

NO. 07-12-00336-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
AUGUST 1, 2012

IN RE LEANNE FARRELL COLLIER, RELATOR

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

ON MOTION FOR EMERGENCY STAY

Relator, Leanne Farrell Collier, has filed a petition for writ of prohibition with this Court alleging that respondent, the Honorable Don R. Emerson, sitting by assignment as Judge of the 99th District Court of Lubbock County, Texas, has abused his discretion by scheduling a hearing to consider a motion to transfer and motion to modify filed by real party in interest, Robert Greg Collier. Additionally, Leanne has filed a motion for emergency stay requesting this Court to stay all trial court proceedings relating to the final judgment entered in trial court cause number 2007-539,120, pending disposition of her original petition.

An appellate court, pursuant to Rule 52.10(b) of the Texas Rules of Appellate Procedure, may grant any "just relief" pending the disposition of an original petition without notice. TEX. R. APP. P. 52.10(b). Just relief may include staying the enforcement of an order for purposes of protecting the jurisdiction of the appellate court by maintaining the status quo of the underlying proceeding while the court considers the

merits of the original proceeding. In re Kelleher, 999 S.W.2d 51, 52 (Tex.App.--Amarillo 1999, orig. proceeding); In re Reed, 901 S.W.2d 604, 609 (Tex.App.--San Antonio 1995, orig. proceeding).

Leanne's petition for writ of prohibition and motion for emergency stay were both filed with this Court yesterday, July 31. According to the exhibits appended to Leanne's motion for emergency stay, the hearing on Greg's motion to transfer and motion to modify has been scheduled for tomorrow, August 2, at 9:30 a.m. To afford this Court sufficient time to review the merits of Leanne's petition for writ of prohibition, Leanne's motion for emergency stay is granted. All trial court proceedings in trial court cause number 2007-539,120, are stayed pending disposition of Leanne's petition for writ of prohibition.

Per Curiam