



NUMBER 13-09-00414-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

**DAVID OHRT, SANDRA HESTER AND
JUDY SINAST,**

Appellants,

v.

CALPINE CORPORATION,

Appellee.

**On appeal from the 24th District Court
of Victoria County, Texas.**

MEMORANDUM OPINION

**Before Justices Yañez, Benavides, and Vela
Memorandum Opinion Per Curiam**

David Ohrt, Sandra Hester, and Judy Sinast, perfected an appeal from a judgment entered by the 24th District Court of Victoria County, Texas, in cause number

01-12-57,427-A (David Ohrt, Sandra Hester, and Judy Sinast, v. Union Gas Corporation, et. al. appellate cause number 13-05-00621-CV). This cause is presently before the Court on appellants' unopposed motion to dismiss Calpine Corporation (Calpine Natural Gas Company) without prejudice.

The Court, having considered the documents on file and appellants' motion to dismiss the appeal, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). Appellants' motion to dismiss is granted, and the appeal is hereby DISMISSED WITHOUT PREJUDICE. Costs will be taxed against appellants. See TEX. R. APP. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). See TEX. R. APP. P. 42.1(d). Having dismissed the appeal at appellants' request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

It is so ORDERED.

PER CURIAM

Memorandum Opinion delivered
and filed this the 8th day of October, 2009.