

DISMISS and Opinion Filed August 28, 2014.



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

No. 05-14-01016-CV

**JANE DOE, Appellant
V.
EDDIE DEEN & COMPANY, Appellee**

**On Appeal from the 134th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-11-16390**

MEMORANDUM OPINION

Before Justices Fillmore, Evans, and Lewis
Opinion by Justice Evans

Before the Court is appellee's unopposed motion to dismiss the appeal. Appellee contends the appeal should be dismissed for want of jurisdiction because appellant failed to timely file her notice of appeal. Without a timely filed notice of appeal, this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

The judgment was signed on April 3, 2014. Appellant filed a timely motion for new trial. Accordingly, the notice of appeal was due on July 2, 2014, ninety days after the date the judgment was signed. *See* TEX. R. APP. P. 26.1(a). Appellant filed her notice of appeal on August 5, 2014, more than thirty days past the deadline. Accordingly, we grant appellant's motion and dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

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/David Evans/

DAVID EVANS
JUSTICE



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

JUDGMENT

JANE DOE, Appellant

No. 05-14-01016-CV V.

EDDIE DEEN & COMPANY, Appellee

On Appeal from the 134th Judicial District
Court, Dallas County, Texas.

Trial Court Cause No. DC-11-16390.

Opinion delivered by Justice Evans.

Justices Fillmore and Lewis, participating.

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

It is **ORDERED** that appellee EDDIE DEEN & COMPANY recover its costs of this appeal from appellant JANE DOE.

Judgment entered this 28th day of August, 2014.