

Opinion issued July 7, 2016



In The
Court of Appeals
For The
First District of Texas

NO. 01-16-00280-CV

ARTHUR J. HOLDINGS, INC., PARADISE LIVING, ET AL., Appellants
V.
BLACKBURNE & BROWN MORTGAGE FUND I, Appellee

On Appeal from the 11th District Court
Harris County, Texas
Trial Court Cause No. 2016-12403

MEMORANDUM OPINION

Appellants, Arthur J. Holdings, Inc. and Paradise Living, et al., filed a “Notice of Accelerated Appeal of TI Order of April 4, 2016” in the trial court on April 4, 2016, of the order regarding temporary injunction to be entered by the trial court on April 4, 2016. *See* TEX. R. APP. P. 26.1(b), 28.1(a). The next day, on April 5, 2016,

appellants filed a “Notice of Termination of Accelerated Appeal of TI Order” in the trial court, stating that they no longer needed to pursue this appeal because their case had been referred to mediation by the trial court and, if mediation was unsuccessful, set for trial.¹

Although no motion to dismiss was filed by appellants, we construe the “Notice of Termination of Accelerated Appeal of TI Order” as their voluntary motion to dismiss and deem it to have been filed in this Court on June 21, 2016. *See* TEX. R. APP. P. 2, 42.1(a)(1). While there is no certificate of conference with the motion to dismiss, the motion contains a certificate of service on counsel for the appellee, has been on file with this Court for more than 10 days, and no party has responded to the motion. *See* TEX. R. APP. P. 9.5(d), 10.1(a)(5), 10.3(a). No other party has filed a notice of appeal and no opinion has issued. *See* TEX. R. APP. P. 42.1(a)(1), (c).

CONCLUSION

Accordingly, we grant the motion and dismiss the appeal. *See* TEX. R. APP. P. 42.1(a)(1), 43.2(f). We dismiss any other pending motions as moot.

PER CURIAM

Panel consists of Justices Higley, Bland, and Massengale.

¹ It was not until June 10, 2016, that the trial clerk filed an information sheet in this Court attaching the appellants’ notice of termination of accelerated appeal.