

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-12-00746-CV**

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**Gene Doss Construction, Inc., Appellant**

**v.**

**Frank Smith's, Inc. d/b/a The Deadfish Grill, Appellee**

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**FROM THE DISTRICT COURT OF BELL COUNTY, 146TH JUDICIAL DISTRICT  
NO. 245,047-B, HONORABLE RICK MORRIS, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellee Frank Smith's, Inc. has filed a petition for chapter 11 bankruptcy (United States Bankruptcy Court, W.D. Tex., Waco Division, Case Number 12-61194-cag). Accordingly, this appeal is automatically stayed. *See* 11 U.S.C.A. § 362(a) (West Supp. 2012). Any party may file a motion to reinstate upon the occurrence of an event that allows the case to proceed or if any party believes the automatic stay does not apply to this appeal. *See* Tex. R. App. P. 8.3(a). Failure to notify this Court of a lift in the automatic stay or termination of the bankruptcy case may result in the dismissal of the cause for want of prosecution. *See* Tex. R. App. P. 42.3(b).

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Bob Pemberton, Justice

Before Justices Puryear, Pemberton and Henson

Bankruptcy

Filed: December 28, 2012