No: 23A91

In the Supreme Court of The United States

Brigetta D'Olivio and All Other Occupants

Applicant,

v.

Hilary Thompson Hutson

Respondent.

On Appeal From The Fifth District Court Of Appeals, Dallas Texas
Case No: 05-20-01118-CV

On Application For Stay

SECOND SUPPLEMENTAL EMERGENCY APPLICATION TO STAY THE MANDATE OF THE FIFTH DISTRICT COURT OF APPEALS PENDING THE FILING AND DISPOSITION OF A PETITION FOR WRIT OF CERTIORARI

Brigetta D'Olivio
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Applicant *Pro Se*

QUESTIONS PRESENTED

The lower court so far departed from in its obligation to pursue a course of legal proceedings according to applicable rules and principles for like cases, that such a departure violated Applicant's right to due process and equal protection of the law under the Fourteenth Amendment to the U.S. Constitution, thereby also violating Applicant's First Amendment rights. Where the Fifth District Court of Appeals sanctioned such a departure by the lower court, the Fifth District Court of Appeals' Opinion is so clearly wrong as to call for an exercise of this Court's supervising power.

1. Did the lower court violate Applicant's right to due process and equal protection of the law under the Fourteenth Amendment by:

a. Hearing and deciding the case when it lacked subject matter jurisdiction under Texas Government Code §27.031(b)(4) and §1022.005(a) & (b);

b. When the District Court's final judgment upon which Respondent predicated her suit to evict, and upon which the lower court relied, was rendered without the District Court having subject matter jurisdiction to hear the trespass to try title case and to render its final judgment under Texas Est. Code §1022.001(a); §1022.002(c) & (d); §1022.005; §1022.006; §32.005(a) & (b); §32.007, and the Texas Constitution Article V, §8;

c. When it failed to conduct the mandatory trial de novo as required under Article V, §1 of the Texas Constitution and Rule 510.10(c) of the Texas Rules of Civil Procedure; and

d. When Applicant was deprived of adequate Notice as required under Texas Property Code §24.005 and §24.005(g).

2. In rendering its final judgment, did the lower court violate Applicant's right

to due process and equal protection of the law under the Fourteenth Amendment when the issue of the subject property is a matter in the Probate Proceeding pending in the Collin County Statutory Probate Court; where Applicant made demand for a jury trial under Article V, §10 of the Texas Constitution, and where said Demand For A Jury Trial is filed in the pending Probate Proceeding?

PARTIES TO THE PROCEEDING

The parties to the proceeding are as follows:

Applicant is Brigetta D'Olivio. She was the Defendant in the County Court At Law 2, Collin County Texas, and the Appellant in the Fifth District Court of Appeals, Dallas, Texas. Inclusive of the $20,000.00 supersedeas bond, which the county court ordered, and which Applicant paid by cashiers' check in lieu of a bond, Applicant has, thus far, paid a total of $82,000.00, ($62,000.00 for the $2,000.00 per month "*in lieu of rent*", which the County Court also ordered).

Respondent is Hilary T. Hutson. She was the Plaintiff in the County Court At Law 2, Collin County Texas, and the Appellee in the Fifth District Court of Appeals, Dallas, Texas.

RELATED PROCEEDINGS

This case and the related cases arose from the Guardianship Proceeding.

1. "*Brigetta D'Olivio aka Brigetta Alix Anderson, Alix Brigetta, Defendant/Applicant, v. Hilary T. Hutson, Plaintiff/Respondent*"
   Fifth District Court Appeals, Dallas, TX, No: 05-20-00969-CV
   Renewed Application For Stay Of Mandate of Fifth District Court Of Appeals currently pending before The Honorable Clarence Thomas, (22A1087)

2. "*In The Estate Of Richard W. Thompson, Jr", Deceased*"
   No: PB1-1381-2019, pending in the Collin County Statutory Probate Court, Collin County, Texas.

3. "*In The Guardianship Of Richard W. Thompson, Jr., An Alleged Incapacitated Person*"
   No: 05-22-00768-CV, pending in the Fifth District Court Of Appeals, Dallas, TX.

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APPENDIX

1. Applicant's *"Emergency Motion To Recall Mandate And To Set Aside Order Denying Appellant's Amended Motion To Stay The Issuance of The Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States"*, dated July 27, 2023.
2. Order by Clerk of the Supreme Court of Texas, dated July 7, 2023
3. Fifth District Court of Appeals Case Summary, dated July 17, 2023
4. Email, dated August 1, 2023, at 2:03AM and Fifth District Court of Appeals Order, dated July 31, 2023, and issued August 1, 2023 at 2:03AM.

INDEX OF AUTHORITIES

STATUTES, CODES, RULES

Constitutional Provisions:

Texas Rules of Appellate Procedure:

OPINIONS BELOW

The Fifth District Court of Appeals' issued its Memorandum Opinion and judgment, on July 28, 2022, wherein it affirmed the County Court At Law final judgment, dated December 31, 2020. The Fifth District Court Of Appeals Memorandum Opinion is not published, and is reproduced at [Appendix A] [1] and the County Court At Law's final judgment, dated December 31, 2020 is reproduced at [Appendix D]. On September 21, 2022, the Fifth District Court Of Appeals denied Applicant's motion for rehearing or rehearing en banc and is reproduced at [Appendix B]. On December 28, 2022, the Fifth District Court Of Appeals denied Applicant's motion for reconsideration, and is reproduced at [Appendix C]. On April 28, 2023, the Supreme Court of Texas denied Applicant's Petition For Review and is reproduced at [Appendix E]. On July 7, 2023, the Supreme Court Of Texas denied Applicant's Motion For Rehearing, and is reproduced at [Appendix F]. On July 13, 2023, Applicant requested the Fifth District Court of Appeals to stay the issuance of its mandate since Applicant's motion for reconsideration en banc was still pending before the Texas Supreme Court. On July 13, 2023, the Supreme Court Of Texas denied Applicant's Motion For En Banc Reconsideration, and is reproduced at

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[1] References to the Appendix are to the Appendix, which is part of the Applicant's Emergency Application To Application To Stay The Mandate Of The Fifth District Court Of Appeals Pending The Filing And Disposition Of A Petition For Writ Of Certiorari", dated July 17, 2022

[Appendix G]. On July 14, 2023, Applicant filed an amended motion to stay the issuance of the mandate in the Fifth District Court of Appeals, since Applicant's motion to reconsider order denying motion to vacate was still pending before the Texas Supreme Court and is reproduced at [Appendix H]. On July 25, 2023, the Fifth District Court Of Appeals denied Applicant's amended motion to stay the issuance of its mandate and is reproduced here at [Suppl. Appendix 1]. On the same date, July 25, 2023, the Fifth District Court of Appeals issued its mandate, and is reproduced here at [Suppl. Appendix 2]. On July 26, 2023, the Texas Supreme Court issued its order, and is reproduced here at [Suppl. Appendix 3]. On July 27, 2023, Applicant filed a motion in the Fifth District Court of Appeals to recall the Mandate and to set aside its order denying Applicant's amended motion to stay the issuance of the mandate.

