

**Opinion issued March 29, 2016**



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

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**NO. 01-15-00818-CV**

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**MIGUEL ZARAGOZA FUENTES, ET AL., Appellants  
V.  
EVANGELINA LOPEZ GUZMAN ZARAGOZA, Appellee**

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**On Appeal from the 245th District Court  
Harris County, Texas  
Trial Court Case No. 2014-30215**

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**MEMORANDUM OPINION**

On September 2, 2015, the trial court signed an interlocutory order granting injunctions and other temporary orders in the underlying divorce proceeding. On September 24, 2015, appellant Miguel Zaragoza Fuentes filed a notice of appeal from the interlocutory order and the interlocutory appeal was docketed under this

appellate cause number, No. 01-15-00818-CV (the “Interlocutory Appeal”). On November 2 through November 5, 2015, while the Interlocutory Appeal was pending, the district court conducted a trial on the merits in the underlying case and subsequently signed a final decree of divorce on December 21, 2015.

On January 20, 2016, appellant Laura Zaragoza Rodriguez de Reyes and appellants Dade Aviation, Inc., Abbingdon Marine, Inc., Ezar Management, L.L.C., Ezar Properties, L.P., Eagle Ridge Properties, LLC, and Elsa Esther Carrillo Anchondo filed notices of appeal from the final divorce decree (the “January 2016 Appeals”). The trial court clerk assigned the January 2016 Appeals to the existing appellate cause number for the Interlocutory Appeal, effectively consolidating the January 2016 Appeals into the pending Interlocutory Appeal. Subsequently, on March 18, 2016, appellants Myrna Alicia Zaragoza Lopez, Miguel Zaragoza Fuentes, Ernesto Carrillo and Texas LPG Storage also filed notices of appeal from the final divorce decree (together with the January 2016 Appeals, the “Final Divorce Decree Appeals”).

On January 29, 2016, appellant Miguel Zaragoza Fuentes filed a voluntary motion to dismiss the portion of this appeal relating to the September 2, 2015 interlocutory order because his Interlocutory Appeal has been rendered moot by the final divorce decree. *See* TEX. R. APP. P. 42.1(a)(1) (governing voluntary dismissal on motion of appellant); *Isuani v. Manske-Sheffield Radiology Group, P.A.*, 802

S.W.2d 235, 236–37 (Tex. 1991) (“If, while on the appeal of the granting or denying of the temporary injunction, the trial court renders final judgment, the case on appeal becomes moot.”). On February 2, 2016, appellants filed a related “Joint Motion Requesting Assignment of New Cause Number and/or Severance.” In this joint motion, appellants note the requested dismissal of the Interlocutory Appeal and request that appeals from the final divorce decree be assigned to a new appellate cause number separate from the Interlocutory Appeal. More than ten days have elapsed since the filing of these motions, and no party has objected. *See* TEX. R. APP. P. 10.3(a).

The motions are **granted**. We dismiss this Interlocutory Appeal as moot and direct the Clerk of this Court to transfer the Final Divorce Decree Appeals to appellate cause number 01-16-00251-CV. The parties shall designate any items to be transferred from this Interlocutory Appeal to appellate cause number 01-16-00251-CV within 14 days of this opinion. The record in appellate cause number 01-16-00251-CV shall be due 30 days from the date of this opinion.

**PER CURIAM**

Panel consists of Justices Bland, Brown, and Lloyd.