



**IN THE
TENTH COURT OF APPEALS**

**Nos. 10-11-00148-CV, 10-11-00149-CV, 10-11-00150-CV, 10-11-151-CV,
10-11-00152-CV, 10-11-00153-CV, 10-11-00154-CV,
10-11-00313-CV, 10-11-00319-CV, and 10-11-00320-CV**

JUDITH HOCE HOLMES,

Appellant

v.

SHIRLEY AL JAAFREH,

Appellee

**From the County Court at Law
Walker County, Texas
Trial Court Nos. 10499CV, 10500CV, 10501CV, 10517CV,
10518CV, 10519CV, 10520CV, 10537CV, 10597CV, and 10598CV**

ABATEMENT ORDER

Appellant has filed a document entitled "Discrepancies in the Reporter's and Clerk's Records" in these ten related appeals. This document alleges numerous inaccuracies in the reporter's records and the clerk's records.

The Court notes that this document was served on the trial court.

Clerk's Records

Rule of Appellate Procedure 34.5(d) provides: "Defects or Inaccuracies. If the clerk's record is defective or inaccurate, the appellate clerk must inform the trial court clerk of the defect or inaccuracy and instruct the clerk to make the correction." TEX. R. APP. P. 34.5(d). The appellate clerk will therefore separately address Appellant's allegations of defects or inaccuracies in the clerk's records.

Reporter's Records

Rule of Appellate Procedure 34.6(e) provides:

(e) Inaccuracies in the Reporter's Record.

(1) Correction of Inaccuracies by Agreement. The parties may agree to correct an inaccuracy in the reporter's record, including an exhibit, without the court reporter's recertification.

(2) Correction of Inaccuracies by Trial Court. If the parties cannot agree on whether or how to correct the reporter's record so that the text accurately discloses what occurred in the trial court and the exhibits are accurate, the trial court must—after notice and hearing—settle the dispute. If the court finds any inaccuracy, it must order the court reporter to conform the reporter's record (including text and any exhibits) to what occurred in the trial court, and to certify and file in the appellate court.

(3) Correction After Filing in Appellate Court. If the dispute arises after the reporter's record has been filed in the appellate court, that court may submit the dispute to the trial court for resolution. The trial court must then proceed as under subparagraph (e)(2).

TEX. R. APP. P. 34.6(e).

The Court abates these appeals and submits the dispute to the trial court to hold one or more hearings:

(1) to determine whether inaccuracies exist in the reporter's records (as

alleged by Appellant) and if so, whether the parties can agree to correct any of them without the court reporter's recertification (TEX. R. APP. P. 34.6(e)(1)); and

- (2) to settle the dispute if inaccuracies exist in the reporter's records and the parties cannot agree on whether or how to correct any of them (TEX. R. APP. P. 34.6(e)(2)).

The Court emphasizes that the initial onus is properly on the parties to attempt to agree whether or how to correct the alleged inaccuracies before having the trial court settle any unresolved disputes. **Furthermore, Appellant is notified that the trial court and this Court should be burdened with only material inaccuracies.**

The Court, in its order dated January 11, 2012, noted that Appellant's first seven cases (Nos. 10-11-00148-CV, 10-11-00149-CV, 10-11-00150-CV, 10-11-151-CV, 10-11-00152-CV, 10-11-00153-CV, and 10-11-00154-CV) were jointly heard in the county court on April 4 and 5, 2011. The Court further noted that Appellant was correct that the caption for this reporter's record is inaccurate in that it includes appeal nos. 10-11-00313-CV and 10-11-00320-CV, but because the Court was aware of this inaccuracy and was aware that this reporter's record was not filed in nos. 10-11-00313-CV and 10-11-00320-CV, the Court would disregard this inaccuracy and there was no need for correction.

This appeal is abated for a period of thirty (30) days from the date of this order for the parties and the trial court, if necessary, to determine the issues identified above. The trial court has discretion to schedule hearings during the abatement period as necessary.

If necessary, the trial court shall prepare written findings of fact and conclusions of law with regard to the issues identified in this abatement order. The county clerk shall prepare a supplemental clerk's record containing such findings of fact and conclusions of law as well as any pleadings, motions, responses, or objections filed with regard to this matter and any orders signed by the trial court.

The county clerk and the court reporters shall file their supplemental records with the Clerk of this Court within forty-five (45) days after the date of this order. If the trial court determines that additional time is required to resolve the issues identified, the trial court (or a party at the trial court's direction) shall file a written request for additional time explaining the reason(s) and the diligence that has been exercised in attempting to comply with the thirty-day deadline established by this order.

PER CURIAM

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Order issued and filed April 18, 2012
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