JURISDICTION

This Court has jurisdiction to stay the mandate of the Fifth District Court Of Appeals' mandate pending the filing and disposition of a petition for certiorari. See 28 U.S.C. § 2101(f).

To The Honorable Samuel Alito, Associate Justice Of The Supreme Court Of The United States:

Applicant, Brigetta D'Olivio, ("Applicant") moves pursuant to 28 U.S.C. §2101(f) and Rules 22 and 23 of the Rules of this Court for an order of this Court staying the mandate of the Fifth District Court Of Appeals pending the filing of a Petition for a Writ of Certiorari to review the Fifth District Court of Appeals' Memorandum Opinion, which was rendered on July 28, 2022, [Appendix A] [1] and the lower court's final judgment, which was rendered on December 31, 2020, [Appendix D].

On July 28, 2023, this Court received Applicant's "*Supplemental Emergency Application To Stay The Fifth District Court of Appeals' Mandate Pending The Filing And Disposition Of A Petition For Writ Of Certiorari*, dated July 27, 2023. [2] In addition to the grounds set forth in Applicant's original Application, which was received by this Court on July 24, 2023, [3] in Applicant's supplemental emergency

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[1] Reference to the "Appendix" is to the Appendix in Applicant's "*Supplemental Emergency Application To Stay The Fifth District Court of Appeals' Mandate Pending The Filing And Disposition Of A Petition For Writ Of Certiorari*", dated July 27, 2023,

Reference to the within second supplemental motion to stay, is to: {Second Supp. Appendix. __}.

[2] Applicant's "*Supplemental Emergency Application To Stay The Fifth District Court of Appeals' Mandate Pending The Filing And Disposition Of A Petition For Writ Of Certiorari*", dated July 27, 2023, was sent to this Court via FedEx (tracking no: 772875300566) and was confirmed by FedEx to have been delivered on July 28, 2023, at 9:47am.

[3] Applicant's "*Emergency Application To Stay The Fifth District Court of Appeals' Mandate Pending The Filing And Disposition Of A Petition For Writ Of Certiorari*', dated July 17, 2020, was sent to

application, Applicant further asked this Court to stay the mandate of the Fifth District Court of Appeals administratively pending the disposition of Applicant's emergency application to stay and to stay the mandate pending the filing and disposition of a petition for writ of certiorari, on the grounds that the Fifth District Court of Appeals issued its mandate in contravention to Rules 18.1(2) and 18.1(c) of the Texas Rules of Appellate Procedure and without any Order by the Supreme Court of Texas, nor Affidavit by the Clerk of the Court for the Supreme Court of Texas, regarding the Orders issued by the Supreme Court of Texas, and which would otherwise authorize the Fifth District Court of Appeals to issue its mandate, having been filed in the Fifth District Court of Appeals. [4]

On July 28, 2023, the Fifth District Court of Appeals filed Applicant's *"Emergency Motion To Recall Mandate And To Set Aside Order Denying Appellant's Amended Motion To Stay The Issuance of The Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States"*, dated July 27, 2023. [Second Supp. Appendix A]. At the time Applicant's motion to recall mandate was filed in the Fifth District Court of Appeals, and at the time this Court received Applicant's supplemental

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this Court via FedEx, (tracking no: 772802567100), and was confirmed by FedEx to have been delivered on July 24, 2023, at 10:19am.

[4] See Applicant's *Supplemental Emergency Application To Stay The Fifth District Court of Appeals' Mandate Pending The Filing And Disposition Of A Petition For Writ Of Certiorari*, dated July 27, 2023, pp. 5-6.

emergency application to stay the Fifth District Court Of Appeals' mandate, Applicant was not aware that the Fifth District Court of Appeals altered the case summary *after* Applicant had filed her "*Amended Motion To Stay Issuance Of Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States*" in the Fifth District Court Of Appeals on April 14, 2023. [Appendix H]. [5] In altering the case summary, the Fifth District Court of Appeals entered for the record an Order from the Clerk of the Court for the Supreme Court of Texas, [Second Supp. Appendix B], which the Fifth District Court of Appeals purports to have been filed in the 5th District Court of Appeals on July 7, 2023. [Second Supp. Appendix A, at 17]; [Supp. Appendix 4].

As evidenced by the Fifth District Court of Appeals' Case Summary, as of the date, July 17, 2023, however, said Order, [Second Supp. Appendix B], was not filed, nor entered for the record in the Fifth District Court of Appeals on July 7, 2023. Said Case Summary was printed at 6:16pm on July 17, 2023, thereby showing that said Order, [Second Supp. Appendix B] could only have been entered and filed for the record *after* July 17, 2023. [Second Supp. Appendic C]. In fact in said Case Summary, between the dates "4/28/2023" and "7/12/2023", there is no entry of *any* kind in the Fifth District Court of Appeals for the date "7/7/2023". And the last

[5] Refers to [Appendix H] in Applicant's "*Emergency Application To Stay The Fifth District Court of Appeals' Mandate Pending The Filing And Disposition Of A Petition For Writ Of Certiorari*", dated July 17, 2023, and delivered to this Court on July 24, 2023.

entry in said Case Summary is July 14, 2023, which is the date Applicant filed her "*Amended Motion To Stay Issuance Of Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States*", [Appendix H]. Moreover, said order, dated July 7, 2023, [Second Supp. Appendix B], is inconsistent with the fact that the Supreme Court of Texas issued two (2) orders subsequent to said Order. One of said Orders was issued on July 13, 2023, [Appendix G], and the last order issued by the Supreme Court of Texas was issued on July 26, 2023, [Appendix I] – one day after the Fifth District Court of Appeals issued its mandate. [Supp. Appendix 1, 2]. Not only did the Fifth District Court of Appeals alter the Case Summary, but where it also issued its mandate on July 25, 2023, the issuance of said mandate is premature, and is in contravention of Rules 18.1(2) and 18.1(c) of the Texas Rules of Civil Procedure. Based upon the Supreme Court of Texas' last Order, (issued July 26, 2023), the earliest the Fifth District Court of Appeals could issue its mandate would be November 5, 2023. At 2:03AM on August 1, 2023, the Fifth District Court of Appeals denied Applicant's *"Emergency Motion To Recall Mandate And To Set Aside Order Denying Appellant's Amended Motion To Stay The Issuance of The Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States*", dated July 27, 2023. [Second Supp.

Appendix D]. [6]

The Due Process Clause of the 14th Amendment to the U.S. Constitution provides, in part: "*nor shall any State deprive any person of life, liberty or property, without due process of law, nor shall any person be denied the equal protection of the laws*". U. S. CONST. amend XIV, §1.2. This Court has construed the Fourteenth Amendment's Due Process Clause to impose the same procedural due process limitations on the states as the Fifth Amendment does on the Federal Government. *Arnett v Kennedy*, 416 U.S. 134 (1974). Procedural due process requires state actors to provide certain procedural protections before they deprive a person of any protected life, liberty, or property interest. See *Morrissey v. Brewer*, 408, U.S. 471, 481 (1972). This Court has always accepted that the property interest attaches to the ownership of personal and real property. See *McMillen v Anderson*, 95 U.S. 37, 40 (1877). When a protected interest is at stake, due process requires that government actors must follow certain procedures before they may deprive a person of a protected life, liberty or property interest and that the procedures by which laws are applied must be evenhanded, so that individuals are not subjected to the arbitrary exercise of government power.

