

COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

In re Charles A. Miller

No. 05-14-01023-CV · No. No. 05-14-01023-CV · Decided August 15, 2014

SUMMARY

The Fifth District Court of Appeals at Dallas granted the court reporter's motion to extend the deadline for filing the reporter's record in an original proceeding. The court set deadlines for filing the record or verification of nonpayment and extended the response deadline for the real parties in interest and respondent.

CASE DETAILS

COURT	Court of Appeals for the Fifth District of Texas at Dallas
WRITING FOR THE COURT	Robert M. Fillmore
JURISDICTION	Texas
DECIDED	August 15, 2014
DOCKET	No. 05-14-01023-CV
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding in which the court considered the court reporter's motion to extend the deadline for filing the reporter's record.
PRECEDENTIAL VALUE	Published order with case-specific procedural directives; no substantive legal holding identified.
PARTIES	Charles A. Miller, Relator v. Karla Kimbrell, Court Reporter, Real parties in interest, Respondent

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the court reporter's motion to extend the deadline for filing the reporter's record should be granted.

KEY QUOTATIONS

“We GRANT the motion.”

FACTUAL BACKGROUND

The court reporter requested additional time to file the reporter's record in Relator's original proceeding. The appellate court directed the reporter to file the record or written verification that the relator had not been found indigent and had not paid for or arranged payment for the record. The court also extended the deadline for responses by the real parties in interest and respondent.

PROCEDURAL HISTORY

The original proceeding arose from the 380th Judicial District Court of Collin County, Texas. Court reporter Karla Kimbrell moved for an extension of time to file the reporter's record, and the court granted the motion and extended the response deadline for the real parties in interest and respondent.

DISPOSITION

other

OPINION

PER CURIAM.

Order entered August 15, 2014 In The Court of Appeals Fifth District of Texas at Dallas No. 05-14-01023-CV IN RE CHARLES A. MILLER, Relator Original Proceeding from the 380th Judicial District Court Collin County, Texas Trial Court Cause No. 380-02441-2014 ORDER Before the Court is the motion of court reporter Karla Kimbrell requesting that the Court extend the time to file the reporter's record in this case.

We GRANT the motion. Accordingly, we ORDER Karla Kimbrell to file, on or before August 25, 2014, either (1) the reporter's record; or (2) written verification that relator has not been found indigent and has not paid for or made arrangements to pay for the record.

We notify relator that if we receive verification that he has not been found indigent and has not paid for or made arrangements to pay for the record, we will order this original proceeding submitted without the reporter's record. See TEX. R. APP. P. 37.3(c).

We extend until September 2, 2014 the deadline for real parties in interest and respondent to file their responses, if any. We DIRECT the Clerk of the Court to send copies of this order, by electronic transmission, to all parties and to Karla Kimbrell, Court Reporter for the 380th Judicial District Court, and to the Honorable Benjamin Smith, Presiding Judge of the 380th Judicial District Court. /s/ ROBERT M. FILLMORE JUSTICE

