

NO. 07-12-00167-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
OCTOBER 25, 2012

STEVEN L. DRYZER, APPELLANT

v.

CHARLES BUNDREN AND KAREN BUNDREN,
APPELLEES

FROM THE 393RD DISTRICT COURT OF DENTON COUNTY;
NO. 2007-60118-393; HONORABLE DOUGLAS M. ROBISON, JUDGE

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

ORDER

Appellant Steven L. Dryzer appeals an adverse judgment of the trial court and appellees, Charles Bundren and Karen Bundren, have filed a cross-appeal.

Pending before the Court is the request filed by the court reporter, requesting an extension of the deadline for filing the reporter's record. As grounds she indicates:

"Payment for exhibits has not been received. Attorneys have not provided exhibits that were pulled during the trial but were [admitted]."

The clerk's record has been filed but does not contain a request for preparation of the reporter's record. The clerk of the trial court has informed this Court that a request for preparation of the reporter's record was not filed.

A request for preparation of the reporter's record must be in writing and must designate the exhibits to be included. Tex. R. App. P. 34.6(b)(1). With exception not here applicable, the clerk's record must include a copy of any request for preparation of a reporter's record. Tex. R. App. P. 34.5(a)(9).

The reporter is not responsible for preparing, certifying, and timely filing the reporter's record until, *inter alia*, the appellant has requested preparation of the reporter's record and the party responsible for payment has paid the reporter's fee, made satisfactory payment arrangements with the reporter, or is entitled to appeal without cost. Tex. R. App. P. 35.3(b)(2),(3).

An appellate court may enter any order necessary to ensure the timely filing of the appellate record. Tex. R. App. P. 35.3(c).

Accordingly, within seven days of the date of this order, appellant shall file with the trial court clerk a request for preparation of the reporter's record and contemporaneously provide the reporter and appellees with a copy. If appellant designates exhibits to be included in the reporter's record, within the same seven-day period, appellant shall make satisfactory payment arrangements with the reporter for preparation of the exhibits.

If appellees are dissatisfied with the designation of the record filed by appellant, within fourteen days of the date of this order appellees shall file a request for preparation of the reporter's record with the clerk of the trial court and contemporaneously provide the reporter and appellant with a copy. Tex. R. App. P. 2; 34.6(b).

Either party filing a request for preparation of the reporter's record shall also request the clerk of the trial court to include the request in a supplemental clerk's record to be filed with the clerk of this Court within thirty days of the date of this order.

If any party, or the party's attorney, has possession of any original exhibit admitted at trial, such person shall, within ten days of the date of this order, deliver the exhibit to the trial court clerk and notify the reporter in writing of its delivery, identifying the exhibit. Tex. R. App. P. 34.6(g)(1).

The reporter's request for extension is granted. The reporter's record, including exhibits designated by either party, shall be filed with the clerk of this Court on or before November 26, 2012. If the reporter's record is not filed by that date, the reporter shall file a status report with this Court specifying the reason.

IT IS SO ORDERED.

Per Curiam