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[6] See also Applicant's "*Emergency Application To Stay The Fifth District Court of Appeals' Mandate Pending The Filing And Disposition Of A Petition For Writ Of Certiorari*", dated July 17, 2023, and delivered to this Court on July 24, 2023 , pp. 14-17.

The evidence shows that, not only did the Fifth District Court of Appeals not uphold its duty to follow certain procedures before it deprived Applicant of her property interest, but it also altered the Case Summary to make it appear that when it issued its mandate, said issuance was not in violation of the rules governing the issuance of mandates and that it had the authority to issue said mandate. By usurping the ongoing jurisdiction of the Supreme Court of Texas by issuing its mandate before the Supreme Court of Texas issued its last order and by issuing its mandate prematurely, the Fifth District Court of Appeals deprived Applicant of her constitutional protections as guaranteed by the Fourteenth Amendment.

Rule 18.1 of the Texas Rules of Appellate Procedure provides, in part: "The Clerk of the appellate court that rendered the judgment must issue a mandate in accordance with the judgment and send it to the clerk of the court to which it is directed and to all parties to the proceeding when one of the following periods expire...(2) Ten days after the time has expired for filing a motion to extend time to file a motion for rehearing of a denial, refusal, or dismissal of a petition for review, or a refusal or dismissal of a petition for discretionary review if not timely filed motion for rehearing or motion to extend time is pending". TEX. R. APP. P., 18.1(2).

Here, Applicant is the sole devisee of the subject property under the "Last Will

And Testament Of Richard Wells Thompson, Jr.". [1 CR 300-311; 313-316]. [7] Applicant is thus entitled to Constitutional protections, which the Fourteenth Amendment guarantees. Under the Fourteenth Amendment, the Fifth District Court of Appeals was required to adhere to the rules governing the issuance of mandates.

The Fifth District Court of Appeals issued its mandate before the Supreme Court of Texas issued its last order. The Fifth District Court of Appeals issued its mandate on July 25, 2023. [Suppl. Appendix 2]. The Supreme Court of Texas issued its last order on July 26, 2023. [Suppl. Appendix 3]. Pursuant to Rule 18.1(2) of the Texas Rules of Appellate Procedure, the Fifth District Court of Appeals' mandate could not issue before August 5, 2023.

Rule 18.1(c) of the Texas Rules Of Appellate Procedure provides: "The mandate may be issued earlier if the parties so agree, or for good cause on the motion of a party". TEX. R. APP. P. 18.1(c).

Here, there was no agreement between Applicant and Respondent to issue the mandate earlier than the rules require, and in this case, earlier than August 5, 2023, nor did either party file any motion to issue the mandate early. On the

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[7] See also Applicant's "Emergency Application To Stay The Mandate Of The Fifth District Court Of Appeals Pending The Filing And Disposition Of A Petition For Writ Of Certiorari", which was delivered to this Court on July 24, 2023. [Suppl. Appendix 5].

contrary, pursuant to Rule 18.2 of the Texas Rules of Appellate Procedure, Applicant filed an amended motion to stay the issuance of the mandate. At the time the Fifth District Court Of Appeals issued its mandate on July 25, 2023, Respondent hadn't filed a Response to said motion to stay, and did not file a Response until after the Court issued its mandate. [Appendix H]; [Suppl. Appendix 4].

As evidenced by the Fifth District Court of Appeals case summary, as of July 17, 2023, this Court further issued its mandate without any Order from the Supreme Court, which would have, otherwise, authorized this Court to issue its mandate. The case summary shows that there is no such order, nor even a Notice of an Order from the Supreme Court Of Texas Order filed in this appeal, and nor has Appellant been served any such Order. [Second Supp. Appendix C].

By prematurely issuing its mandate and by issuing its mandate in contravention of Rule 18.1(2) of the Texas Rules of Appellate Procedure, and without an Order from the Supreme Court of Texas, which would have, otherwise, authorized the Fifth Court of Appeals to issue the mandate, not only did the Fifth District Court Of Appeals interfere with the jurisdiction of the Supreme Court of Texas, but it also violated Applicant's right to procedural due process and equal protection of the law under the Fourteenth Amendment to the U.S. Constitution by erroneously

depriving Applicant of her property interests without adhering to its obligation to ensure that it complied with the applicable rules and principles for like cases and that its application of the law was equal.

Finally, there are no countervailing reasons to alter the status quo during the certiorari stage. There is already a supersedeas bond in place and regular $2,000.00 per month payments, which have totaled $82,000.00, thus far. [Appendix, Q, R] Considering that Respondent has intimated on more than one occasion that she intends to sell the subject property, once the property is sold, Applicant may never be able to recover the property even if this Court accepts this case for review and ultimately reverses. Because the Fourteenth Amendment requires due process before one may be deprived of their property, and because of the risk of erroneous deprivation of Applicant's property interest, and the irreversibility of the harm to Applicant if the property is sold, there is good cause to stay the mandate.

Applicant intends to file timely a petition for writ of certiorari with the Supreme Court. Sup. Ct. R. 13(1). Accordingly, Applicant requests a stay of the mandate pending the filing her petition for a writ of certiorari, with a continuance of the stay to follow official notification that the petition has been filed. Fed. R. App. P. 41(d)(2)(A)-(B). In addition to Applicant's emergency application and supplemental emergency application, the within second supplemental emergency motion to stay

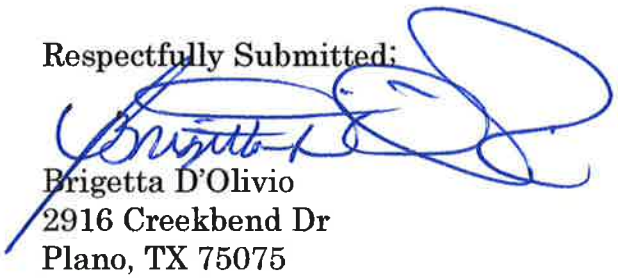
the Fifth District Court of Appeals mandate and the enforcement of said mandate by the lower court demonstrates the requisite substantial question and good cause, and a stay should therefore be granted. Because the Fifth District Court Of Appeals' mandate was premature and could not have been issued prior to August 5, 2023, Applicant respectfully asks this Court to also administratively stay the Fifth District Court of Appeals' mandate and the enforcement of said mandate by the lower court pending disposition of this Application. Absent a stay of the Fifth District Court of Appeals' mandate and an administrative stay of the Fifth District Court Of Appeals' mandate pending disposition of this Application and Applicant's Petition For A Writ Of Certiorari, Applicant's right to due process and equal protection of the law under the Fourteenth Amendment will be violated and Applicant will be deprived of her property interest and forced to vacate the subject property for which she is the sole devisee, [1 CR 301-311; 313-316].

