

Dismissed and Opinion Filed May 10, 2021



In the
Court of Appeals
Fifth District of Texas at Dallas

No. 05-91-01700-CV

CHARLES A. CROSS AND CATHLEEN CROSS SEXTON, Appellants
V.
H. W. BEUTEL, JR., M. D., Appellee

On Appeal from the 191st Judicial District Court
Dallas County, Texas
Trial Court Cause No. 88-079-J

MEMORANDUM OPINION

Before Justices Schenck, Reichek, and Carlyle
Opinion by Justice Carlyle

We reinstate this appeal. This case was abated in 1992 due to bankruptcy. *See* TEX. R. APP. P. 8.2. The court has conducted an independent review of the federal Public Access to Court Electronic Records (PACER) system; however, nothing on that system indicates that a bankruptcy case was still pending.

We then notified the parties by letter, requesting they inform the court of the status of the bankruptcy and of this appeal. We cautioned that the failure to respond would result in the appeal being dismissed for want of prosecution. *See id.* 42.3(b), (c). The letters to appellants (who were appearing pro se at the time the case was abated) were returned because the addresses were no longer current, despite the

obligation to provide the court with current contact information. *See* TEX. R. APP. P. 9.1(b); 5th Tex. App. (Dallas) Loc. R. 2. Our attempts to contact appellants by phone were likewise unsuccessful.

Because we gave the parties an opportunity to show why we should not dismiss this case for want of prosecution and because no one has responded, we dismiss the appeal. *See id.* 42.3(b), (c); *see Brewer v. Admiral Ins. Co.*, 2002 WL 31312990, at *1 (Tex. App.—Dallas Oct. 16, 2002, no writ) (per curiam) (not designated for publication).

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/Cory L. Carlyle/

CORY L. CARLYLE
JUSTICE



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

JUDGMENT

CHARLES A. CROSS AND
CATHLEEN CROSS SEXTON,
Appellants

No. 05-91-01700-CV V.

H. W. BEUTEL, JR., M. D.,
Appellee

On Appeal from the 191st Judicial
District Court, Dallas County, Texas
Trial Court Cause No. 88-079-J.
Opinion delivered by Justice Carlyle.
Justices Schenck and Reichek
participating.

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

Judgment entered this 10th day of May, 2021.