

Opinion issued September 25, 2014.



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-14-00043-CV

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**GARY T. BOHNERT, Appellant**

**V.**

**PORTFOLIO RECOVERY ASSOCIATES, LLC, Appellee**

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**On Appeal from the County Civil Court at Law No. 2  
Harris County, Texas  
Trial Court Case No. 1027830**

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**MEMORANDUM OPINION**

On June 5, 2014, appellant, Gary T. Bohnert, representing that the parties had reached a settlement that has “been consummated by tender and receipt to the agreed-to settlement amount,” filed a motion to vacate the trial court’s judgment

without regard to the merits and close the appeal. On July 24, 2014, we denied the motion. *See* TEX. R. APP. P. 42.1(a)(2); *see also* TEX. R. APP. P. 10.1(a)(5). Additionally, we notified the parties that unless, within 14 days of the date of the order and notice, they demonstrated that there was a live controversy between them as to the merits of the appeal, the appeal might be dismissed. *See, e.g., Hodrick v. Arena Group LP*, No. 01-07-00554-CV, 2008 WL 185614, at \*1 (Tex. App.—Houston [1st Dist.] Jan. 17, 2008, no pet.) (mem. op.) (dismissing appeal as moot after mediator informed Court of settlement and parties failed to demonstrate that live controversy existed between them); *see also Valley Baptist Med. Ctr. v. Gonzalez*, 33 S.W.3d 821, 822 (Tex. 2000) (requiring existence of actual controversy between parties to appeal for appellate court to exercise jurisdiction). No party has responded to the notice.

Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3. We dismiss any pending motions as moot.

**PER CURIAM**

Panel consists of Justices Higley, Bland, and Sharp.