Conclusion

There is a reasonable probability that the United States Supreme Court will grant a petition for writ of certiorari in this case, and if it does, there is a significant possibility of reversal. Respondent will suffer no discernible harm if a stay is issued. Absent a stay, it is clear that Applicant will suffer irreparable harm. Applicant respectfully requests that the Court grant Applicant's motion for a stay of the Fifth

District Court of Appeals' Mandate and the enforcement of said mandate by the lower court pending the filing of petition for writ of certiorari and the United States Supreme Court's disposition of Applicant's petition for a writ of certiorari.

Respectfully Submitted:



Brigetta D'Olivio
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Dated: August 2, 2023

No: _____

In the Supreme Court of United States

Brigetta D'Olivio And All Other Occupants

Applicant,

v.

Hilary Thompson Hutson

Respondent.

SWORN AFFIDAVIT

BEFORE ME, the undersigned, on this day personally appeared Brigetta D'Olivio, known to me to be the person whose signature is set forth herein. My name is Brigetta D'Olivio. I am over 18 years of age. I am a resident of Collin County, TX and am fully competent to make this Affidavit and do solemnly swear that the facts stated in the foregoing "Second Supplemental Emergency Application To Stay The Mandate Of The Fifth District Court of Appeals Pending The Filing And Disposition Of A Petition For Writ Of Certiorari", dated August 2, 2023, are within my personal knowledge and the same are true and correct.

Brigetta D'Olivio
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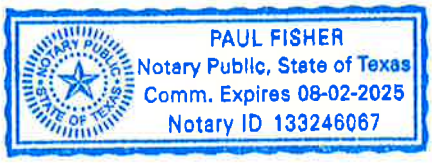
bdt2916@gmail.com

SUBSCRIBED and SWORN to before me, the undersigned, on this 2nd day of August 2023, to certify which witness my hand and seal of office.

NOTARY PUBLIC
In and for the State of Texas



No: 22A1087

In the Supreme Court of United States

Brigetta D'Olivio And All Other Occupants

Applicant,

v.

Hilary Thompson Hutson

Respondent.

CERTIFICATE OF SERVICE

I, Brigetta D'Olivio, Applicant, hereby certify that the following parties required to be served have been served with a copy of "Second Supplemental Emergency Application To Stay The Mandate Of The Fifth District Court of Appeals Pending The Filing And Disposition Of A Petition For Writ Of Certiorari", dated August 2, 2023, at the last known address filed with the Courts, via FedEx, this August 2, 2023. Attached hereto is a copy of the FedEx receipt, dated August 2, 2023.

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BRIGETTA DOLIVIO

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PLANO, TX 75075
UNITED STATES US

SHIP DATE: 02AUG23
ACTWGT: 1.00 LB
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PRAVATI CAPITAL, LLC
8117 PRESTON RD. STE. 300

DALLAS TX 75225
(111) 111-1111 REF:
INV:
PO: DEPT:

583J3/A: 40/9AE3

FedEx Express

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SECOND SUPPLEMENTAL APPENDIX LIST

A. Applicant's *"Emergency Motion To Recall Mandate And To Set Aside Order Denying Appellant's Amended Motion To Stay The Issuance of The Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States"*, dated July 27, 2023.

B. Order by Clerk of the Supreme Court of Texas, dated July 7, 2023

C. Fifth District Court of Appeals Case Summary, dated July 17, 2023

D. Email, dated August 1, 2023, at 2:03AM and Fifth District Court of Appeals Order, dated July 31, 2023, and issued August 1, 2023 at 2:03AM.

SECOND SUPPLEMENTAL - A

05-20-01118-CV
IN THE COURT OF APPEALS
FOR THE FIFTH DISTRICT OF TEXAS

BRIGETTA D'OLIVIO AND ALL OTHER OCCUPANTS
Defendant-Appellant

V.

HILARY THOMPSON HUTSON
Plaintiff-Appellee

ON APPEAL FROM THE COUNTY COURT AT LAW 2
COLLIN COUNTY, TEXAS
Tr. Ct. No. 002-02704-2020

EMERGENCY MOTION TO RECALL MANDATE AND TO SET ASIDE ORDER DENYING APPELLANT'S AMENDED MOTION TO STAY ISSUANCE OF MANDATE PENDING THE FILING AND DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI IN THE SUPREME COURT OF THE UNITED STATES

To The Honorable Fifth District Court of Appeals:

COMES NOW, Appellant, Brigetta D'Olivio, ("Appellant"), files the within "Emergency Motion To Recall Mandate And To Set Aside Order Denying Appellant's Amended Motion To Stay The Issuance of The Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States", and would show the Court as follows:

Appellant moves this Court pursuant to Rules 10.1(a) 18.7 of the Texas Rules of Appellate Procedure. Rule 18.7 of the Texas Rules Of Appellate Procedure

authorizes this Court to recall its mandate for good cause. Where this Court issued its mandate prematurely and in contravention of Rule 18.1(2) of the Texas Rules of Appellate Procedure, good cause exists to recall this Court's mandate.

Background

On July 28, 2023, this Court issued its Memorandum Opinion and judgment, wherein it affirmed the County Court At Law final judgment, dated December 31, 2020. On September 21, 2022, the Court denied Appellant's motion for rehearing or rehearing en banc. On December 28, 2022, this Court denied Appellant's motion for reconsideration. The Supreme Court of Texas declined to hear the merits of the case and on April 28, 2023, denied Appellant's Petition For Review. On July 7, 2023, the Supreme Court Of Texas denied Appellant's Motion For Rehearing. On July 13, 2023, Appellant requested this Court to stay the issuance of its mandate since Appellant's motion for reconsideration en banc was still pending before the Texas Supreme. On the same date, July 13, 2023, the Supreme Court Of Texas denied Appellant's Motion For En Banc Reconsideration. On July 14, 2023, Appellant filed an "Amended Motion To Stay Issuance of Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States", since Appellant's motion to reconsider order, dated

July 13, 2023 was pending before the Texas Supreme Court. On July 25, 2023, this Court denied Appellant's amended motion to stay the mandate, and on the same date, July 25, 2023, this Court issued its mandate. On July 26, 2023, the Supreme Court of Texas denied Appellant's motion to reconsider its order, dated July 13, 2023. Attached hereto and incorporated herein as Exhibit 1, is a true and correct copy of the Supreme Court of Texas' Order, dated and issued July 26, 2023.

Good Cause Exists To Recall This Court's Mandate

Pursuant to Rule 18.1(2) of the Texas Rules of Appellate Procedure, this Court was prohibited from issuing its mandate prior to the expiration of ten (10) days after the determination by the Supreme Court of Texas of Appellant's motion to reconsider its denial of Appellant's motion for en banc reconsideration. TEX. R. APP. P., 18.1(2). See also Rule 18.2 of the Texas Rules of Appellate Procedure.

