

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-22-00210-CV

BV CONTINUING CARE CENTER LTD. CO., Appellant

V.

PHYLLIS HEBERT, Appellee

**On Appeal from the 60th District Court
Jefferson County, Texas
Trial Cause No. B-208,415**

MEMORANDUM OPINION

In a health care liability suit, BV Continuing Care Center Ltd. Co. (BV Continuing Care) objected to the expert report filed on behalf of the plaintiff, Phyllis Hebert. The trial court overruled the objections and signed an order denying a motion to dismiss on June 15, 2022. *See* Tex. Civ. Prac. & Rem. Code Ann. § 51.014(a)(9). BV Continuing Care (Appellant) filed a notice of appeal, but it failed to file a brief. On October 12, 2022, we notified the parties that the Appellant's brief had not been filed and that the appeal would be submitted without briefs unless we received

Appellant's brief and a motion for extension within ten days, and we warned Appellant that the appeal could be dismissed for want of prosecution if the appeal was submitted without briefs. On December 1, 2022, we notified the parties that the appeal would be submitted to the Court on December 22, 2022, without briefs and without oral argument. *See* Tex. R. App. P. 39.8.

In the absence of a brief assigning error for appellate review, we dismiss the accelerated appeal for want of prosecution. *See* Tex. R. App. P. 38.8(a)(1), 42.3(b).

APPEAL DISMISSED.

PER CURIAM

Submitted on December 22, 2022
Opinion Delivered January 12, 2023

Before Golemon, C.J., Horton and Johnson, JJ.