

Opinion issued July 26, 2016



In The
Court of Appeals
For The
First District of Texas

NO. 01-14-00828-CV

ARELLANO & PHEBUS, S.C., Appellant
V.
BEATRIZ ADRIANA CANTU, Appellee

On Appeal from the 295th District Court
Harris County, Texas
Trial Court Case No. 2014-22592

MEMORANDUM OPINION

Although the mediator has filed a report stating that the parties to this appeal have settled their dispute, the parties have not filed a motion to dismiss the appeal. *See* TEX. R. APP. P. 42.1. The existence of an actual controversy is essential to the exercise of appellate jurisdiction. *See, e.g., Valley Baptist Med. Ctr. v. Gonzales*, 33

S.W.3d 821, 822 (Tex. 2000). “Appellate courts are prohibited from deciding moot controversies.” *Nat’l Collegiate Athletic Ass’n v. Jones*, 1 S.W.3d 83, 86 (Tex. 1999); *see City of Farmers Branch v. Ramos*, 235 S.W.3d 462, 469 (Tex. App.—Dallas 2007, no pet.) (noting that court may only decide issues presenting “a live controversy at the time of the decision”). If a controversy ceases to exist or the parties lack a legally cognizable interest in the outcome at any stage, the case becomes moot. *See Allstate Ins. Co. v. Hallman*, 159 S.W.3d 640, 642 (Tex. 2005); *Williams v. Lara*, 52 S.W.3d 171, 184 (Tex. 2001) (noting that “a controversy must exist between the parties at every stage of the legal proceedings, including the appeal”). “[C]ourts have an obligation to take into account intervening events that may render a lawsuit moot.” *Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 166–67 (Tex. 2012). If a proceeding becomes moot, the court must dismiss the proceeding for want of jurisdiction. *See id.*

After being notified that this appeal was subject to dismissal for lack of a live controversy, the parties failed to adequately respond. Accordingly, we dismiss the appeal for lack of jurisdiction. *See* TEX. R. APP. P. 42.3(a); 43.2(f).

PER CURIAM

Panel consists of Justices Higley, Bland, and Massengale.