The Supreme Court of Texas did not issue its order until after this Court denied Appellant's amended motion to stay the issuance of the mandate and after it issued its mandate. [1] In Appellant's amended motion to stay the issuance of the mandate, which Appellant filed in this Court, in person, on July 14, 2023, Appellant expressly

[1] See within Exhibit 1. a true and correct copy of the Supreme Court Of Texas Order, dated July 26, 2023.

stated that Appellant's pleading was still pending before the Supreme Court of Texas. [2] Pursuant to Rule 18.1(2) of the Texas Rules Of Appellate Procedure, and provided that Appellant did not file a motion to stay of the issuance of this Court's mandate under Rule 18.2 of the Texas Rules of Appellate Procedure, the earliest that this Court could have issue its mandate is August 5, 2023.

Where there neither an agreement between Appellant and Appellee to issue the mandate earlier than the rules require, and in this case, earlier than August 5, 2023, nor a motion filed by either party to issue the mandate for earlier for good cause, where this Court issued its mandate prematurely, it also violated Rule 18.1(c) of the Texas Rules of Appellate Procedure.

Where this court is required to issue the mandate after the denial of a motion to stay issuance of the mandate, by prematurely issuing its mandate, this Court, likewise, prematurely denied Appellant's amended motion to stay the issuance of the mandate, wherein the grounds stated therein were substantial and wherein Appellant showed that she would incur serious hardship and irreparable harm from the mandate's issuance if the United States Supreme Court were later to reverse

[2] See Appellant's "Amended Motion To Stay Issuance of Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States", filed in this Court on July 14, 2023, pp. 2-3.

judgment. See TEX R. APP. P., 18.2.

As evidenced by the case summary for this appeal, as of July 27, 2023, this Court further issued its mandate without any Order from the Supreme Court, which would have, otherwise, authorized this Court to issue its mandate. The case summary shows that there is no such order, nor even a Notice of an Order from the Supreme Court Of Texas Order filed in this appeal, and nor has Appellant been served any such Order. Attached hereto and incorporated herein as Exhibit 2, is a true and correct copy of the case summary, which was printed on July 27, 2023.

By prematurely issuing its mandate and by issuing its mandate in contravention of Rule 18.1(2) of the Texas Rules of Appellate Procedure and without an Order from the Supreme Court of Texas, which would have, otherwise, authorized this Court to issue the mandate, not only did this Court interfere with the jurisdiction of the Supreme Court of Texas, but it also violated Appellant's right to procedural due process and equal protection of the law under the Fourteenth Amendment to the U.S. Constitution by erroneously depriving Appellant of her property interests without this Court adhering to its obligation to ensure that it complied with the applicable rules and principles for like cases and that its application of the law was

equal. By recalling its mandate and setting aside its order denying Appellant's amended motion to stay the issuance of the mandate, this Court will, thus, prevent an injustice.

WHEREFORE, Appellant prays that this Court GRANT, in its entirety, Appellant's within "Emergency Motion To Recall Mandate And To Set Aside Order Denying Appellant's Amended Motion To Stay The Issuance of The Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States" and to recall its mandate and set aside its order denying Appellant's "Amended Motion To Stay The Issuance of The Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States", and for whatever else this Court deems fair and just.

Respectfully Submitted;

Brigetta D'Olivio, Appellant
2916 Creekbend Dr
Plano, TX 75075
214-733-7204
bdt2916@gmail.com

05-20-01118-CV
IN THE COURT OF APPEALS
FOR THE FIFTH DISTRICT OF TEXAS

BRIGETTA D'OLIVIO AND ALL OTHER OCCUPANTS
DEFENDANT-APPELLANT
V.
HILARY THOMPSON HUTSON
PLAINTIFF-APPELLEE

ON APPEAL FROM THE COUNTY COURT AT LAW 2
COLLIN COUNTY, TEXAS
Tr. Ct. No. 002-02704-2020

SWORN AFFIDAVIT

BEFORE ME, the undersigned, on this day personally appeared Brigetta D'Olivio, known to me to be the person whose signature is set forth herein. My name is Brigetta D'Olivio. I am over 18 years of age. I am a resident of Collin County, TX and am fully competent to make this affidavit. The facts stated in the foregoing "Emergency Motion To Recall Mandate And To Set Aside Order Denying Appellant's Amended Motion To Stay The Issuance of The Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States", dated July 27, 2023, and the facts set forth therein are within my personal knowledge and the same are true and correct.

Brigetta D'Olivio
2916 Creekbend Dr.,
Plano, TX
214-733-7204
bdt2916@gmail.com

SUBSCRIBED and SWORN to before me, the undersigned, on this 27th day of July 2023, to certify which witness my hand and seal of office.

NOTARY PUBLIC
In and for the State of Texas

MATTHEW WARD
Notary Public, State of Texas
Comm. Expires 01-28-2025
Notary ID 126438238

05-20-01118-CV
IN THE COURT OF APPEALS
FOR THE FIFTH DISTRICT OF TEXAS

BRIGETTA D'OLIVIO AND ALL OTHER OCCUPANTS
DEFENDANT-APPELLANT

V.

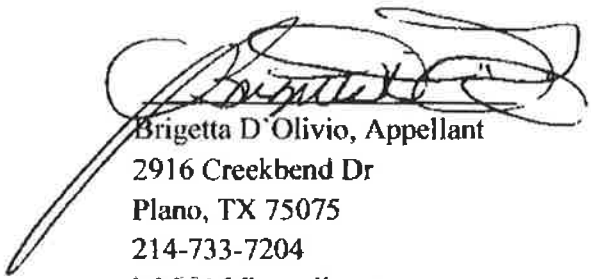
HILARY THOMPSON HUTSON
PLAINTIFF-APPELLEE

ON APPEAL FROM THE COUNTY COURT AT LAW 2
COLLIN COUNTY, TEXAS
Tr. Ct. No. 002-02704-2020

CERTIFICATE OF CONFERENCE

As required by the Texas Rules of Appellate Procedure 10.1 (a) (5), I, Brigetta D'Olivio certify that I have conferred, or made a reasonable attempt to confer with Appellee's attorney, Bruce D. Cohen, about the merits of Appellant's "Emergency Motion To Recall Mandate And To Set Aside Order Denying Appellant's Amended Motion To Stay The Issuance of The Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States", dated July 27, 2023.

