



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-18-00614-CV

Dennis **BUXTON** and Son Chu Buxton,  
Appellants

v.

**UNITED SERVICES AUTOMOBILE ASSOCIATION** and Reed Whiting,  
Appellees

From the 224th Judicial District Court, Bexar County, Texas  
Trial Court No. 2016-CI-20679  
Honorable Rosie Alvarado, Judge Presiding

Opinion by: Beth Watkins, Justice

Sitting: Sandee Bryan Marion, Chief Justice  
Luz Elena D. Chapa, Justice  
Beth Watkins, Justice

Delivered and Filed: August 26, 2020

**MOTION TO DISMISS GRANTED; APPEAL DISMISSED**

On August 29, 2018, appellants Dennis and Son Chu Buxton filed a notice of appeal, seeking to appeal the trial court's order granting summary judgment in favor of appellee United Services Automobile Association. On March 4, 2019, we abated the appeal pending the Texas Supreme Court's decision in *Ortiz v. State Farm Lloyds*, Cause Number 17-1048. After the supreme court issued opinions in *Ortiz* and *Barbara Technologies Corp. v. State Farm Lloyds*, Cause Number 17-0640, on June 28, 2019, and denied rehearing in both causes on December 13, 2019, we reinstated the appeal. Both parties submitted supplemental briefing on the impact of the

supreme court's opinions, and this case was formally set for submission on briefs on March 25, 2020.

On August 10, 2020, the Buxttons filed a voluntary motion to dismiss pursuant to Rule 42.1(a)(1) of the Texas Rules of Appellate Procedure. After consideration, we grant the motion and order all costs to be borne by the Buxttons. *See* TEX. R. APP. P. 42.1(a)(1), (d) (stating absent agreement of parties, court will tax costs against appellant).

Beth Watkins, Justice