

AFFIRM; Opinion Filed April 4, 2013.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-11-01363-CV

**STEVEN CREAR, SR., Appellant
v.
FORD MOTOR COMPANY, Appellee**

On Appeal from the 162nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-09-13456-I

MEMORANDUM OPINION

Before Justices Moseley, Francis, and Lang
Opinion by Justice Moseley

Steven Crear, Sr. appeals the trial court's final judgment granting Ford Motor Credit Company's (Ford Credit) combined traditional motion for summary judgment (on its own claims) and no-evidence motion for summary judgment (on Crear's counterclaims). In a single issue, Crear argues the trial court abused its discretion by ruling on the summary judgment motions six days after their submission without conducting a hearing or providing Crear sufficient time to oppose the motions. The background and facts of the case are well known to the parties; thus, we do not recite them here. Because all dispositive issues are settled in law, we issue this memorandum opinion. TEX. R. APP. P. 47.2(a), 47.4. We affirm the trial court's judgment.

The trial court conducted a status hearing on July 26, 2011, and instructed the parties to file any motions, responses, and replies by August 10, 2011. The trial court informed the parties that it would rule on the motions during the week of August 15, 2011. Neither party objected to the court's timetable. On August 10, 2011, Ford Credit filed its combined traditional and no-evidence motion for summary judgment, and Crear filed his motion for summary judgment. On August 16, 2011, the trial court granted Ford Credit's summary judgment motions and denied Crear's summary judgment motion.

"To preserve a complaint for appellate review, a party generally must present it to the trial court by timely request, motion, or objection, stating the specific grounds, and obtain a ruling." *Tate v. Andrews*, 372 S.W.3d 751, 754 (Tex. App.—Dallas 2012, no pet.); TEX. R. APP. P. 33.1(a). The record does not show that Crear presented a timely objection to the trial court concerning the lack of a hearing on Ford Credit's motions for summary judgment or the timetable provided for filing a response to Ford Credit's motions. *See Tate*, 372 S.W.3d at 754; TEX. R. APP. P. 33.1(a).

Because Crear failed to preserve his complaint for appellate review, we affirm the trial court's judgment.

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/Jim Moseley/
JIM MOSELEY
JUSTICE



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

STEVEN CREAR SR., Appellant

No. 05-11-01363-CV V.

FORD MOTOR CREDIT COMPANY,
Appellee

On Appeal from the 162nd Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DC-09-13456-I.

Opinion delivered by Justice Moseley.

Justices Francis and Lang participating.

In accordance with this Court's opinion of this date, the judgment of the trial court is
AFFIRMED.

It is **ORDERED** that appellee FORD MOTOR CREDIT COMPANY recover its costs of
this appeal from appellant STEVEN CREAR SR.

Judgment entered this 4th day of April, 2013.

/Jim Moseley/

JIM MOSELEY

JUSTICE