



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-22-00306-CV

THE LAW OFFICES OF DOMINGO A. GARCIA, P.C., APPELLANT

V.

DAVID TROSMAN, APPELLEE

**On Appeal from the 352nd District Court
Tarrant County, Texas
Trial Court No. 352-309003-19, Honorable Josh Burgess, Presiding**

December 13, 2022

ORDER OF ABATEMENT AND REMAND

Before QUINN, C.J., and DOSS and YARBROUGH, JJ.

Appellant, the Law Offices of Domingo A. Garcia, P.C., appeals from the trial court's final judgment.¹ The appellate record was originally due October 3, 2022. The clerk's record was filed by this deadline. However, the reporter was granted two extensions to file the reporter's record due to her caseload. By letter of November 3,

¹ Originally appealed to the Second Court of Appeals, this appeal was transferred to this Court by the Texas Supreme Court pursuant to its docket equalizations efforts. See TEX. GOV'T CODE ANN. § 73.001.

2022, we admonished the reporter that failure to file the reporter's record by December 2 could result in the appeal being abated and the cause remanded to the trial court for further proceedings without further notice. The reporter has since requested a third extension to file the reporter's record due to her caseload.

We deny the request, abate the appeal, and remand the cause to the trial court for further proceedings. See TEX. R. APP. P. 35.3(c) ("The trial and appellate courts are jointly responsible for ensuring that the appellate record is timely filed."); 37.3(a)(2) (requiring appellate courts to "make whatever order is appropriate to avoid further delay and to preserve the parties' rights" when the appellate record is not timely filed). On remand, the trial court shall determine the following:

1. what tasks remain to complete the filing of the reporter's record;
2. why the reporter has not completed the necessary tasks;
3. what amount of time is reasonably necessary for the completion of those tasks; and
4. whether the reporter can complete the tasks within the time the trial court finds reasonable.

Should the trial court determine that the reporter will require more than thirty days from the date of its hearing to complete, certify, and file the reporter's record, it shall arrange for a substitute reporter to do so. The trial court is directed to enter such orders necessary to address the aforementioned questions. So too shall it include its findings on those matters in a supplemental clerk's record and cause that record to be filed with this Court by January 9, 2022.

It is so ordered.

Per Curiam