



NUMBER 13-09-00208-CV
COURT OF APPEALS
THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG

GREGORY A. BEAVERS, ET AL.,

Appellants,

v.

BP AMOCO CORPORATION, ET AL.,

Appellees.

**On appeal from the 347th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Rodriguez, Garza, and Vela
Memorandum Opinion Per Curiam**

We withdraw the memorandum opinion and judgment issued on April 23, 2009, in cause number 13-09-00208-CV and substitute the following memorandum opinion.

Appellants, Gregory A. Beavers, et al., perfected an appeal from a judgment entered by the 347th District Court of Nueces County, Texas, in trial court cause number 04-3819-H. Several appellees have filed motions with this Court to dismiss this appeal (appellate cause number 13-08-00214-CV).

Appellees BP Amoco Corporation and BP Amoco Chemical Company ("Amoco") have filed an unopposed motion to dismiss the appeal as to Amoco on grounds that

appellants nonsuited or otherwise had all claims dismissed against Amoco. Amoco requests that this Court dismiss the appeal as to it because it is not a proper party to this appeal.

Appellee Valero Energy Corporation (“Valero”) has filed an unopposed motion to dismiss the appeal as to Valero on grounds that appellants agreed to nonsuit the appeal as to Valero. Valero also seeks to clarify that Valero Refining-Texas, LP is not a proper party to this appeal. Appellants do not oppose such clarification.

Appellees Beazer East, Inc. (“Beazer East”) and Corpus Christi Gasket & Fastener, Ltd. (“CCG&F”) have filed a motion to dismiss the appeal, asserting that appellants Gerald Sheets and Nabbie Roberts had all of their claims against Beazer East and CCG&F nonsuited or otherwise dismissed.

The Court, having considered the documents on file, is of the opinion that the motions should be granted. See TEX. R. APP. P. 42.3. Appellees’ motions to dismiss are granted, and the appeal is hereby DISMISSED FOR WANT OF JURISDICTION as to appellees BP Amoco Corporation and BP Amoco Chemical Company, and Valero Energy Corporation. Additionally, the appeal brought by appellants Gerald Sheets and Nabbie Roberts against Beazer East, Inc. and Corpus Christi Gasket & Fastener, Ltd. is hereby DISMISSED FOR WANT OF JURISDICTION. The Court also instructs the Clerk of this Court to update this Court’s records to reflect that Valero Refining-Texas, LP is not a party to this appeal.

PER CURIAM

Memorandum Opinion delivered and filed this the 22nd day of June, 2009.