



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

ROYALCO OIL & GAS
CORPORATION,

Appellant,

v.

TEXAS CES, INC. d/b/a SHALE TANK
TRUCK, MERCER WELL SERVICE,
and BASIN TOOL COMPANY,

Appellee.

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No. 08-11-00013-CV

Appeal from the

43rd District Court

of Parker County, Texas

(TC# CV08-1966)

MEMORANDUM OPINION

This appeal was abated by this Court on September 9, 2011, due to Appellant RoyalCo Oil & Gas Corporation's ("Appellant") bankruptcy. *See* TEX.R.APP.P. 8.2. Since the abatement, there has been no activity in this appeal. On November 1, 2021, the Clerk of the Court issued a letter stating that this Court's previous abatement order required the parties to provide a proper motion and notification once bankruptcy proceedings had been concluded, and the Clerk requested a response be filed with this Court within 15 days.

Appellant's counsel at the time that the abatement was ordered filed a letter informing this Court that on the same day the appeal was abated, he filed a motion to withdraw as Appellant's counsel that has remained unaddressed due to the abatement.

Appellee Texas CES, Inc. d/b/a Shale Tank Truck, Mercer Well Service, and Basin Tool Company (“Appellee”) filed a response stating that Appellant’s bankruptcy was dismissed on October 29, 2012, and that according to the Texas Secretary of State, Appellant is a forfeited entity. Appellee attached documentation reflecting that Appellant’s bankruptcy proceeding was dismissed due to Appellant’s failure to file a response to the bankruptcy court’s order to show cause that was issued because Appellant failed to attend the continued meeting of creditors. In its response, Appellee also moved to dismiss this appeal on the basis that Appellant’s bankruptcy was dismissed and Appellant is no longer an active entity.

The order abating this appeal states the appeal may be reinstated on motion by any party showing that the stay has been lifted and specifying what further action, if any, is required from the Court. During the more than ten years that the case has been abated, Appellant has failed to take any action in this appeal. Additionally, Appellant failed to take action in the bankruptcy proceeding that prompted the abatement of this appeal.

Based on Appellee’s filing, the Court on March 1, 2022, issued an order reinstating this appeal. Given that the automatic bankruptcy stay is apparently no longer in effect, we hereby grant the motion to withdraw of Appellant’s counsel. Additionally, the Court construes Appellee’s response as a motion to dismiss the appeal and grants Appellee’s motion to dismiss. The Court dismisses this appeal for want of prosecution. *See* Tex.R.App.P. 42.3(b). All other motions are denied as moot.

YVONNE T. RODRIGUEZ, Chief Justice

March 4, 2022

Before Rodriguez, C.J., Palafox, and Alley, JJ.