

Opinion issued February 22, 2018



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

NO. 01-17-00872-CV

**LIBERTY INSURANCE CORPORATION, Appellant
V.
MUHAMMAD QAMAR AND NAHEED JEHAN, Appellees**

**On Appeal from the County Civil Court at Law No. 1
Harris County, Texas
Trial Court Case No. 1071370**

MEMORANDUM OPINION

This Court's December 12, 2017 Order had granted the petition for a permissive appeal filed by appellant, Liberty Insurance Corporation, of the trial court's October 31, 2017 amended order denying summary judgment. *See* TEX. R. APP. P. 28.3(k). On February 7, 2018, appellant filed its appellant's brief.

Then, on February 14, 2018, appellees, Muhammad Qamar and Naheed Jehan, filed a “Notice of Case Dismissal” in this Court, which we construe as a motion to dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a). Appellees state that they have dismissed their underlying lawsuit in the trial court and, thus, this interlocutory appeal has been rendered moot and must be dismissed. On February 16, 2018, appellant filed a response stating that it is not opposed to the motion and it attached the appellees’ notice of nonsuit. *See id.* 10.3(a)(2).

“Appellate courts are prohibited from deciding moot controversies.” *Nat’l Collegiate Athletic Ass’n v. Jones*, 1 S.W.3d 83, 86 (Tex. 1999). Mootness deprives this Court of jurisdiction. *See Valfy Baptist Med. Ctr. v. Gonzalez*, 33 S.W.3d 821, 822 (Tex. 2000). Thus, we lack jurisdiction over this appeal which was rendered moot after the appellees dismissed their underlying lawsuit. *See RSL-3B-IL, Ltd. v. The Prudential Ins. Co. of Am.*, No. 01-13-00933-CV, 2014 WL 3107663, at *3 (Tex. App.—Houston [1st Dist.] July 8, 2014, pet. dism’d) (“A nonsuit renders the merits of the nonsuited case moot.”) (internal quotation marks and citation omitted).

Accordingly, we grant appellees’ motion and dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a), 43.2(f).

PER CURIAM

Panel consists of Justices Keyes, Brown, and Lloyd.