

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-23-00101-CV

VERONICA FERNANDEZ AND ARTHUR FERNANDEZ, Appellants

V.

**JUST FOR SHOW ENTERTAINMENT LOGISTICS, INC. AND MICHAEL
TODD JONES, Appellees**

**On Appeal from the 457th District Court
Montgomery County, Texas
Trial Cause No. 21-09-13497-CV**

MEMORANDUM OPINION

The trial court signed a final summary judgment on February 28, 2023. Appellants, Veronica Fernandez, Individually and on behalf of The Estate of Nicholas Fernandez, and Arthur Fernandez, filed a notice of appeal on March 31, 2023. On May 1, 2023, we notified the parties that the notice of appeal had been filed late, but with the extension time permitted by Rule 26.3, we notified Appellants that they could request an extension of time that included a reasonable explanation

for the late filing of the motion. *See* Tex. R. App. P. 26.3. On June 20, 2023, we reminded the Appellants that we had not received a motion for extension of time to file the notice of appeal, and we warned Appellants that a motion for extension of time to file the notice of appeal must be filed by June 30, 2023. We further warned the parties that failure to establish the timely filing of a notice of appeal could result in dismissal of the appeal for lack of jurisdiction. Appellants did not file a motion for extension of time to file their notice of appeal, as they had been directed in the clerk's notice of June 20, 2023.

Appellants failed to file a motion for extension of time to file notice of appeal or offer a reasonable explanation for the late filing of the notice of appeal. The Court finds that the notice of appeal was not timely filed. *See* Tex. R. App. P. 26.1. No motion for extension of time was filed. *See* Tex. R. App. P. 26.3. Appellants failed to comply with a notice from the clerk requiring a response or other action within a specified time. *See* Tex. R. App. P. 42.3(c). Accordingly, we dismiss the appeal. *See* Tex. R. App. P. 42.3, 43.2(f).

APPEAL DISMISSED.

PER CURIAM

Submitted on August 2, 2023
Opinion Delivered August 3, 2023

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