

Opinion filed April 4, 2013



In The

Eleventh Court of Appeals

No. 11-12-00340-CV

**A TRUE LUCKY BRAND OIL & GAS COMPANY, LLC D/B/A
LUCKY BRAND OIL & GAS COMPANY, Appellant**

V.

HAGENBUCH RANCH, LLC ET AL., Appellees

On Appeal from the 132nd District Court

Scurry County, Texas

Trial Court Cause No. 24320

MEMORANDUM OPINION

One of the appellees, Enduring Resources, LLC, has filed in this court a motion to dismiss for want of prosecution or, in the alternative, to require Appellant to file a statement of intent to pursue this appeal. In this case, Appellant brought suit against Appellees, alleging over \$370,000,000 in actual damages. The trial court dismissed Appellant's claims with prejudice on October 19, 2012, and Appellant filed a notice of appeal on November 16, 2012. Appellant's brief in this appeal was originally due for filing on January 16, 2013. On its own motion, this court granted an extension and extended the deadline for filing Appellant's brief to March 18, 2013. Appellant has yet to file a brief or a motion for extension and has not responded to Enduring's motion to dismiss even though this court requested that a response be filed on or

before February 4, 2013. We agree that the appeal should be dismissed based upon Appellant's failure to prosecute the appeal. TEX. R. APP. P. 38.8, 42.3.

The motion to dismiss filed by Appellee Enduring Resources, LLC is granted, and the appeal is dismissed for want of prosecution.

PER CURIAM

April 4, 2013

Panel consists of: Wright, C.J.,
McCall, J., and Willson, J.