

Opinion issued September 17, 2021



In The
Court of Appeals
For The
First District of Texas

NO. 01-21-00458-CV

**ANITA F. KAWAJA, ANTHONY R. SUEING, SR., FRONTLINE
RECOVERY AND CONSULTING, INC., AND FRONTLINE RECOVERY
AND CONSULTING NORTH, INC., Appellants**

V.

DEREK U. OBIALO, Appellee

**On Appeal from the 55th District Court
Harris County, Texas
Trial Court Case No. 2021-18043**

MEMORANDUM OPINION

This is an appeal from the denial by operation of law of appellants' motions to dismiss pursuant to the Texas Citizens Participation Act (TCPA). Appellants have filed an emergency motion to dismiss this appeal without prejudice, issue mandate

immediately, and for extension of time to file a new notice of appeal. Appellee has filed a response, agreeing to dismissal of the appeal, but opposing immediate issuance of the mandate and extension of time to file a notice of appeal. No opinion has issued.

The Court grants appellants' request for dismissal and for immediate issuance of the mandate and orders this appeal dismissed without prejudice. *See* TEX. R. APP. P. 18.6, 42.1. The Clerk of this Court is directed to issue the mandate immediately. Appellants' request for extension of time to file notice of appeal is dismissed as premature.¹ Any pending motions, other than those discussed in this opinion, are dismissed as moot.

PER CURIAM

Panel consists of Justices Kelly, Hightower, and Farris.

¹ Appellants included a request for an extension of time to file notice of appeal in the event the trial court fails to enter new orders granting the motions to dismiss. Texas Rule of Appellate Procedure 26.3 permits this Court to grant an extension for filing a notice of appeal only if appellants have filed a notice of appeal in the trial court and a motion for extension of time to file that notice of appeal in this Court. *See* TEX. R. APP. P. 26.3. Because appellants have not yet filed a notice of appeal, the request for an extension of time to file notice of appeal is premature.