

DISMISS; and Opinion Filed April 17, 2013.



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

No. 05-12-01114-CV

**BEST AUTO, Appellant
V.
MERCEDES-BENZ USA, LLC, Appellee**

**On Appeal from the 416th Judicial District Court
Collin County, Texas
Trial Court Cause No. 416-03713-07**

MEMORANDUM OPINION

**Before Justices Lang-Miers, Murphy, and Fillmore
Opinion by Justice Fillmore**

By letter dated November 1, 2012, the Court informed appellant that we had been notified by the Collin County District Clerk's Office that the clerk's record had not been filed because appellant had not paid the fee for its preparation. We instructed appellant to provide us, within ten days of the date of the letter, with either written verification that it had paid the fee or written documentation that it is entitled to proceed without payment of costs. We cautioned appellant that if it failed to provide the required documentation within the time specified, the Court may dismiss the appeal. As of today's date, appellant has not filed a response. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 37.3(b).

**/Robert M. Fillmore/
ROBERT M. FILLMORE
JUSTICE**



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

JUDGMENT

BEST AUTO, Appellant

No. 05-12-01114-CV V.

MERCEDES-BENZ USA, LLC, Appellee

On Appeal from the 416th Judicial District
Court, Collin County, Texas

Trial Court Cause No. 416-03713-07.

Opinion delivered by Justice Fillmore.

Justices Lang-Miers and Murphy,
participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee, MERCEDES-BENZ USA, LLC, recover its costs of this appeal from appellant, BEST AUTO.

Judgment entered this 17th day of April, 2013.

/Robert M. Fillmore/

ROBERT M. FILLMORE

JUSTICE