Pravati Capital LLC
Bruce Cohen
8117 Preston Rd., Suite 300
Dallas, TX 75225



Brigetta D'Olivio, Appellant
2916 Creekbend Dr
Plano, TX 75075
214-733-7204
bdt2916@gmail.com

05-20-01118-CV
IN THE COURT OF APPEALS
FOR THE FIFTH DISTRICT OF TEXAS

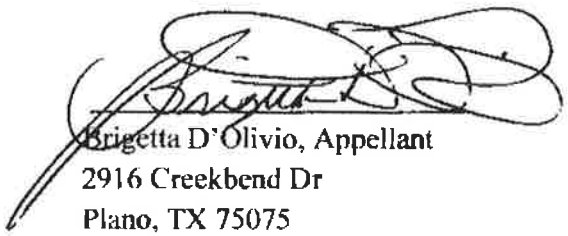
BRIGETTA D'OLIVIO AND ALL OTHER OCCUPANTS
DEFENDANT-APPELLANT
V.
HILARY THOMPSON HUTSON
PLAINTIFF-APPELLEE

ON APPEAL FROM THE COUNTY COURT AT LAW 2
COLLIN COUNTY, TEXAS
Tr. Ct. No. 002-02704-2020

CERTIFICATE OF SERVICE

I, Brigetta D'Olivio, Appellant in the above-caption case, do certify I served Appellee's attorney, Bruce D. Cohen, Appellant's "Emergency Motion To Recall Mandate And To Set Aside Order Denying Appellant's Amended Motion To Stay The Issuance of The Mandate Pending The Filing And Disposition Of A Petition For A Writ Of Certiorari In The Supreme Court Of The United States, dated July 27, 2023, pursuant to Texas Rules of Appellate Procedure 9.5, at the last known address filed in this Court:

Pravati Capital LLC
Bruce Cohen
8117 Preston Rd., Suite 300
Dallas, TX 75225



Brigetta D'Olivio, Appellant
2916 Creekbend Dr
Plano, TX 75075
214-733-7204
bdt2916@gmail.com

EXHIBIT 1

Gmail Brigetta DOlivio-Thompson <bdt2916@gmail.com>

Case Notices for: 23-0125

noreply-tames@txcourts.gov <noreply-tames@txcourts.gov> Wed, Jul 26, 2023 at 6:00 PM
To: bdt2916@gmail.com

Notice(s) for the following case(s) are attached:

COA # 23-0125 / TC # 002-02704-2020 (1)
1. MISC MOTION DISP__DENIED_FILECOPY.pdf

Thank you,
Claudia Jenks, Chief Deputy Clerk
Supreme Court of Texas

Do not reply to this message. If you have questions, please contact the Court at (512) 463-1312.

[NoticeBatchID: 30359472-40b7-419f-8a82-25f10997f02e]

23-0125_MISC MOTION DISP__DENIED_FILECOPY.pdf
34K

FILE COPY

RE: Case No. 23-0125 DATE: 7/25/2023
COA #: 05-20-01118-CV TC#: 002-02704-2020
STYLE: D'OLIVIO v. HUTSON

Today the Supreme Court of Texas denied the Motion to Reconsider Order Denying Motion to Vacate in the above-referenced case.

BRIGETTA D'OLIVIO
* DELIVERED VIA E-MAIL *

FILE COPY

RE: Case No. 23-0125 DATE: 7/25/2023
COA #: 05-20-01118-CV TC#: 002-02704-2020
STYLE: D'OLIVIO v. HUTSON

Today the Supreme Court of Texas denied the Motion to Reconsider Order Denying Motion to Vacate in the above-referenced case.

MR. RUBIN MORIN
CLERK, FIFTH COURT OF APPEALS
600 COMMERCE STREET, SUITE 200
DALLAS, TX 75202
* DELIVERED VIA E-MAIL *

FILE COPY

RE: Case No. 23-0125 DATE: 7/25/2023
COA #: 05-20-01118-CV TC#: 002-02704-2020
STYLE: D'OLIVIO v. HUTSON

Today the Supreme Court of Texas denied the Motion to Reconsider Order Denying Motion to Vacate in the above-referenced case.

MR. BRUCE DAVID COHEN
PRAVATI CAPITAL, LLC
8117 PRESTON RD STE 300
DALLAS, TX 75225-6347
* DELIVERED VIA E-MAIL *

FILE COPY

RE: Case No. 23-0125 DATE: 7/25/2023
COA #: 05-20-01118-CV TC#: 002-02704-2020
STYLE: D'OLIVIO v. HUTSON

Today the Supreme Court of Texas denied the Motion to Reconsider Order Denying Motion to Vacate in the above-referenced case.

COUNTY CLERK COLLIN COUNTY
COLLIN COUNTY ADMINISTRATION BLDG.
2300 BLOOMDALE RD, STE 2106
MCKINNEY, TX 75071
* DELIVERED VIA E-MAIL *

EXHIBIT 2

CASE: 05-20-01118-CV

Case:
05-20-01118-CVDate Filed:
12/30/2020
Case Type:
Miscellaneous/other civil
Style:
Brigetta D'Olivio
v.:
Hilary Thompson Hutson
Orig Proc.
No
Transfer From:

Transfer In:

Transfer Case:

Transfer To:

Transfer Out:

Pub Service:
West Publishing

APPELLATE BRIEFS

Date	Event Type	Description	Document
09/22/2021	Reply brief filed	Appellant	[PDF/2.09 MB] Appellant Reply Brief [PDF/81 KB] Notice
08/26/2021	Brief filed - oral argument not requested	Appellee	[PDF/499 KB] Appellee Brief [PDF/81 KB] Notice
07/28/2021	Amended brief filed	Appellant	[PDF/3.04 MB] Appellant Amended Brief [PDF/80 KB] Notice
07/09/2021	Brief filed - oral argument not requested	Appellant	[PDF/5.66 MB] Appellant Brief [PDF/84 KB] Notice

CASE EVENTS

Date	Event Type	Disposition	Document
07/25/2023	Response filed		[PDF/976 KB] Appellee Response to Motion to Stay
07/25/2023	Mandate issued		[PDF/148 KB] Mandate [PDF/82 KB] Notice
07/25/2023	Motion to stay disposed	Motion or Writ Denied	[PDF/102 KB] Order to Deny Motion Stay Mandate [PDF/79 KB] Notice
07/14/2023	Motion to stay filed		[PDF/284 KB] Amended Motion to Stay Issuance of M
07/13/2023	Motion to stay filed		[PDF/570 KB] Motion stay issuance of mandate
07/12/2023	Letter filed		[PDF/311 KB] Appellee Letter
07/12/2023	Corrected document requested		[PDF/109 KB] Notice
07/07/2023	Order entered		[PDF/144 KB] Order From Supreme Court
04/28/2023	Petition for review disposed by Supreme Court	Motion or Writ Denied	
03/22/2023	Petition for review filed in Supreme Court		
03/06/2023	Motion for extension of time to file petition for review disposed by Supreme Court	Motion or Writ Granted	
03/03/2023	Motion for extension of time to file petition for review filed in Supreme		

