ACCEPTED
01-15-00174-cv
FIRST COURT OF APPEALS
HOUSTON, TEXAS
8/18/2015 3:27:24 PM
CHRISTOPHER PRINE
CLERK

No. 01-15-00174-CV

IN THE COURT OF APPEALS
FOR THE FIRST COURT OF APPEALS DISTRICT OF TEXAS

FILED IN
1st COURT OF APPEALS
HOUSTON, TEXAS
8/18/2015 3:27:24 PM
CHRISTOPHER A. PRINE
Clerk

TIM WOOTERS,

Appellant,

vs.

UNITECH INTERNATIONAL, INC.,

Appellee.

Appeal from the 55th District Court of Harris County, Texas
Docket No. 2012-10494

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S BRIEF

TO THE HONORABLE JUSTICES OF THIS COURT:

Appellant, Tim Wooters, respectfully requests that the Court grant him a 45-day extension of time, to and including October 6, 2015, for him to file his Appellant's Brief. In support, Wooters respectfully shows:

Procedural History

1. This appeal was perfected February 20, 2015. The Clerk's Record was filed May 8, 2015. Volumes 1–16 of the Reporter's Record were ini-

tially filed July 15, 2015. Subsequently, the Court Reporter refiled Volumes 11–16 on July 23, 2015. Based upon notice dated July 23, 2015, the Appellant's Brief is due Monday, August 24, 2015.

2. Volume 16 of the Reporter's Record contains exhibits that were sealed by order of the trial court on November 17, 2014. The undersigned counsel, which did not participate in any proceedings in the trial court prior to the perfection of the appeal, were informed by the Clerk that they could only have access to the sealed exhibits by seeking an order from the trial court and having a copy of such order filed as part of a Supplemental Clerk's Record.

3. On August 3, 2015, Wooters filed *Tim Wooter's Motion to Modify Order Sealing Court Records*. The Appellee filed a response in opposition on August 14, 2015, and after a hearing on August 17, 2015, the trial court granted the undersigned counsel the ability to view the sealed exhibits in the Clerk's office.

4. On August 18, 2015, Wooters requested that the clerk of the trial court to prepare a Supplemental Clerk's Record.

5. Wooters has not previously sought an extension of time to file his Appellant's Brief.

Grounds for Granting an Extension of Time

6. The Court should grant an extension of time upon the showing of any reasonable explanation. *See National Union Fire Ins. Co. v. Ninth Court of Appeals*, 864 S.W.2d 58, 60 (Tex. 1993) (any demonstration of the need for additional time, short of deliberate or intentional noncompliance, qualifies as a reasonable explanation).

7. The undersigned counsel would not be doing their due diligence in representing Wooters in this appeal if they did not review the entire appellate record prior to submitting a brief on the merits. This is especially true in this case where the Court may be asked to review the legal and/or factual sufficiency of the evidence supporting part of the jury's verdict. At this point, the undersigned counsel has, at best, only a general description of the sealed exhibits as provided on the parties' exhibit lists.

8. Until the Supplemental Clerk's Record containing the trial court's order of August 17 is filed, the undersigned counsel will not be able to examine the sealed exhibits in Volume 16 of the Reporter's Record. Based upon past experience with the Harris County District Clerk's Office, it usually takes 30 days to process requests for Clerk's Records, no matter the volume of the documents requested.

9. Accordingly, a 45 day extension of time is likely the minimum time necessary for Wooters' counsel to complete a review of the entire record and to file Wooters' principal brief.

Agreement of Opposing Counsel

10. The undersigned attorney has conferred with opposing counsel, Leslie Hillendahl, regarding this Motion. She is not opposed to a 45 day extension of time as requested herein.

WHEREFORE, for the foregoing reasons, the Appellant, Tim Wooters, requests that the Court extend the deadline for him to file his Appellant's Brief to October 5, 2015, as well as such other relief which is appropriate.

Respectfully Submitted,

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing Unopposed Motion for Extension of Time has been served on the following counsel/parties of record via e-service or facsimile transmission, if e-service is unavailable, in accordance with the TEX. R. APP. P. 9.5 and local rules for electronic filing on this 18th day of August 2015:

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