

DISMISS; Opinion Filed November 6, 2012.

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**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-11-00808-CV

KAFACHIN LTD. LLC D/B/A MURPHY'S PLACE, Appellant

V.

THEAVY SEDERBERG AND DARAREANGSEY NOP, Appellees

**On Appeal from the County Court at Law No. 2
Dallas County, Texas
Trial Court Cause No. CC-09-09810-B**

MEMORANDUM OPINION

Before Chief Justice Wright and Justices Francis and Lang-Miers
Opinion By Justice Lang-Miers

On July 25, 2011, this Court ordered the parties to participate in mediation no later than forty-five days after appellant's brief was filed. Appellant filed its brief on August 12, 2011. Thereafter, we sent letters in January and May requesting a report on the status of the mediation. On May 25, 2012, appellee responded to our request for a report on the status of mediation. According to appellee, mediation was scheduled for February 29, 2012 but "due to appellant's failure to confirm the mediation date, it did not occur." On June 22, 2012, we ordered appellant to file a written explanation showing cause why this appeal should not be dismissed due to failure to comply with our July 25, 2011 order. Appellant filed a timely response, and on July 18, 2012, we again ordered the

parties to participate in mediation. By letter dated September 20, 2012, we again requested a report on the status of the mediation. We expressly cautioned appellant that failure to respond to the letter within ten days may result in dismissal of this appeal without further notice. To date, appellant has not responded to our letter or otherwise communicated with the Court regarding the status of this appeal.

Accordingly, we dismiss this appeal. *See* TEX. R. APP. P. 42.3(b),(c).

ELIZABETH LANG-MIERS
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

KAFACHIN LTD. LLC D/B/A MURPHY'S
PLACE, Appellant

No. 05-11-00808-CV V.

THEAVY SEDERBERG AND
DARAREANGSEY NOP, Appellees

Appeal from the County Court at Law No. 2
of Dallas County, Texas. (Tr.Ct.No. CC-09-
09810-B).

Opinion delivered by Justice Lang-Miers,
Chief Justice Wright and Justice Francis
participating.

In accordance with this Court's opinion of this date, this appeal is **DISMISSED**. It is **ORDERED** that appellees Theavy Sederberg and Darareangsey Nop recover their costs of this appeal from appellant Kafachin LTD. LLC d/b/a Murphy's Place.

Judgment entered November 6, 2012.

/Elizabeth Lang-Miers/
ELIZABETH LANG-MIERS
JUSTICE