

Cause No. 09-23-00102-CV

In the Ninth Court of Appeals

FILED IN
9th COURT OF APPEALS
BEAUMONT, TEXAS
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CARLY LATIOLAIS
Clerk

THE BANK OF NEW YORK MELLON, FKA THE BANK OF NEW YORK,
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS,
INC., ASSET-BACKED CERTIFICATES, SERIES 2007-1,

Defendant-Appellant,

v.

DAVID HALL and TERESA HALL,

Plaintiffs-Appellees.

ON APPEAL FROM THE 136TH JUDICIAL DISTRICT COURT OF JEFFERSON
COUNTY, TEXAS
CAUSE NO. D-0203632 (HON. BAYLOR WORTHAM)

PLAINTIFFS-APPELLEES' UNOPPOSED MOTION TO EXTEND TIME TO FILE
MOTION FOR REHEARING

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APPELLEES

TO THE HONORABLE NINTH COURT OF APPEALS:

Pursuant to TEX. R. APP. P. 49.9, Plaintiffs-Appellees file this *their Unopposed Motion to Extend Time to File Motion for Rehearing* (“Unopposed Motion to Extend Time”) asking the Court to extend the time to file a motion for rehearing, and in support thereof would respectfully show as follows:

I. INTRODUCTION

1.01 Plaintiffs-Appellees are David Hall and Teresa Hall; Defendant-Appellant is The Bank of New York Mellon, FKA The Bank of New York, as trustee for the certificate holders of the CWABS, Inc., asset-backed certificates, series 2007-1 (“Bank”).

1.02 Plaintiffs-Appellees’ *Unopposed Motion to Extend Time* is filed within the 15-day period to file a motion to extend time to file a motion for rehearing, as required by TEX. R. APP. P. 49.9.

1.03 Defendant-Appellant is unopposed to this *Motion to Extend Time*.

II. ARGUMENT & AUTHORITIES

2.01 The Court has the authority under TEX. R. APP. P. 49.9 to extend the time for a party to file a motion for hearing.

2.02 Plaintiff-Appellees motion for rehearing, if any, is due Friday, April 18, 2025.

2.03 Plaintiffs-Appellees request an additional 31 days to file a motion for rehearing, extending the time until Monday, May 19, 2025.

2.04 No extension has been granted to extend the time to file a motion for hearing and this is Plaintiffs-Appellees' first such request.¹

2.05 Plaintiffs-Appellees need additional time to file a motion for rehearing, if any, because their undersigned counsel requires additional time to meet with his clients to discuss their options as well as additional time necessary to ascertain and research the impact, if any, the Court's April 3, 2025 opinion has on the retrial of this matter as well as the interplay of the Court's various rulings, *e.g.*, reverse and render as well as reverse and remand, insofar as the same requires further appeal for error preservation purposes.

III. CONCLUSION

3.01 For the foregoing reasons, Plaintiffs-Appellees respectfully request that this Court grant *Plaintiffs-Appellees' Unopposed Motion to Extend Time to File Motion for Rehearing*. Plaintiffs-Appellees also respectfully request any and all further relief to which they are justly entitled.

IV. PRAYER

4.01 For these reasons, Plaintiffs-Appellees respectfully request the Court to grant an extension of time to file a motion for rehearing, if any, until Monday, May 19, 2025 and for any and all further relief to which Plaintiffs-Appellees are justly entitled at law or in equity.

(Signature Block on Following Page)

¹ Note: Both Plaintiffs-Appellees and Defendant-Appellant have sought prior briefing extensions in this matter, which this Court has granted.

Respectfully submitted,

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/s/ Tripp Jones

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CERTIFICATE OF CONFERENCE

On April 16-17, 2025, counsel for Plaintiffs-Appellees, Tripp Jones, conferred with counsel for Defendant-Appellant, Mark Hopkins, regarding the relief requested, who stated that Defendant-Appellant was unopposed to the foregoing motion.

/s/ Tripp Jones
Tripp Jones

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the above and foregoing document was served on the below listed counsel in accordance with the TEXAS RULES OF CIVIL PROCEDURE and the TEXAS RULES OF APPELLATE PROCEDURE on April 17, 2025.

/s/ Tripp Jones
Tripp Jones

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Motion for Hearing

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