

*Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio*



MEMORANDUM OPINION

No. 04-09-00784-CV

Sunil Ramchand **SAMTANI**,
Appellant

v.

Ramakrishna **CHERUKURI**, Individually and as
Representative of New York Fragrance, Inc.,
Appellee

From the 49th Judicial District Court, Webb County, Texas
Trial Court No. 2009-CVQ-001100-D1
Honorable Jose A. Lopez, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: February 10, 2010

MOTION TO DISMISS GRANTED; DISMISSED

Appellant has filed a written notice advising the court that he filed in the trial court a notice of nonsuit of the underlying cause and that this appeal is therefore moot. We construe the notice as a motion to dismiss the appeal and grant the motion. *See* TEX. R. APP. P. 42.1(a)(1). Because appellant does not disclose an agreement between the parties regarding the assessment of costs, we

order all costs assessed against appellant. *See* TEX. R. APP. P. 42.1(d)(absent agreement of the parties, costs are taxed against appellant).

PER CURIAM