

**Dismissed; Opinion Filed January 5, 2018.**



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

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**No. 05-17-00405-CV**

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**GERALD JACKSON, JR., Appellant**

**V.**

**ALI ZAHER ENTERPRISES, LLC D/B/A PLAYTRI, Appellee**

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**On Appeal from the 95th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-17-03371**

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**MEMORANDUM OPINION**

Before Justices Lang, Brown, and Whitehill  
Opinion by Justice Lang

Appellee Ali Zaher Enterprises, LLC d/b/a Playtri filed a December 1, 2017 “Motion to Dismiss Appeal as Moot.” Therein, appellee stated in part “[t]his is an interlocutory appeal of a temporary injunction” and “[t]he temporary injunction which is the subject of this appeal has been dissolved.” The attachments to appellee’s motion included a copy of a November 29, 2017 trial court order dissolving “[t]he Temporary Injunction previously entered in this action.” Further, in a certificate of conference attached to the motion, appellee stated in part, “Appellant’s counsel advised that Appellant has not yet determined his position.”

This Court sent a December 12, 2017 letter to appellant’s counsel stating that if no response to appellee’s December 1, 2017 motion was received by this Court within ten days, “this Court will take whatever action it deems appropriate, including the possible dismissal of

this appeal.” That ten-day period has expired and no response of appellant was received by this Court.

We grant appellee’s motion and dismiss this appeal as moot. *See Nat’l Collegiate Athletic Ass’n v. Jones*, 1 S.W.3d 83, 86 (Tex. 1999); TEX. R. APP. P. 42.3, 43.2.

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/Douglas S. Lang/  
DOUGLAS S. LANG  
JUSTICE



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

**JUDGMENT**

GERALD JACKSON, JR., Appellant

No. 05-17-00405-CV      V.

ALI ZAHER ENTERPRISES, LLC D/B/A  
PLAYTRI, Appellee

On Appeal from the 95th Judicial District  
Court, Dallas County, Texas  
Trial Court Cause No. DC-17-03371.  
Opinion delivered by Justice Lang. Justices  
Brown and Whitehill participating.

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

It is **ORDERED** that appellee ALI ZAHER ENTERPRISES, LLC D/B/A PLAYTRI  
recover its costs of this appeal from appellant GERALD JACKSON, JR.

Judgment entered this 5th day of January, 2018.