Date	Event Type	Disposition	Document
	Court		
02/22/2023	Motion for extension of time to file petition for review disposed by Supreme Court	Motion or Writ Granted	
02/14/2023	Motion for extension of time to file petition for review filed in Supreme Court		
12/28/2022	Order entered	Reinstate Appeal	[PDF/115 KB] Order to Reinstate Appeal and Dismiss [PDF/79 KB] Notice
12/21/2022	Letter filed		[PDF/301 KB] Appellee Letter
11/21/2022	Order received from trial court	Motion or Writ Denied	[PDF/172 KB] Supreme Court Order to Deny Transfer
11/09/2022	Certificate of service filed		[PDF/76 KB] Appellant Amended Certificate of Service
11/09/2022	Certificate of service filed		[PDF/60 KB] Appellant Amended Certificate of Service
11/02/2022	Sent to publisher		
10/13/2022	Letter filed		[PDF/1.48 MB] Appellant's Court Record Deemed File
10/10/2022	Notice filed		[PDF/354 KB] Cover Letter with 2 attached documents
10/07/2022	Letter received		
10/03/2022	Order entered	Abated	[PDF/100 KB] Order to Abate Appeal [PDF/79 KB] Notice
09/30/2022	Letter issued by the court		[PDF/128 KB] Letter Regarding Request to Transfer [PDF/79 KB] Notice
09/29/2022	Motion to reconsider filed		[PDF/741 KB] Appellant Motion for Reconsideration
09/29/2022	Fee paid		[PDF/80 KB] Notice
09/21/2022	Motion to stay disposed	Motion or Writ Denied	[PDF/101 KB] Order on Appellant Emergency Motion t [PDF/79 KB] Notice
09/21/2022	Motion for rehearing denied	Motion or Writ Denied	[PDF/100 KB] Order on Appellant Motion for Rehearing [PDF/79 KB] Notice
09/20/2022	Motion for rehearing en banc disposed	Motion or Writ Denied	[PDF/125 KB] Order denied appellants motion en banc [PDF/79 KB] Notice
09/16/2022	Motion to stay filed		[PDF/460 KB] Appellant Motion to Stay
09/07/2022	Fee paid		[PDF/82 KB] Notice
09/07/2022	Motion for rehearing en banc filed		[PDF/2.41 MB] Motion en banc rehearing
09/07/2022	Motion for rehearing filed		[PDF/2.41 MB] Motion rehearing and en banc rehearin
08/29/2022	Letter issued by the court		[PDF/102 KB] Notice
08/29/2022	Motion for rehearing due		
08/25/2022	Letter filed		[PDF/976 KB] Letter Request Receipts
08/22/2022	Motion to reconsider disposed	Motion or Writ Denied	[PDF/101 KB] Order on Appellant Motion for Reconsid [PDF/79 KB] Notice
08/22/2022	Order entered	Motion or Writ Denied	[PDF/104 KB] Order on Appellant Emergency Motion [PDF/79 KB] Notice
08/18/2022	Motion for extension of time to file motion for rehearing disposed	Motion or Writ Granted	[PDF/100 KB] Order on Appellant Motion Extension Re [PDF/79 KB] Notice
08/16/2022	Motion filed		[PDF/699 KB] Emergency motion for ruling
08/10/2022	Motion to reconsider filed		[PDF/1.13 MB] Appellant Motion to Reconsider
08/10/2022	Motion for extension of time to file motion for rehearing filed		[PDF/331 KB] Appellant Motion for Extension Rehearin
08/04/2022	Letter issued by the court		[PDF/163 KB] Letter Response to Rule 12 [PDF/79 KB] Notice
08/04/2022	Order entered	Motion or Writ Denied	[PDF/100 KB] Order on Appellant Supplemental Motion [PDF/79 KB] Notice
08/02/2022	Letter issued by the court		[PDF/97 KB] Response Letter to Rule 12
08/02/2022	Motion to abate appeal filed		[PDF/204 KB] Appellant Supplemental Motion to Abate
08/01/2022	Motion to abate appeal disposed	Motion or Writ Denied	[PDF/100 KB] Order on Appellant Motion to Abate [PDF/79 KB] Notice
07/28/2022	Letter issued by the court		[PDF/67 KB] Letter Response to Rule 12
07/28/2022	Memorandum opinion issued	Affirmed	[PDF/161 KB] Memorandum Opinion [PDF/81 KB] Notice
07/28/2022	Retention time case file will be retained	Destroy	
07/27/2022	Letter issued by the court		[PDF/116 KB] Letter Sent

Date	Event Type	Disposition	Document
07/27/2022	Motion to abate appeal filed		[PDF/402 KB] Motion to Abate
07/20/2022	Letter received		
04/05/2022	Submitted		
01/20/2022	Set for submission on briefs		[PDF/82 KB] Notice
01/05/2022	Notice received		[PDF/1.80 MB] Copy of Supreme court Filing [PDF/307 KB] Copy of Supreme Court Filing
12/03/2021	Letter received		[PDF/435 KB] Relator's Emergency Motion to Extend T
09/22/2021	Reply brief filed		[PDF/2.09 MB] Appellant Reply Brief [PDF/81 KB] Notice
09/17/2021	Notice received		[PDF/157 KB] Amended Certificate of Service [PDF/78 KB] Certificate of Service
09/15/2021	Notice received		[PDF/3.16 MB] Copy of Petition
08/31/2021	Order entered	Motion or Writ Denied	[PDF/146 KB] Order on Appellant Motion to Stay [PDF/80 KB] Notice
08/30/2021	Motion filed		[PDF/256 KB] Appellant Emergency Motion for Ruling
08/27/2021	Appellees brief due		
08/26/2021	Case ready to be set		
08/26/2021	Brief filed - oral argument not requested		[PDF/499 KB] Appellee Brief [PDF/81 KB] Notice
08/06/2021	Appellees brief due		
08/05/2021	Motion to stay filed		[PDF/1.26 MB] Appellant Motion to Stay
08/03/2021	Order entered	Motion or Writ Denied	[PDF/151 KB] Order on Appellant Second Motion Exte [PDF/80 KB] Notice
07/30/2021	Motion for extension of time to file brief filed		[PDF/251 KB] Appellant Second Motion Extension Ant
07/30/2021	Certificate of service filed		[PDF/39 KB] Amended Certificate of Service
07/28/2021	Amended brief filed		[PDF/3.04 MB] Appellant Amended brief [PDF/80 KB] Notice
07/26/2021	Amended brief due		
07/21/2021	Amended brief due		
07/19/2021	Order entered	Motion or Writ Granted	[PDF/146 KB] Order on Appellant Motion Extension An [PDF/80 KB] Notice
07/16/2021	Motion for extension of time to file brief filed		[PDF/114 KB] Appellant Motion Extension Amended Br
07/16/2021	Electronic Supplemental Reporter/Recorders Record Filed		[PDF/84 KB] Notice
07/15/2021	Electronic Supplemental Clerks Record Filed		[PDF/86 KB] Notice
07/13/2021	Order entered	Motion or Writ Granted	[PDF/110 KB] Order on Appellant Motion to Withdraw a [PDF/82 KB] Notice
07/12/2021	Motion to withdraw attorney filed		[PDF/232 KB] Appellant Motion to Withdraw as Couns
07/12/2021	Motion to file amended brief filed		[PDF/109 KB] Appellant Emergency Motion for Permis
07/12/2021	Notice filed		[PDF/33 KB] Cover Letter and Notice of Discharge of A
07/09/2021	Brief filed - oral argument not requested		[PDF/5.86 MB] Appellant Brief [PDF/84 KB] Notice
07/09/2021	Appellants brief due		
07/07/2021	Electronic Supplemental Clerks Record Filed		[PDF/86 KB] Notice
06/21/2021	Order entered	Motion or Writ Granted	[PDF/143 KB] Order to Grant Appellant Brief Extensior [PDF/82 KB] Notice
06/21/2021	Appellants brief due		
06/18/2021	Motion for extension of time to file brief filed		[PDF/238 KB] Appellant Second Motion Extension Brie
06/02/2021	Letter received		
06/02/2021	Additional copies of documents received after initial filing		
06/01/2021	Amended notice of appeal filed		[PDF/734 KB] AMEND NOA
06/01/2021	Electronic Supplemental Clerks Record Filed		[PDF/86 KB] Notice
06/01/2021	Electronic Supplemental Clerks Record Filed		[PDF/86 KB] Notice
06/01/2021	Appearance of counsel		[PDF/213 KB] Appellant Notice of Appearance
06/01/2021	Response due		

