

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-17-00049-CV

KANSAS CITY SOUTHERN RAILWAY COMPANY, Appellant

V.

KERRY L. THOMAS, Appellee

On Appeal from the 172nd District Court
Jefferson County, Texas
Trial Cause No. E-197,566

MEMORANDUM OPINION

The appellant, Kansas City Southern Railway Company, filed a motion to dismiss this accelerated appeal because the claims against the appellant have been non-suited. The motion is voluntarily made by the appellant prior to any decision of this Court. *See* Tex. R. App. P. 42.1(a)(1). No other party filed a notice of appeal. We grant the motion and dismiss the appeal.

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Submitted on March 1, 2017
Opinion Delivered March 2, 2017

Before Kreger, Horton, and Johnson, JJ.