

**No. 05-18-00558-CV**

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

FILED IN  
5th COURT OF APPEALS  
DALLAS, TEXAS  
10/19/2018 10:13:03 AM  
LISA MATZ  
Clerk

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**STEPHEN B. HOPPER AND LAURA S. WASSMER,**

*Appellants/Relators,*

**V.**

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

*Appellees/Real Parties in Interest.*

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**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
REPLY BRIEF OF APPELLANTS/RELATORS**

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**From the Probate Court No. 1, Dallas County, Texas;  
Hon. Brenda Hull Thompson; No. PR-11-03238-1**

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TO THE HONORABLE COURT OF APPEALS:

Under Texas Rules of Appellate Procedure 10.5(b) and 38.6(d), Appellants/Relators Stephen B. Hopper and Laura S. Wassmer (“Appellants”) file this unopposed motion for extension of time and respectfully request a twenty-day extension, until and including November 26, 2018, to file their reply brief.<sup>1</sup>

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<sup>1</sup> 20 days from the current deadline falls on a Sunday, November 25, resulting in a deadline of Monday, November 26.

## **I. Current Deadline.**

The Appellees/Real Parties in Interest filed their brief on October 15, 2018. The reply brief is therefore due on November 5, 2018. TEX. R. APP. P. 38.6(c). This is Appellants' first request for an extension of time to file their reply 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. *In re Panda Power Generation Infrastructure Fund, LLC, d/b/a Panda Power Funds, et al.*, No. 18-0792, Supreme Court of Texas. Reply brief is scheduled to be due November 20, 2018.
2. *BBVA Compass v. Bagwell*, No. 05-18-00860-CV, Court of Appeals for the Fifth District of Texas in Dallas. Appellants' brief is due November 23, 2018.
3. *Electric Reliability Council of Texas v. Panda Power Generation Infrastructure Fund, LLC d/b/a Panda Power Funds, et al.*, No. 18-0781, Supreme Court of Texas. Response to petition for review is due November 26, 2018.

## **III. No Opposition.**

Appellees/Real Parties in Interest 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 reply brief be extended until and including November 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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## **CERTIFICATE OF CONFERENCE**

I hereby certify that on the 18th day of October, 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

I hereby certify that a true and correct copy of the foregoing instrument was forwarded to all counsel of record in accordance with the Texas Rules of Appellate Procedure on the 19th day of October, 2018.

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