

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-21-00290-CV

Michael A. Rice, Appellant

v.

**Austin Rice; Sammy Cockerell; Will R. Shumann; Carl Whitworth; Dorthy J. Rice;
Marion Robert “Bob” Rice; Cindy Rice; Dorthy J. Rice; Sheila Rice Hemphill;
Charlotte Rice Finley; Rice Ranch, Ltd; and Rice Ranch Management, L.L.C.; Appellees**

**FROM THE 452ND DISTRICT COURT OF MCCULLOCH COUNTY
NO. 2018187, THE HONORABLE ROBERT R. HOFMANN, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

On April 1, 2022, appellees filed a Suggestion of Bankruptcy indicating that appellant Michael A. Rice has initiated Chapter 11 proceedings in the United States Bankruptcy Court for the Western District of Texas and informing this Court that Rice’s appeal is automatically stayed pursuant to federal law. *See generally* 11 U.S.C. § 362 (2020) (providing automatic stay of “commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the [Chapter 11] case” and outlining scope of and exceptions to such stay). Rice subsequently confirmed the pendency of those bankruptcy proceedings and then stipulated to the abatement of his appeal “until such time as the

stay is lifted and the bankruptcy court expressly permits the appeal to proceed.” Accordingly, the Court abates this cause pending further action by Rice, who is ordered to update this Court as to the status of the bankruptcy proceedings and any effects on this appeal on or before November 1, 2022. His failure to do so may result in dismissal of this appeal. *See* Tex. R. Civ. P. 42.3.

Before Chief Justice Byrne, Justices Kelly and Smith

Bankruptcy

Filed: May 18, 2022