

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 until the United States Supreme Court has acted on a petition for writ of certiorari that he intends to file no later than September 30, 2019, seeking review of this Court's decision in a previous appeal concerning the proper interpretation of an insurance contract. *See Martin-de-Nicolas v. AAA Tex. Cty. Mut. Ins. Co.*, No. 03-17-00054-CV, 2018 WL 1868048 (Tex. App.—Austin Apr. 19, 2018, pet. denied) (mem. op.). Martin-de-Nicolas represents that both appeals involve the same issues and parties, but different occurrences, and that this appeal will be moot unless the United States Supreme Court reverses our opinion in the previous case. Martin-de-Nicolas states that abating this case will conserve the parties' resources. We grant the motion and abate the appeal.

We order appellant to file a status report on or before October 30, 2019, to inform us whether a writ of certiorari has been filed in the United States Supreme Court. If a writ of certiorari is filed, appellant shall file either an opening brief or notice of dismissal of appeal within 30 days of the United States Supreme Court's decision. Failure to do so may result in this Court reinstating and then dismissing the appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b).

Before Justices Goodwin, Baker, and Kelly

Abated

Filed: September 6, 2019