

DISMISS and Opinion Filed November 20, 2018



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

No. 05-18-01084-CV

VISION ADS INC. AND ABOVO CORPORATION, Appellants

V.

ROSA PEREZ-ALMARAZ, Appellee

**On Appeal from the 192nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-18-01524**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Evans, and Justice Brown
Opinion by Chief Justice Wright

By letter dated October 29, 2018, the Court questioned its jurisdiction over this appeal because it appeared the notice of appeal was untimely. We instructed appellants to file, within ten days, a letter brief addressing this Court's jurisdiction and cautioned them that failure to comply may result in dismissal of the appeal. As of today's date, appellants have not complied.

When a timely motion for new trial is filed, a notice of appeal is due 90 days, or with an extension motion, 105 days after the date the judgment is signed. *See* TEX. R. APP. P. 26.1(a), 26.3. Without a timely notice of appeal, this Court lacks jurisdiction. *See id.* 25.1(b).

Appellee sued appellants and an individual defendant. On April 27, 2018, the trial court signed both an order of nonsuit as to the individual defendant and a default judgment against appellants. Appellants filed a timely motion for new trial. Accordingly, the notice of appeal was

due July 26, 2018, or with an extension motion, August 10, 2018. Appellants filed their notice of appeal on September 15, 2018. Because appellants failed to timely file a notice of appeal, this Court lacks jurisdiction over the appeal.

We dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE

181084F.P05



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

JUDGMENT

VISION ADS INC. AND ABOVO
CORPORATION, Appellants

No. 05-18-01084-CV V.

ROSA PEREZ-ALMARAZ, Appellee

On Appeal from the 192nd Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-18-01524.
Opinion delivered by Chief Justice Wright.
Justices Evans and Brown participating.

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

It is **ORDERED** that appellee ROSA PEREZ-ALMARAZ recover her costs of this appeal
from appellants VISION ADS INC. AND ABOVO CORPORATION.

Judgment entered November 20, 2018.