

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-08-061 CV

UNION CARBIDE CORPORATION, ET AL., Appellants

V.

JACK LOFTIN AND GLENDA LOFTIN, ET AL., Appellees

On Appeal from the 128th District Court
Orange County, Texas
Trial Cause No. A-070037-C; AC; BC; CC; DC; EC

MEMORANDUM OPINION

Rust-Oleum Corporation filed a motion to dismiss its appeal as to Gerald Diaz, Deborah Diaz, and Kate Morris (individually and as personal representative of the estate of Michael Morris and as next friend of Michael Morris and Matthew Morris). Other parties also filed notices of appeal but have not joined in the motion to dismiss filed by Rust-Oleum Corporation. The motion was voluntarily made by Rust-Oleum Corporation immediately

prior to any decision of this Court and should be granted. *See* TEX. R. APP. P. 42.1(a)(1). No party filed an objection to the motion to dismiss filed by Rust-Oleum Corporation.

The motion to dismiss is granted and the appeal of Rust-Oleum Corporation is dismissed as to Gerald Diaz, Deborah Diaz, and Kate Morris (individually and as personal representative of the state of Michael Morris and as next friend of Michael Morris and Matthew Morris).

APPEAL DISMISSED.

PER CURIAM

Opinion Delivered June 12, 2008

Before McKeithen, C.J., Kreger and Horton, JJ.