



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 2-08-281-CV**

BRETT ARNOLD AND PATRICIA  
A. RUDDER

APPELLANTS

V.

B.R. ISRAEL

APPELLEE

-----  
FROM COUNTY COURT AT LAW NO. 2 OF TARRANT COUNTY  
-----

**MEMORANDUM OPINION<sup>1</sup>**  
-----

On July 20, 2009, appellants filed their brief with this court. Appellants' brief was defective because it failed to comply with Texas Rules of Appellate Procedure 38.1(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k)(1), and 9.4(h), and Local Rules 1.A and 1.E, Second Court of Appeals Local Rules.<sup>2</sup>

---

<sup>1</sup> [▲](#) See Tex. R. App. P. 47.4.

<sup>2</sup> [▲](#) See Tex. R. App. P. 38.1(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k)(1), 9.4(h); 2nd Tex. App. (Fort Worth) Loc. R. 1.

On July 20, 2009, the court instructed appellants to file an amended brief by July 30, 2009, to cure the defects. The court's letter notified appellants that failure to file an amended brief in compliance with rules of appellate procedure 38 and 9, and Local Rule 1, "may result in striking the brief you filed, waiver of noncomplying points, or dismissal of the appeal."<sup>3</sup>

Appellants filed an amended brief that is defective because it fails to comply with Texas Rules of Appellate Procedure 38.1(h), (i), (k)(1), and 9.4(h), and Local Rule 1.A, Second Court of Appeals Local Rules.<sup>4</sup>

Only "substantial compliance" with the briefing rules is required.<sup>5</sup> If we determine that the briefing rules have been "flagrantly violated," however, we may require an appellant to amend, supplement, or redraw the brief.<sup>6</sup> If the appellant does not file another brief that complies with the rules of appellate procedure, we may strike the brief, prohibit the party from filing another, and proceed as if the party had failed to file a brief.<sup>7</sup>

---

<sup>3</sup> [▲](#) See Tex. R. App. P. 38.8(a), 38.9(a), 42.3.

<sup>4</sup> [▲](#) See Tex. R. App. P. 38.1(h), (i), (k)(1), 9.4(h); 2nd Tex. App. (Fort Worth) Loc. R. 1.

<sup>5</sup> [▲](#) Tex. R. App. P. 38.9.

<sup>6</sup> [▲](#) Tex. R. App. P. 38.9(a).

<sup>7</sup> [▲](#) *Id.*


Because appellants have been given notice of the defects in their brief and because they have failed to cure those defects, we strike their brief and amended brief and dismiss the appeal for want of prosecution.<sup>8</sup>

PER CURIAM

PANEL: CAYCE, C.J.; LIVINGSTON and DAUPHINOT, JJ.

DELIVERED: August 26, 2009

---

<sup>8</sup>  See Tex. R. App. P. 38.8(a)(1), 38.9(a), 42.3(b), 43.2(f).