



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

NO. 02-12-00307-CV

MY485, INC.

APPELLANT

V.

RIVERSIDE PARTNERS, LLC,
D/B/A THE RIVERSIDE COMPANY
AND HEALTHCAREFIRST, INC.

APPELLEES

FROM THE 67TH DISTRICT COURT OF TARRANT COUNTY

MEMORANDUM OPINION¹ AND JUDGMENT

Appellant filed a timely notice of appeal from the trial court's July 5, 2012 "Order Granting Defendants' Motion For Summary Judgment Of No Liability." The trial court subsequently granted appellant's motion for new trial on September 3, 2012, while it still had plenary jurisdiction over the case. See Tex. R. Civ. P. 329b(e).

¹See Tex. R. App. P. 47.4.

On September 5, 2012, we informed the parties that it appeared the trial court's granting of the motion for new trial rendered this appeal moot and that the appeal would be dismissed as moot unless, on or before September 17, 2012, any party desiring to continue the appeal filed a response showing grounds for continuing the appeal. Appellant responded on September 11, 2012, agreeing that the appeal should be dismissed as moot.

Accordingly, on this court's own motion, we dismiss the appeal as moot. See Tex. R. App. P. 42.3(a), 43.2(f).

PER CURIAM

PANEL: LIVINGSTON, C.J.; DAUPHINOT and GARDNER, JJ.

DELIVERED: September 20, 2012