



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 2-08-198-CV

ROSEMARY SMITH, BRADY SMITH,
AND DONNA HUBBARD, INDIVIDUALLY
AND AS PERSONAL REPRESENTATIVE
OF THE HEIRS AND ESTATE OF DORMAN
SMITH, DECEASED

APPELLANTS

V.

BONDEX INTERNATIONAL, INC., RPM, INC.
AND KELLY-MOORE PAINT COMPANY, INC.

APPELLEES

FROM THE 153RD DISTRICT COURT OF TARRANT COUNTY

MEMORANDUM OPINION¹ AND JUDGMENT

We have considered the “Joint Motion To Dismiss Appeal.” It is the court’s opinion that the motion should be granted; therefore, we dismiss the appeal of appellants Rosemary Smith, Brady Smith, and Donna Hubbard, Individually and as Personal Representative of the Heirs and Estate of Dorman Smith, Deceased as against appellees Bondex International, Inc. and RPM, Inc. See Tex. R. App. P. 42.1(a)(1), 43.2(f). This case shall hereafter be styled

¹ [See](#) Tex. R. App. P. 47.4.

“Rosemary Smith, Brady Smith, and Donna Hubbard, Individually and as Personal Representative of the Heirs and Estate of Dorman Smith, Deceased v. Kelly-Moore Paint Company, Inc.”

Costs of this appeal shall be paid by the party incurring the same, for which let execution issue.

PER CURIAM

PANEL: LIVINGSTON, MCCOY, and MEIER, JJ.

DELIVERED: July 30, 2009