

Dismissed and Memorandum Opinion filed August 31, 2023



In The

Fourteenth Court of Appeals

NO. 14-23-00532-CV

MARY SUAREZ, Appellant

V.

**SALTGRASS, INC. A/K/A SALTGRASS STEAK HOUSE, AND LANDRY'S
G.P., INC. A/K/A LANDRY'S, INC. D/B/A LANDRY'S RESTAURANTS,
INC., Appellees**

**On Appeal from the 215th District Court
Harris County, Texas
Trial Court Cause No. 2022-01001**

MEMORANDUM OPINION

This is an attempted appeal from a final summary judgment order signed February 28, 2023. Appellant filed a timely motion for reconsideration on March 30, 2023, which the trial court denied on May 3, 2023. Appellant's notice of appeal was filed July 25, 2023.

When appellant has filed a timely post-judgment motion, the notice of appeal must be filed within 90 days after the date the judgment is signed. *See* Tex. R. App. P. 26.1(a).

Appellant's notice of appeal was not filed timely. A motion to extend time is necessarily implied when an appellant, acting in good faith, files a notice of appeal beyond the time allowed by Texas Rule of Appellate Procedure 26.1, but within the 15-day grace period provided by Rule 26.3 for filing a motion to extend time. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617–18 (1997) (construing predecessor to Rule 26). Appellant's notice of appeal was not filed within the 15-day period provided by Texas Rule of Appellate Procedure 26.3.

On August 15, 2023, notification was transmitted to all parties the appeal was subject to dismissal without further notice for want of jurisdiction, unless any party filed a response on or before August 25, 2023, showing meritorious grounds for continuing the appeal. *See* Tex. R. App. P. 42.3(a). Appellant filed no response.

Accordingly, we dismiss the appeal.

PER CURIAM

Panel consists of Justices Jewell, Spain, and Wilson.