

TENTH COURT OF APPEALS OF TEXAS

Fort Worth & Western Railroad Company v. Nathan D. Albert and Chisholm Trail Redi-Mix, LLC

Nos. 10-19-00084-CV and 10-18-00219-CV · No. Nos. 10-19-00084-CV and 10-18-00219-CV · Decided May 15, 2019

SUMMARY

The Tenth Court of Appeals of Texas referred consolidated appeals involving Fort Worth & Western Railroad Company, Nathan D. Albert, and Chisholm Trail Redi-Mix, LLC to mediation. The order appointed Deborah G. Hankinson as mediator, established mediation and reporting requirements, suspended appellate deadlines, and stated that objections had to be filed within ten days.

CASE DETAILS

COURT	Tenth Court of Appeals of Texas
WRITING FOR THE COURT	Chief Justice Gray; Justice Davis; Senior Justice Al Scoggins, sitting by assignment
JURISDICTION	Texas
DECIDED	May 15, 2019
DOCKET	Nos. 10-19-00084-CV and 10-18-00219-CV
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order referring two related appeals from the 18th District Court of Johnson County to mediation.
PRECEDENTIAL VALUE	Published procedural order; no substantive merits holding.
PARTIES	Nathan D. Albert, Chisholm Trail Redi-Mix, LLC, Fort Worth & Western Railroad Company v. Fort Worth & Western Railroad Company, Davoil, Inc., William S. Davis, Nathan D. Albert, Chisholm Trail Redi-Mix, LLC

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the related appeals should be referred to mediation.
2. What procedural requirements and effect should govern the mediation referral.

HOLDINGS

1. The court determined that the appeals were appropriate for mediation and referred them to mediation under applicable Texas alternative-dispute-resolution law and the court's local rule.
2. The appeals and all appellate deadlines were suspended as of the order date; the suspension would lift upon receipt of the mediator's report, and unexpired deadlines would begin anew if mediation did not resolve the matter.

KEY QUOTATIONS

“Mediation is a mandatory but non-binding settlement conference, conducted with the assistance of a mediator. Mediation is private, confidential, and privileged.” (at 1)

“The appeal and all appellate deadlines are suspended as of the date of this Order.” (at 3)

FACTUAL BACKGROUND

The opinion contains no substantive factual discussion of the underlying disputes. It concerns two related appeals involving Fort Worth & Western Railroad Company, Nathan D. Albert, Chisholm Trail Redi-Mix, LLC, Davoil, Inc., and William S. Davis.

PROCEDURAL HISTORY

Two related appeals were pending before the Tenth Court of Appeals of Texas. The court determined that the appeals were appropriate for mediation, appointed Deborah G. Hankinson as mediator, and suspended the appeals and appellate deadlines pending the mediator's report.

DISPOSITION

other