

No. 05-18-00558-CV

**IN THE COURT OF APPEALS FOR THE
FIFTH DISTRICT OF TEXAS IN DALLAS**

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS
06/12/2018 1:54:41 PM
LISA MATZ
Clerk

STEPHEN B. HOPPER AND LAURA S. WASSMER,

Appellants,

V.

**JOHN L. MALESOVAS, D/B/A MALESOVAS LAW FIRM, AND
FEE, SMITH, SHARP & VITULLO, LLP,**

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS
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Appellees.

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
BRIEF OF APPELLANTS**

**On Appeal from Probate Court No. 1, Dallas County, Texas;
Hon. Brenda Hull Thompson; No. PR-11-03238-1**

TO THE HONORABLE COURT OF APPEALS:

Under Texas Rules of Appellate Procedure 10.5(b) and 38.6(d), Appellants Stephen B. Hopper and Laura S. Wassmer (“Appellants”) file this unopposed first motion for extension of time and respectfully request a thirty-day extension, until and including July 26, 2018, to file their opening brief.

I. Current Deadline.

The record was filed on June 6, 2018. As this is an accelerated appeal, Appellants' brief is currently due on June 26, 2018. TEX. R. APP. P. 38.6(a). This is Appellants' first request for an extension of time to file their opening brief.

II. Reasons for Extension.

Appellants request this extension because counsel for Appellants are engaged in other matters with pressing deadlines, commitments, and ongoing work that make it difficult to meet the current deadline in this case, including the following:

1. *Second Street Properties LLC v. Freeport Waterfront Properties, L.P.*, No. 2017-07497, 189th Judicial District Court, Harris County, Texas. Hearing on motions for entry of judgment, motions to disregard certain jury findings, and competing applications for attorney's fees is set for June 14, 2018.
2. *The Fan Expo v. National Football League*, No. 05-17-01304, Dallas Court of Appeals. Appellee's brief is due July 3, 2018.
3. *Red Lion Medical Safety, Inc. v. General Electric Co.*, No. 2:15-cv-00308-RWS, United States District Court for the Eastern District of Texas. Ongoing proceedings.
4. *Mayo v. City of Dallas*, No. DC-17-00742-CV, 68th Judicial District Court, Dallas County, Texas. Ongoing proceedings.

III. No Opposition.

Appellees do not oppose this motion. This extension of time is sought so that justice may be done in the disposition of this appeal and is not sought for purposes of delay.

PRAYER

For these reasons, Appellants respectfully request that this unopposed motion for extension of time be granted and that the time for filing their opening brief be extended until and including July 26, 2018. Appellants further request all such other relief to which they may be justly entitled.

Respectfully submitted,

/s/ Anne M. Johnson

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Attorneys for Appellants

CERTIFICATE OF CONFERENCE

I hereby certify that on the 12th day of June, 2018, I conferred with Brian Lauten, counsel for Appellees, about the relief requested herein. Mr. Lauten stated that Appellees do not oppose the requested relief.

/s/ Anne M. Johnson

Anne M. Johnson

CERTIFICATE OF SERVICE

In accordance with the Texas Rules of Appellate Procedure, I certify that a true and correct copy of this document was served on the following parties (1) via e-service through EFile.txcourts.gov and/or (2) via email on the 12th day of June, 2018.

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