

NO. 07-04-0387-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
DECEMBER 30, 2004

DEHAVEN EYE CLINIC, P.A., AND DEHAVEN CATARACT
SURGERY CENTER, INC., APPELLANTS

V.

BETTY TURNER AND LARRY TURNER, APPELLEES

FROM THE 7TH DISTRICT COURT OF SMITH COUNTY;
NO. 03-0647-A; HONORABLE KERRY L. RUSSELL, JUDGE

Before JOHNSON, C.J., and QUINN and REAVIS, JJ.

MEMORANDUM OPINION

On December 21, 2004, appellants, DeHaven Eye Clinic, P.A. and DeHaven Cataract Surgery Center, Inc., filed a Motion to Dismiss Appeal, joined by appellees Betty Turner and Larry Turner.

Accordingly, without passing on the merits of the case, appellant's Motion to Dismiss Appeal is granted and the appeal is hereby dismissed. Rule 42.1(a).

Having dismissed the appeal at appellants' request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

Phil Johnson
Chief Justice