

DISMISS and Opinion Filed December 23, 2020



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

No. 05-20-00797-CV

DAVID HOING, Appellant

V.

ELLEN LOUISE NELSON AND THE PHILLY LIVING TRUST, Appellees

**On Appeal from the 44th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-18-14072**

MEMORANDUM OPINION

**Before Justices Whitehill, Schenck, and Browning
Opinion by Justice Whitehill**

On November 20, 2020, after appellant had failed to file his opening brief by the date he had requested in an extension motion, we ordered appellant to file the brief by December 3, 2020 and cautioned him that failure to do so could result in dismissal of the appeal without further notice. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b),(c). To date, appellant has not complied or otherwise communicated with the Court.

Accordingly, we dismiss the appeal. *See id.* 38.8(a)(1), 42.3(b),(c).

/Bill Whitehill/

BILL WHITEHILL
JUSTICE

200797F.P05



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

JUDGMENT

DAVID HOING, Appellant

No. 05-20-00797-CV V.

ELLEN LOUISE NELSON AND
THE PHILLY LIVING TRUST,
Appellees

On Appeal from the 44th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-18-14072.
Opinion delivered by Justice
Whitehill, Justices Schenck and
Browning participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that appellees Ellen Louise Nelson and The Philly Living Trust recover their costs, if any, of this appeal from appellant David Hoing.

Judgment entered December 23, 2020