



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-11-00291-CV**

LAW OFFICES OF ST. CLAIR  
NEWBERN, III, P.C.

APPELLANT

V.

BEVERLY THOMAS

APPELLEE

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FROM COUNTY COURT AT LAW NO. 2 OF TARRANT COUNTY  
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**MEMORANDUM OPINION<sup>1</sup> AND JUDGMENT**  
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Appellant filed a timely notice of appeal from the trial court's May 9, 2011 "Order On Plaintiff's Motion For Final Summary Judgment." The trial court subsequently granted appellant's motion for new trial on August 18, 2011, while it still had plenary jurisdiction over the case. See Tex. R. Civ. P. 329b(e).

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<sup>1</sup>See Tex. R. App. P. 47.4.

On August 25, 2011, we informed the parties that it appeared the trial court's granting of the motion for new trial rendered this appeal moot and that the appeal would be dismissed as moot unless, on or before September 6, 2011, any party desiring to continue the appeal filed a response showing grounds for continuing the appeal. Neither party filed a response.

Accordingly, on this court's own motion, we dismiss the appeal as moot. See Tex. R. App. P. 42.3(a), 43.2(f).

PER CURIAM

PANEL: WALKER, MCCOY, and MEIER, JJ.

DELIVERED: September 15, 2011