

Motion Granted; Appeal Dismissed and Memorandum Opinion filed November 3, 2011.



In The

Fourteenth Court of Appeals

NO. 14-11-00390-CV

DUNHAM ENGINEERING, INC., Appellant

V.

THE SHERWIN-WILLIAMS COMPANY, Appellee

**On Appeal from the 23rd District Court
Brazoria County, Texas
Trial Court Cause No. 56164**

MEMORANDUM OPINION

This appeal arises from an order signed April 18, 2011, denying Dunham Engineering's motion to dismiss for failure to file a certificate of merit. *See* Tex. Civ. Prac. & Rem. Code § 152.002. On October 26, 2011, appellee filed an unopposed motion to dismiss the appeal as moot on the grounds a notice of non-suit has been filed. Attached to appellee's motion are the notice of non-suit and an order of non-suit signed October 24, 2011, by the trial court dismissing the underlying cause.

Accordingly, appellee's motion is granted and the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Brown, Boyce, and McCally.