



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

**NO. 02-16-00476-CV**

IN RE NICHOLAS BRIGANDI,  
TAWNYA BRIGANDI, AND ALL  
OTHER OCCUPANTS OF 2428  
CHERRY LANE, LITTLE ELM,  
TEXAS 75068

RELATORS

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ORIGINAL PROCEEDING  
TRIAL COURT NO. CV-2016-01542, E16-179J2  
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**MEMORANDUM OPINION<sup>1</sup>**

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Relators filed an “Emergency Petition for Writ of Mandamus and/or Writ of Prohibition” and an “Emergency Motion to Enforce Stay Order, or In the Alternative, Motion for Temporary Relief,” seeking relief from the December 20, 2016 order entered by County Court at Law No. 2 of Denton County, Texas, in

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<sup>1</sup>See Tex. R. App. P. 47.4.

cause number CV-2016-01542, which set a supersedeas bond amount. Real parties in interest filed a response to relators' emergency motion, and relators filed a reply to the response.

Relators argue the county court's December 20, 2016 order violates a stay order previously entered by this court. We conclude that the county court's December 20, 2016 order does not violate the plain language of our stay order. Additionally, relators have not asked us to review the county court's order setting the supersedeas bond by filing a motion in accordance with Rule 24.4 of the Texas Rules of Appellate Procedure, nor have they asked us for a temporary order under Rule 43.6 of the Texas Rules of Appellate Procedure in their pending appeal from the county court's dismissal order in cause number CV-2016-01542. Therefore, relators' emergency motion and their emergency petition are both denied.

To be clear, in our opinion denying relators' previous petition for writ of mandamus, we said,

[t]his court's November 3, 2016 stay order remains in effect until (1) the date a judgment issued by this court resolving a timely-filed appeal becomes final if relators timely file a notice of appeal or (2) if no appeal is filed, upon the expiration of the time for filing a motion for extension of time to file a notice of appeal.

*In re Brigandi*, No. 02-16-00414-CV, 2016 WL 6803895, at \*1 (Tex. App.—Fort Worth Nov. 17, 2016, orig. proceeding) (mem. op.). Realtors have timely filed a notice of appeal from the county court's dismissal order. Therefore, our November 3, 2016 stay order remains in effect pending the final disposition of

that appeal. Consequently, the Justice of the Peace Precinct #2 Court of Denton County, Texas, as well as any other parties relying upon its judgment and orders, are stayed from executing on the judgment in cause number E16-179J2, styled *American Mortgage Investors Partners Fund I Trust v. Nicholas Brigandi, Tawnya Brigandi and All Occupants*, and from taking any further action in that cause until the appeal in cause number 02-16-00444-CV becomes final or further order of this court.

PER CURIAM

PANEL: GABRIEL, J.; LIVINGSTON, C.J.; and SUDDERTH, J.

DELIVERED: December 29, 2016