

Motion Granted and Abatement Order filed June 12, 2020.



In The

Fourteenth Court of Appeals

NO. 14-19-00838-CV

**IN THE MATTER OF THE MARRIAGE OF GARY STEVEN ACKLEN, II,
AND SANDRA WEDWARDS ACKLEN**

**On Appeal from County Court at Law No. 1
Galveston County, Texas
Trial Court Cause No. 15-FD-2341**

ABATEMENT ORDER

The reporter's record was filed on March 2, 2020. Appellant filed a motion requesting abatement of the appeal for the purposes of correcting and completing the court reporter's record. The ad litem is unopposed to the motion. Appellee did not file a response.

Texas Rule of Appellate Procedure 34.6 allows correction of inaccuracies in the reporter's record. Tex. R. App. P. 34.6. The parties may agree to correct an inaccuracy or, if the parties cannot agree, the trial court must, after notice and hearing, settle the dispute and order the court reporter to correct the record. Tex. R.

App. P. 34.6(d)(1), (2), If the dispute arises after the record has been filed in the appellate court, we may submit the dispute to the trial court for resolution. Tex. R. App. P. 34.6(e)(3).

Accordingly, we order the judge of County Court at Law No. 1 to conduct a hearing immediately, at which the court reporter(s), appellant and/or appellant's counsel, appellee and/or appellee's counsel shall participate, either in person or by video teleconference, to determine whether the reporter's record contains any inaccuracy. The trial court shall see that a record of the hearing is made.

If the trial court finds that the reporter's record is accurate, the trial court shall make findings of fact, and order the trial clerk to forward a transcribed record of the hearing, a videotape or compact disc, if any, containing a recording of the video teleconference, and a supplemental clerk's record containing the findings. Those records shall be filed with the clerk of this court **within thirty days of the date of this order.**

If the trial court finds any inaccuracy in the reporter's record, the trial court shall order the court reporter to conform the reporter's record to what occurred in the trial court and to file the certified corrections with the clerk of this court **within thirty days of the date of this order.**

The appeal is abated, treated as a closed case, and removed from this court's active docket. The appeal will be reinstated on this court's active docket when the trial court's findings and recommendations or certified corrections of the reporter's record are filed in this court. This court will also consider an appropriate motion to reinstate the appeal filed by either party, or the court may reinstate the appeal on its own motion. It is the responsibility of any party seeking reinstatement to request a hearing date from the trial court and to schedule a hearing in compliance with this

court's order. If the parties do not request a hearing, the court coordinator of the trial court shall set a hearing date and notify the parties of that setting.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Zimmerer and Poissant.