

Opinion issued November 8, 2021



In The
Court of Appeals
For The
First District of Texas

NO. 01-21-00565-CV

FRIEDE & GOLDMAN, LLC, Appellant

V.

ROBERT ULLOA HERNANDEZ, LINO OROZCO ABAD, DEIBY RAMON VALERIO AGUILAR, DIEGO MARQUEZ ALEJANDRO, DANIEL DOMINGUEZ AREVALO, ABRAHAM CRUZ ARISTA, JORGE RODRIGUEZ CACERES, ESMERALDA CASTELLANO, CRISTOBAL TINO CASTILLEJOS, MAGNOLIA MARTINEZ ZAPATA, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF ISIDORO SOLORZANO CASTILLO, ADRIAN MARTINEZ SOLORZANO, YADIRA MARTINEZ SOLORZANO, TILO RIVERA CHABLE, JOSE IRVING PEREZ CISNEROS, CARLOS ABRAHAN MORENO COBOS, ANGEL LUIS GARCIA CORDOVA, JORGE ALBERTO DE LA CRUZ CORDOVA, JOSE DEL CARMEN PEREZ CORDOVA, ALBERTO CASTRO DE LA CRUZ, ORLANDO P. GABRIEL, JOSE PEREZ GARCIA, DENNIS DOMINGUEZ GOMEZ, EDILBERTO GARCIA GOMEZ, JOSUE EMMANUEL MENDEZ GOMEZ, GIOVANNI ALBERTO BAUTISTA GONZALEZ, JOSE ERNESTO RUEDA HERNANDEZ, PEDRO JIMENEZ HERNANDEZ, CANDELERIO PEREZ IZQUIERDO, YESSENIA GARCIA JULIAN, JORGE VIDAL DE LA CRUZ LOPEZ, JOSE DEL CARMEN CONTRERAS LOPEZ, JOSE SANTOS JAVIER LOPEZ, MIGUEL ANGEL

ZETINA LOPEZ, SANTIAGO QUIROZ LOPEZ, CARLOS JOAQUIN NOVELO LUGO, MIGUEL CONTRERAS MAGANA, DAVID TOGA MAZARIEGO, ADAN JESUS SANCHEZ PEREZ, FERNANDO SANCHEZ SANTIAGO, LESBETH SEGURA, JORGE LUIS GONZALEZ USCANGA, TITO CAZARIN VERGARA, AND HARSHAD KULKARNI, Appellees

**On Appeal from the 125th District Court
Harris County, Texas
Trial Court Case No. 2016-29340**

MEMORANDUM OPINION

Appellant, Friede & Goldman, LLC, and appellees, Robert Ulloa Hernandez, Lino Orozco Abad, Deiby Ramon Valerio Aguilar, Diego Marquez Alejandro, Daniel Dominguez Arevalo, Abraham Cruz Arista, Jorge Rodriguez Caceres, Esmeralda Castellano, Cristobal Tino Castillejos, Magnolia Martinez Zapata, individually and on behalf of the Estate of Isidoro Solorzano Castillo, Adrian Martinez Solorzano, Yadira Martinez Solorzano, Tilo Rivera Chable, Jose Irving Perez Cisneros, Carlos Abraham Moreno Cobos, Angel Luis Garcia Cordova, Jorge Alberto de la Cruz Cordova, Jose del Carmen Perez Cordova, Alberto Castro de la Cruz, Orlando P. Gabriel, Jose Perez Garcia, Dennis Dominguez Gomez, Edilberto Garcia Gomez, Josue Emmanuel Mendez Gomez, Giovanni Alberto Bautista Gonzalez, Jose Ernesto Rueda Hernandez, Pedro Jimenez Hernandez, Candelario Perez Izquierdo, Yessenia Garcia Julian, Jorge Vidal de la Cruz Lopez, Jose del Carmen Contreras Lopez, Jose Santos Javier Lopez, Miguel Angel Zetina Lopez,

Santiago Quiroz Lopez, Carlos Joaquin Novelo Lugo, Miguel Contreras Magana, David Toga Mazariego, Adan Jesus Sanchez Perez, Fernando Sanchez Santiago, Lesbeth Segura, Jorge Luis Gonzalez Uscanga, Tito Cazarin Vergara, and Harshad Kulkarni (collectively, “appellees”), have filed a “Joint Motion to Dismiss Appeal and Lift Stay.” *See* TEX. R. APP. P. 42.1(a)(1).

On October 20, 2021, this Court entered an order granting appellant’s emergency motion for stay of all trial court proceedings. On October 25, 2021, appellant and appellees filed a joint motion requesting that the stay imposed by our October 20, 2021 order be lifted, in part, to allow appellees to file a nonsuit with prejudice of their claims against appellant in the underlying proceeding in the trial court. On October 25, 2021, we entered an order granting the parties’ motion, partially lifting the stay imposed by our October 20, 2021 order.

In the joint motion to dismiss the appeal, the parties represent that appellees have filed their notice of nonsuit with prejudice, which was signed by the trial court on October 27, 2021. The parties therefore request that this Court grant their joint motion to dismiss the appeal, lift the stay, and order that costs on appeal be taxed against the party who incurred the same.

The motion is jointly filed by appellant and appellees, no other party has filed a notice of appeal, and no opinion has issued. *See* TEX. R. APP. P. 10.1(a)(5), 10.3(a), 42.1(a)(2), (c).

Accordingly, we grant the parties' motion, dismiss the appeal, and lift the stay imposed by our October 20, 2021 order. *See* TEX. R. APP. P. 42.1(a)(1), 43.2(f). We further direct the Clerk of this Court that costs are to be taxed against the party who incurred the same. *See* TEX. R. APP. P. 42.1(d). We dismiss all other pending motions as moot.

PER CURIAM

Panel consists of Justices Hightower, Countiss, and Guerra.