

FOURTH COURT OF APPEALS OF TEXAS

Irma Lemus and Manuel Lemus v. John Rene Aguilar, Johnny B. Wells, Laura Ashley Wells, and Johnny Montoya Garza

No. 04-14-00609-CV, Fourth Court of Appeals of Texas (October 30, 2014)

SUMMARY

The court referred the dispute to an alternative dispute resolution procedure under Texas Civil Practice and Remedies Code sections 154.021 and 154.022. The parties were ordered to respond by November 12, 2014 regarding their choice of mediator, inability to agree on a mediator, or objection to mediation.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas
WRITING FOR THE COURT	Sandee Bryan Marion
JURISDICTION	Texas
DECIDED	October 30, 2014
DOCKET	04-14-00609-CV
DISPOSITION	other
PROCEDURAL POSTURE	Interlocutory appellate order referring the dispute to alternative dispute resolution and directing the parties to provide information concerning mediation or object to mediation.
PRECEDENTIAL VALUE	Published appellate order; no substantive precedential holding stated in the provided text.
PARTIES	Irma Lemus, Manuel Lemus v. John Rene Aguilar, Johnny B. Wells, Laura Ashley Wells, Johnny Montoya Garza

TOPICS

[mediation](#) [appellate procedure](#) [civil procedure](#)

PRACTICE AREAS

[civil procedure](#) [alternative dispute resolution](#)

QUESTIONS PRESENTED

1. Whether the dispute should be referred to an alternative dispute resolution procedure.

2. What mediation-related responses and procedures the parties were required to follow after the referral.

KEY QUOTATIONS

“This court has determined that this dispute is appropriate for referral to an Alternative Dispute Resolution (ADR) procedure.”

“Provided the parties submit to mediation, this court will issue an order suspending all appellate deadlines for forty-five (45) days in order that the parties may concentrate on the scheduling and completion of the mediation process.”

FACTUAL BACKGROUND

The opinion identifies the matter only as a dispute between the named parties and provides no substantive facts concerning the underlying controversy. The appellate court determined that the dispute was appropriate for referral to alternative dispute resolution.

PROCEDURAL HISTORY

The matter was before the Fourth Court of Appeals of Texas on appeal from the 73rd Judicial District Court of Bexar County, Texas, in trial court cause number 2012-CI-00251. The appellate court determined that the dispute was appropriate for referral to an alternative dispute resolution procedure and issued mediation-related directives.

DISPOSITION

other

OPINION

PER CURIAM.

October 29, 2014 No. 04-14-00609-CV Irma Lemua and Manuel Lemus, Appellants v. John Rene Aguilar, Johnny B. Wells. Laura Ashley Wells, and Johnny Montoya Garza. Appellees From the 73rd Judicial District Court, Bexar County. Texas Trial Court No. 2012-CI-00251 Honorable Anionia Arteaga. Judge Presiding ORDER This court has determined that this dispute is appropriate for referral to an Alternative Dispute Resolution (ADR) procedure.

See Tex. Civ. Prac. & Rem. Code § 154.021 (Vernon 2005). All further communications with this court by the parties regarding ADR shall be directed to the Clerk of the Court for any assistance in the mediation process. All parties are ORDERED to respond in writing by November 12, 2014 stating: (1) the name, address, and fee schedule of the mediator of their choice; or (2) that they cannot agree on a mediator, in which case the court will appoint one; or (3) any objection to mediation and the reasons for such objection.

See id § 154.022 (b). Provided the parties submit to mediation, this court will issue an order suspending all appellate deadlines for forty-five (45) days in order that the parties may concentrate on the scheduling and completion of the mediation process. Is it so ORDERED on October 29, 2014. Sandec Bryan iWurion. Justice IN W^{TME58}\$i<\$EI^REOF, I have hereunto set my hand and affixed the seal (/the said court on Ot^7I0<\ lottle.

Clerk '