Date	Event Type	Disposition	
05/21/2021	Order entered	Motion or Writ Granted	[PDF/760 KB] Order to Grant Emergency Motion to Ex [PDF/80 KB] Notice
05/21/2021	Supplemental clerks record due		
05/20/2021	Letter issued by the court		[PDF/162 KB] Second Letter Regarding Amended NO [PDF/80 KB] Notice
05/14/2021	Motion for extension of time to file brief filed		[PDF/755 KB] Motion for extension of time to file appel
05/13/2021	Electronic Supplemental Clerks Record Filed		[PDF/83 KB] Notice
05/12/2021	Appellants brief due		
05/11/2021	Order entered	Motion or Writ Granted	[PDF/127 KB] Order Granting Motion to Correct the Cl [PDF/81 KB] Notice
04/28/2021	Motion filed		[PDF/1.43 MB] Appellant Challenges Clerk's Record C
04/27/2021	Response filed		[PDF/319 KB] Appellant Response Filed
04/26/2021	Response due		
04/14/2021	Letter issued by the court		[PDF/159 KB] Letter Regarding Amended NOA [PDF/80 KB] Notice
04/12/2021	Electronic Clerks Record Filed		[PDF/84 KB] Notice
04/12/2021	Clerks record due		
04/09/2021	Corrected document requested		[PDF/85 KB] Notice
04/09/2021	Order entered	Motion or Writ Granted	[PDF/130 KB] Order grants county clerk extension [PDF/81 KB] Notice
04/09/2021	Clerks record due		
04/08/2021	Notice filed		[PDF/1.16 MB] Appellant Notice Filed
04/08/2021	Extension of time to file clerks record filed		[PDF/284 KB] Extension Request Clerk's Record
04/07/2021	Extension of time to file clerks record filed		[PDF/184 KB] Third Extension Request Clerk's Record
03/31/2021	Order entered	Motion or Writ Granted	[PDF/161 KB] Order to Grant Motion for Extension Cle [PDF/81 KB] Notice
03/31/2021	Response filed		[PDF/416 KB] Appellee Response to Appellant Motion
03/30/2021	Letter filed		[PDF/126 KB] Letter of Non-Payment
03/30/2021	Clerks record due		
03/29/2021	Motion for extension of time to file record filed		[PDF/31 KB] Appellant Cover Letter for Motion to Fi [PDF/1.86 MB] Appellant's Emergency Motion for Exte
03/18/2021	Clerks record due		
03/16/2021	Order entered	Motion or Writ Granted	[PDF/124 KB] Order Granting County Clerk Extension [PDF/81 KB] Notice
03/15/2021	Extension of time to file clerks record filed		[PDF/182 KB] Second Extension Request Clerk's Rec
02/23/2021	Order entered	Motion or Writ Granted	[PDF/117 KB] Order Granting District Clerk Extension [PDF/82 KB] Notice
02/16/2021	Record due		
02/12/2021	Notice filed		[PDF/756 KB] Notice Filed
02/12/2021	Extension of time to file clerks record filed		[PDF/152 KB] Request for Extension to File Clerk Rec
02/09/2021	Letter filed		[PDF/413 KB] Appellant Challenges the Reporter's Re
01/20/2021	Electronic Reporter/Recorders Record Filed		[PDF/85 KB] Notice
01/12/2021	Letter filed		[PDF/150 KB] Appellant Letter Confirm Receipt
01/12/2021	Docketing statement filed		[PDF/2.46 MB] DS
01/06/2021	Fee paid		[PDF/82 KB] Notice
12/30/2020	Fee requested		[PDF/84 KB] Notice
12/30/2020	Docketing statement due		[PDF/84 KB] Notice
12/30/2020	Notice of appeal filed in court of appeals		[PDF/784 KB] NOA [PDF/93 KB] Notice
12/28/2020	Notice of appeal filed in trial court		
12/18/2020	Judgment signed by trial court judge		

CALENDARS

Set Date	Calendar Type	Reason Set
07/25/2023	Case Stored	Case stored
07/28/2028	Retention	Date civil case will be destroyed (6 yrs after mandate)

PARTIES

Party	PartyType	Representative
Thompson Hutson, Hilary	Appellee	Bruce David Cohen
D'Olivio, Brigetta	Appellant	Brigetta D'Olivio Niles S. Illich

TRIAL COURT INFORMATION

Court
County Court at Law No. 2
County
Collin
Court Judge
Honorable Barnett Walker
Court Case
002-02704-2020
Reporter
Kristen Kopp
Punishment

ORIGIN ID:DNEA (214) 733-7204
BRIGETTA DOLIVIO

2916 CREEKBEND DR.

PLANO, TX 75075
UNITED STATES US

SHIP DATE: 27JUL23
ACTWGT: 1.00 LB
CAD: 252872373/INET4640

BILL SENDER

TO **CLERK OF THE COURT, MORIN**
5TH DISTRICT COURT OF APPEALS
600 COMMERCE ST. STE. 200

DALLAS TX 75202
(214) 712-3450 REF:
INV:
PO: DEPT:

583J/6AE4/9AE3

FedEx Express

J233022307101uv

FRI - 28 JUL 10:30A
PRIORITY OVERNIGHT

TRK# 0201 **7728 7528 5860**

AD RFGA

75202
TX-US **DFW**

SECOND SUPPLEMENTAL - B

FILE COPY

IN THE SUPREME COURT OF TEXAS

-- -- -- --

NO. 23-0125

BRIGETTA D'OLIVIO
v.
HILARY THOMPSON HUTSON

§
§
§
§
§
§

Collin County,

5th District.

April 28, 2023

Petitioner's petition for review, filed herein in the above numbered and styled case, having been duly considered, is ordered, and hereby is, denied.

July 7, 2023

Petitioner's motion for rehearing of petition for review, filed herein in the above numbered and styled case, having been duly considered, is ordered, and hereby is, denied.

★★★★★★★★★★

I, BLAKE A. HAWTHORNE, Clerk of the Supreme Court of Texas, do hereby certify that the above is a true and correct copy of the orders of the Supreme Court of Texas in the case numbered and styled as above, as the same appear of record in the minutes of said Court under the date shown.

It is further ordered that petitioner, BRIGETTA D'OLIVIO, pay all costs incurred on this petition.

WITNESS my hand and seal of the Supreme Court of Texas, at the City of Austin, this the 7th day of July, 2023.

Blake A. Hawthorne, Clerk

By Monica Zamarripa, Deputy Clerk

SECOND SUPPLEMENTAL - C