



COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, AUSTIN, TEXAS 78711-2547

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April 30, 2021

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RE: Court of Appeals Number: 03-21-00204-CV
 Trial Court Case Number: D-1-GN-20-000941

Style: Texas Commission on Environmental Quality and Vulcan Construction Materials, LLC
 v. Friends of Dry Creek and Stop 3009 Vulcan Quarry

Dear Counsel:

The Court has been advised that appellant, Vulcan Construction Materials, LLC, has given notice of appeal. The cause in this Court will bear the number and style shown above. Cases in the Third Court of Appeals are governed by the Texas Rules of Appellate Procedure (Tex. R. App. P.) which may be accessed on the Court's website at <http://www.txcourts.gov/rules-forms/rules-standards/>. The Court provides all notices, orders, or other communications about a case by email. All documents filed with this Court must include the filer's email address in addition to any other information required by the Texas Rules of Appellate Procedure. It is the filer's responsibility to update the Court with any changes to their email address. In addition, at or before the time of a document's filing, the filing party must serve a copy of the document(s) on all parties to the proceeding. *See* Tex. R. App. P. 9.5.

Appellant, Vulcan Construction Materials, LLC, is requested to forward the following items to this Court on or before **Monday, May 10, 2021**:

- **\$205.00 Filing Fee** – Unless an appellant is exempt by law or is presumed unable to afford payment of court costs, the appellant must pay the required \$205.00 filing fee to prosecute the appeal. *See* Tex. R. Civ. P. 145; Tex. R. App. P. 20. 1. Failure to pay the filing fee may result in dismissal of the cause in accordance with Tex. R. App. P. 5 and 42.3. If you are excused by statute or the appellate rules from paying costs, please notify the Court. Payment should be submitted electronically through the eFileTexas.gov electronic filing system.
 - Persons not represented by an attorney may pay in person at the Clerk’s office or by mailing a money order or check made payable to “The State of Texas.”
- **Docketing Statement** – *See* Tex. R. App. P. 32. Until the clerk’s record is filed, the docketing statement is the primary source of important information about an appeal, including contact information for the parties and information about the order being appealed. A copy of the docketing statement is available on the Court’s website at <http://www.txcourts.gov/3rdcoa/practice-before-the-court/forms/>.
- **Challenge to Constitutionality of a State Statute** - Pursuant to Section 402.010 (a-1) of the Texas Government Code, any party challenging the constitutionality of a Texas Statute must file a “Challenge to the Constitutionality of a State Statute” form with the court in which the challenge is pending. This form can be accessed on the Court’s website at <http://www.txcourts.gov/3rdcoa/practice-before-the-court/forms/>. **Parties who are not challenging the constitutionality of a state statute need not file this form.**

Unless an appellant is exempt by law or is presumed unable to afford payment of court costs, the trial-court clerk and court reporter are not required to file the clerk’s and reporter’s records until appellant has paid the required fees, or has made satisfactory arrangements to pay the fees. *See* Tex. R. App. P. 35.3(a)(2), (b)(3). If appellant has not already done so, written requests and arrangements for payment of the following records must be made on or before **Monday, May 10, 2021**.

- **Clerk’s Record** - The Court may dismiss an appeal for want of prosecution if the clerk’s record is not filed and it is appellant’s fault. *See* Tex. R. App. P. 37.3(b); 42.3. Appellant should make arrangements for the clerk’s record with the trial-court clerk and may file a written designation specifying additional items to be included in the clerk’s record. *See* Tex. R. App. 34.5(b)(2).
- **Reporter’s Record** - If appellant decides to include a reporter’s record as part of the appellate record, a request in writing to the court reporter must be made. *See* Tex. R. App. P. 34.6(b). The request to the court reporter must designate the portions of the proceedings to be included in the record including any exhibits. Appellant must also file a copy of the request with the trial-court clerk. *See* Tex. R. App. P.34.6. If a reporter’s record is not filed, the Court may decide the appeal on those issues or points that do not require a reporter’s record for a decision. *See* Tex. R. App. P. 37.3(c).

More information about the courts practices are available on the Court’s website at <http://www.txcourts.gov/3rdcoa/practice-before-the-court/>. Please note, Tex. R. App. P. 9.6 requires that parties and counsel communicate with the appellate court about a case only through the clerk of the court.

Very truly yours,

JEFFREY D. KYLE, CLERK

BY: *Courtland Crocker*
Courtland Crocker, Deputy Clerk

cc: Ms. Alicia DuBois

The Honorable Velva L. Price