

CASE NO. 01-23-00362-CV

IN THE COURT OF APPEALS
FOR THE FIRST JUDICIAL DISTRICT
HOUSTON, TEXAS

IN THE ESTATE OF NELVA E. BRUNSTING

Candace Louise Curtis

Appellant

V.

Carl Henry Brunsting, Individually and as Independent Executor of
the Estates of Elmer H. Brunsting & Nelva E. Brunsting
Appellee

1ST JOINT & AGREED MOTION FOR EXTENSION OF TIME TO FILE THE
APPELLEES' BRIEF OF CO-TRUSTEE ANITA K. BRUNSTING,
CO-TRUSTEE AMY R. BRUNSTING, & CARL H. BRUNSTING

On Appeal from Probate Court No. Four
Harris County, Texas
C.A. No. 412,249-401

CO-TRUSTEE ANITA K.
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TO THE HONORABLE COURT OF APPEALS:

Co-Trustee Anita K. Brunsting, Co-Trustee Amy R. Brunsting, and Carl H. Brunsting, Individually (collectively the “Appellees”, and each an “Appellee” as determined by the context), jointly move the Court to extend the time for each Appellee to file their respective response brief to Appellant’s brief, and would respectfully show the Court as follows:

1. Appellant filed her brief on July 3, 2023.
2. The deadline for the Appellees to file their respective briefs is August 2, 2023.
3. Appellees respectfully request a thirty (30) day extension to file their respective response briefs.
4. This is Appellees’ first request to extend the time to file their response briefs.
5. The basis for the additional time is as follows:
 - A. Counsel for Appellee Co-Trustee Anita K. Brunsting was out of town for nine (9) days in July 2023, and will be out of the office at least one (1) more day in July 2023. Part of the travel was business related and was previously scheduled months in advance of the Appellant filing her brief, and for which counsel had nonrefundable fees that were prepaid.
 - B. Counsel for Appellee Co-Trustee Amy R. Brunsting’s has been preparing for, taking, and/or defending numerous court-ordered depositions during July 2023, in C.A. No. 2022-43993; *Traywick v. BSC Management, Ltd.*; In the 157TH District Court, Harris County, Texas.

- C. The time out of the office associated for counsel for Co-Trustee Anita K. Brunsting and counsel for Co-Trustee Amy R. Brunsting makes it impossible for the Co-Trustees' counsel to review the Appellant's brief and analyze the legal authorities cited therein, and to establish a meaningful division of labor on the preparation of the Co-Trustees' response brief.
- D. In addition, the July 2023 out-of-office schedule of the Co-Trustees' counsel impairs their ability to coordinate with Carl H. Brunsting's counsel to determine issues for which an agreement might be reached as to the facts and law, and what issues on which the Appellees differ, which in turn, in reasonable probability, affects the length and nature of the response briefs to be filed.

6. This request is not sought for delay, but so that justice can be done, and so that the Appellees respective counsel will have the time reasonably required to review and evaluate the Appellant's brief, and to prepare cogent briefs in response thereto.

For these reasons, Appellees respectfully request that this Court: (a) grant their motion for extension of time; (b) give Appellees until September 1, 2023 to file their respective response briefs; and (c) grant Appellees such other and further relief to which they may be entitled.

[SIGNATURES ON FOLLOWING PAGE]

Respectfully submitted,

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Respectfully submitted,

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Certificate of Conference

Per TEX. R. APP. P. 10.1(5), counsel for the Appellant confirmed by email that the Appellant agrees to the relief sought by this motion.

// s // Stephen A. Mendel

Stephen A. Mendel

Certificate of Service

As required by TEX. R. APP. P. 6.3 and 9.5(b), (d), and (e), I certify that I served this document on all other parties—which are listed below—as follows:

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via e-service and/or email on July 27, 2023.

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