

**Motion Granted; Appeal Dismissed and Memorandum Opinion filed
November 7, 2023**



**In The
Fourteenth Court of Appeals**

NO. 14-23-00631-CV

**CRESTON LAWRENCE LEONG AND AMERICAN MEDICAL
RESPONSE AMBULANCE SERVICE, INC., Appellants**

V.

JOSE VELASQUEZ, Appellee

**On Appeal from the 55th District Court
Harris County, Texas
Trial Court Cause No. 2021-55795**

MEMORANDUM OPINION

This is an interlocutory appeal from an order denying appellant’s motion to dismiss for failure to timely file an expert report signed August 22, 2023. *See* Tex. Civ. Prac. Rem. Code Ann. § 51.014(a)(d). On October 17, 2023, appellants filed a “Motion to Dismiss Appeal and Remand Under T.R.A.P. 42.1(a)(1).” *See* Tex. R.

App. P. 42.1(a)(1). Rule 42.1(a)(1) does not provide for a remand; however, because this is an interlocutory appeal, upon this court's judgment of dismissal, the underlying case may proceed to trial. *See* Tex. Civ. Prac. & Rem. Code Ann. § 51.014 (b) (imposing stay of commencement of trial pending resolution of appeal in certain interlocutory appeals). The portion of the motion requesting a dismissal of this appeal is granted. The portion of the motion requesting a remand is dismissed as moot.

We dismiss the appeal.

PER CURIAM

Panel consists of Justices Jewell, Spain, and Wilson.