pending further order of this court. 3. The award of attorney's fees requiring relator to pay \$10,485.00 "attorney's fees, expenses, and costs.... on or before the 30th day after the date this judgment is signed" is STAYED pending further order of this court. It is so ORDERED on June 30, 2022. PER CURIAM ATTESTED TO:
_____ MICHAEL A. CRUZ, CLERK OF COURT