



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

RICHARD CHEROSKE, BLUE CASTLE	§	No. 08-11-00087-CV
PROPERTY MANAGEMENT, LLC, 190		
ORANGE AVENUE and DAVID	§	
PENNY,		Appeal from the
	§	
Appellants,		County Court at Law No. 6
	§	
v.		of El Paso County, Texas
	§	
DYER STREET, LLC,		(TC# 2009-3537)
	§	
Appellee.		
	§	

MEMORANDUM OPINION

This appeal was abated by this Court on August 2, 2011, due to bankruptcy proceedings. *See* TEX.R.APP.P. 8.2. The abatement order required the parties to file a proper motion notifying this Court of the lifting of the automatic stay when bankruptcy proceedings were completed. On February 8, 2022, this Court issued an order requesting from the parties an updated status regarding the bankruptcy proceedings. On February 23, 2022, Appellants filed a letter notifying this Court that bankruptcy proceedings had been completed and they were discharged. Appellants also asserted that, on February 23, 2022, Appellee had filed in the trial court a notice of nonsuit dismissing all claims against Appellants, without prejudice. Appellants further informed this Court that all parties had agreed the appeal should be dismissed as moot.

On March 1, 2022, this Court issued an order reinstating this appeal based on the completion of the bankruptcy proceeding and lifting of the automatic stay. The Court construes Appellants' letter response as a motion to dismiss the appeal. *See* TEX.R.APP.P. 42.1(a)(1). Accordingly, the motion is granted and the appeal is dismissed. *See* TEX.R.APP.P. 43.2(f).

GINA M. PALAFOX, Justice

March 4, 2022

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