

DISMISS and Opinion Filed October 2, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-00276-CV

MEGATEL HOMES, INC., Appellant
V.
JOSE VALDEZ D/B/A VALDEZ EXCAVATION, Appellee

On Appeal from the 162nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-18-00812

MEMORANDUM OPINION

Before Justices Pedersen, III, Reichek, and Carlyle
Opinion by Justice Reichek

On September 9, 2019, this Court received notice from appellant Megatel Homes, Inc. that the parties had settled this case. On that date, the Clerk's office notified appellant's counsel by telephone that a motion to dismiss needed to be filed. *See* TEX. R. APP. P. 42.1(a)(1). When a motion was not filed, this Court sent a letter to the parties on September 13, 2019, again directing that a motion needed to be filed and also warning that if one was not filed within ten days, the Court would dismiss the appeal. To date, the parties have not filed a motion to dismiss this appeal or otherwise responded to the Court's letter.

Accordingly, on the Court's own motion, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(c).

/Amanda L. Reichek/
AMANDA L. REICHEK
JUSTICE

190276F.P05



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

JUDGMENT

MEGATEL HOMES, INC., Appellant

No. 05-19-00276-CV V.

JOSE VALDEZ D/B/A VALDEZ
EXCAVATION, Appellee

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

Trial Court Cause No. DC-18-00812.

Opinion delivered by Justice Reichel;
Justices Pedersen, III and Carlyle
participating.

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

It is **ORDERED** that appellee JOSE VALDEZ D/B/A VALDEZ EXCAVATION recover his costs of this appeal from appellant MEGATEL HOMES, INC.

Judgment entered October 2, 2019