

DISMISS and Opinion Filed March 13, 2017.



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

No. 05-16-01388-CV

**IRVING HOLDINGS, INC., YELLOW CHECKER CAB COMPANY OF
DALLAS/FORT WORTH, INC., AND RAJROOP SINGH GILL, Appellants**

V.

**LAKEISHA ARMSTRONG, AS ADMINISTRATOR OF THE
ESTATE OF IDELIA ARMSTRONG, Appellee**

**On Appeal from the 116th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-14-02206**

MEMORANDUM OPINION

Before Justices Evans, Stoddart, and Boatright
Opinion by Justice Evans

By letter to counsel, this Court questioned its jurisdiction over this appeal as it appeared the notice of appeal was untimely. We instructed appellants to file, by January 9, 2017, a letter brief addressing our concern with an opportunity for appellee to respond. We cautioned appellants that failure to file a letter brief by the date specified may result in dismissal of the appeal without further notice. As of today's date, appellants have not filed the requested letter brief.

When a timely post-judgment motion extending the appellate timetable is filed, a notice of appeal is due ninety days after the date the judgment is signed. *See* TEX. R. APP. P. 26.1(a). Without a timely filed notice of appeal, this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

The trial court signed the judgment on July 22, 2016. Appellants filed a timely motion for new trial on Monday, August 22, 2016. *See* TEX. R. CIV. P. 4, 329b(a). Accordingly, the notice of appeal was due on October 20, 2016, ninety days after the date the judgment was signed. *See* TEX. R. APP. P. 26.1(a). Appellants filed a notice of appeal on November 23, 2016, thirty-four days past the deadline. Because appellants' notice of appeal is untimely, we dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a).

/David W. Evans/
DAVID EVANS
JUSTICE

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

JUDGMENT

IRVING HOLDINGS, INC., YELLOW
CHECKER CAB COMPANY OF
DALLAS/FORT WORTH, INC., AND
RAJROOP SINGH GILL, Appellants

On Appeal from the 116th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-14-02206.
Opinion delivered by Justice Evans. Justices
Stoddart and Boatright participating.

No. 05-16-01388-CV V.

LAKEISHA ARMSTRONG, AS
ADMINISTRATOR OF THE ESTATE OF
IDELIA ARMSTRONG, Appellee

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

It is **ORDERED** that appellee LAKEISHA ARMSTRONG, AS ADMINISTRATOR OF THE ESTATE OF IDELIA ARMSTRONG, recover her costs of this appeal from appellants IRVING HOLDINGS, INC., YELLOW CHECKER CAB COMPANY OF DALLAS/FORT WORTH, INC., AND RAJROOP SINGH GILL.

Judgment entered this 13th day of March, 2017.