

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-21-00180-CV

**SOUTHERN LUXURY MOTORCARS, LLC, D/B/A CRAVE LUXURY
AUTO, AND ANDREW POWERS, Appellants**

V.

**KARL STOMBERG A/K/A KARL C. STOMBERG A/K/A KARL
CHRISTOPHER STOMBERG, KRISTIN STOMBERG, MATTHEW
STOMBERG, SYDNEY WALSH, WILLIAM P. REID, 54 DYER, L.P.,
ZELMA REID, PATRICK KELLY, PATRICK KELLY HOLDINGS LLC,
EPK HOLDINGS, LP, EPK MANAGEMENT, INC., FINIS E. COWAN III,
ESQUIRE, AND FINIS COWAN INC. PC, Appellees**

**On Appeal from the 284th District Court
Montgomery County, Texas
Trial Cause No. 20-09-10625-CV**

MEMORANDUM OPINION

On June 23, 2021, Andrew Powers, individually and derivatively on behalf of Southern Luxury Motorcars, LLC d/b/a Crave Luxury Auto, filed a notice of accelerated appeal from orders granting the special appearances of Matthew Stomberg and Sydney Walsh in Trial Cause Number 20-09-10625-CV. We received

a notice of bankruptcy for Southern Luxury Motorcars, LLC, and abated the appeal. *See* Tex. R. App. P. 8.

On December 20, 2023, Appellees William P. Reid, Zelma Reid, and 54 Dyer, L.P. filed a motion to reinstate the accelerated appeal and dismiss the appeal as moot. Appellees contend that Appellants claims against Matthew Stomberg and Sydney Walsh are property of the bankruptcy estate, the bankruptcy estate did not assert any claims against Sydney Walsh in the bankruptcy court, and settled and dismissed its claims against Matthew Stomberg. Appellees contend there is no longer a justiciable controversy at issue in this accelerated appeal. No party responded to the suggestion of mootness.

We sent a letter to all parties requesting the parties to state their position on whether this action is stayed by an automatic stay in the Bankruptcy, and we notified the parties of our intention to reinstate the appeal, grant the motion to dismiss, and dismiss this case as moot. We also sent a copy of our letter to the Bankruptcy Trustee, by sending a copy to the attorney for the Bankruptcy Trustee who is listed on the November 3, 2023, Joint Stipulation of Dismissal of Trustee's Claims against Stomberg Defendants, signed by the attorneys and the Judge of the Bankruptcy Court.

We received a response from Appellees, William P. Reid, Zelma Reid and 54 Dyer, L.P. (hereinafter "Reid and 54 Dyer") to our letter requesting that the parties

state their position on whether this action is stayed by an automatic stay in the Bankruptcy. In their response, Reid and 54 Dyer argue the bankruptcy stay no longer stays this appeal and Appellees contend the appeal should be reinstated and dismissed as moot.

We hereby reinstate the appeal, we grant the motion to dismiss the appeal, and we dismiss the appeal as moot. *See* Tex. R. App. P. 43.2(f).

APPEAL DISMISSED.

PER CURIAM

Submitted on March 6, 2024
Opinion Delivered March 7, 2024

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