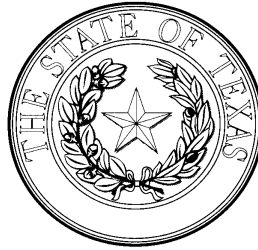


Opinion issued June 9, 2022



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

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NO. 01-22-00372-CV

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**EMPIRE COUNTERTOPS, INC. AND MITCH MAHONEY, Appellants**  
V.  
**C & C NORTH AMERICA, INC., Appellee**

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**On Appeal from the 129th District Court**  
**Harris County, Texas**  
**Trial Court Case No. 2022-08797**

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**MEMORANDUM OPINION**

Appellants Empire Countertops, Inc. and Mitch Mahoney appealed the trial court's judgment signed on February 15, 2022. On May 23, 2022, appellants filed a motion to dismiss their appeal because the trial court granted their motion for new trial and set aside the February 15, 2022 judgment. A copy of the trial court's order

granting new trial is attached to the motion to dismiss. We held this motion for ten days and no opposition was filed. No opinion has issued.

Accordingly, we grant the motion and dismiss the appeal. *See* TEX. R. APP. P. 42.1(a)(1). Any other pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Goodman and Hightower.