

## **BILL ANALYSIS**

C.S.H.B. 1294  
By: Rose  
Civil Practices  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Civil Practice and Remedies Code §51.014 authorizes an appeal of an interlocutory trial court order presenting a controlling question of law if an immediate appeal from the order may materially advance the ultimate resolution of the litigation. The statute requires agreement of the parties before the appeal can be taken and before a stay pending appeal can be imposed. Furthermore, Texas courts of appeal have differed about how the procedure for taking a permissive appeal under §51.014 should be implemented.

CSHB 1294 removes the requirement of an agreement before an appeal is available for civil actions in which the amount in controversy exceeds \$100,000; provides that the parties may agree to a stay, or a court may order a stay; provides a 20 day deadline for filing an application requesting permission to appeal; and clarifies the procedures for taking a permissive appeal under Civil Practice and Remedies Code §51.014.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSHB 1294 amends Section 51.014, Civil Practice and Remedies Code, to clarify that interlocutory appeals of controlling questions of law may be allowed by a trial court; to remove the requirement of an agreement before an appeal is available for civil actions in which the amount in controversy exceeds \$100,000; to provide that the parties may agree to a stay, or a court may order a stay; to provide a 20 day deadline for filing the application requesting permission to appeal; and to clarify the procedures for taking a permissive appeal under Section 51.014, Civil Practice and Remedies Code.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB 1294 removes the requirement of an agreement before an interlocutory appeal for civil actions in which the amount in controversy exceeds \$100,000; provides a 20 day deadline for filing the motion to appeal permitted by Subsection (d) and (d-1). The introduced version applied to actions pending or commenced on or after the effective date. The Substitute does not apply to an interlocutory order issued under this section before the effective date of this Act.