

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00519-CV

Juan A. Martin-de-Nicolas, Appellant

v.

Auto Club County Mutual Insurance Company, Appellee

**FROM THE 126TH DISTRICT COURT OF TRAVIS COUNTY
NO. D-1-GN-18-000387, THE HONORABLE DUSTIN M. HOWELL, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

Appellant Juan A. Martin-de-Nicolas has filed an unopposed motion to abate this appeal pending the Texas Supreme Court's decision in *Martin-de-Nicolas v. AAA Texas County Mutual Insurance Co.*, No. 18-0713. Appellant represents that both appeals concern the proper interpretation of an insurance contract and involve the same issues and parties, but different occurrences. Appellant represents that this appeal will be moot unless the Texas Supreme Court reverses our opinion in the prior case and that abating the case will conserve the parties' resources. We grant the motion and abate the appeal.

We order the appellant to file a status report on or before October 31, 2018, to inform us whether a petition for review has been filed in the Texas Supreme Court in *Martin-de-Nicolas*. If a petition for review is filed, within 30 days of service of the Texas Supreme Court's

decision in *Martin-de-Nicolas*, appellant shall file either an opening brief or notice of dismissal of appeal. Failure to do so may result in this Court reinstating and then dismissing this appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b).

Before Justices Puryear, Goodwin, and Bourland

Abated

Filed: September 13, 2018