



**COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON**

ORDER FOR RESPONSE TO STATUS REPORT

Appellate case name: Earnest Taylor and Lisa Taylor d/b/a T&S Enterprises v. Alfredo Cantu, Lynn A. Cantu, Vela Ranch, L.L.C., and Brazoria County, Texas

Appellate case number: 01-19-00353-CV

Trial court case number: 81916-CV

Trial court: 23rd Judicial District Court of Brazoria County

Appellants Earnest Taylor and Lisa Taylor d/b/a T&S Enterprises (“Taylors”) filed this appeal challenging the trial court’s orders granting summary judgment in favor of appellees Brazoria County and Alfred and Lynn A. Cantu (“Cantus”) on the Taylors’ trespass-to-try-title and nuisance claims and declaratory judgment. On November 24, 2020, the Court issued a memorandum opinion in the present appeal affirming in part and reversing the portion of the trial court’s judgment awarding the Cantus’ attorney’s fees and expenses and remanding the case to the trial court solely for redetermination of attorney’s fees and expenses in accordance with the opinion.

After we denied the Taylors’ motion for rehearing, but before the mandate issued, the Taylors filed their “Unopposed Amended Emergency Motion for Stay/Abatement” pending resolution of a related case, Cause No. 81897, *Earnest Taylor, et al. v. Jesus M. Vela, et al.*, in the 149th Judicial District Court of Brazoria County, Texas (“Vela Case”). After a bench trial, the trial court entered a judgment in favor of Vela Ranch and its principals, Jesus M. Vela and Blasa Vela (“Velas”), on their motion to enforce the parties’ Rule 11 settlement agreement with the Taylors. On appeal, the Fourteenth Court of Appeals reversed the trial court’s judgment and remanded the case to the trial court for further proceedings. *See Taylor v. Vela*, No. 14-19-00990-CV, 2021 WL 3416242, at *3 (Tex. App.—Houston [14th Dist.] Aug. 5, 2021, no pet.) (mem.

op.).¹ In their Motion for Stay/Abatement, the Taylors argued that the present appeal and the Vela Case are intertwined, and resolution of the Vela Case may affect the trial court posture of this case.

On January 20, 2022, this Court granted the Taylors' amended motion to abate this case pending resolution of the Vela Case, and we denied their motion to stay our mandate as moot.

On April 17, 2025, this Court ordered the Taylors' counsel to file a status report advising this Court of (1) the status of the Vela Case, and (2) the Taylors' position as to whether, in their opinion, abatement of the present appeal continues to be necessary for purposes of "justice and judicial efficiency."

On April 29, 2025, the Taylors' counsel filed a status report stating that the Vela Case is "ongoing and the Taylor's are continuing to pursue legal avenues," and thus abatement of this appeal continues to be necessary for purposes of "justice and judicial efficiency."

The Cantus' counsel is **ORDERED** to file a response to the Taylors' status report with the Clerk of the Court by **May 22, 2025** responding to the Taylors' status report and addressing whether the Cantus believe that abatement of the present appeal continues to be necessary and the reasons why the abatement should continue.

It is so ORDERED.

Judge's signature: /s/ Veronica Rivas-Molloy

☒ Acting individually ☐ Acting for the Court

Date: May 15, 2025

¹ The Fourteenth Court of Appeals concluded the trial court abused its discretion when it denied the Taylors a jury trial.