



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

NO. 02-12-00403-CV

Michael J. Boyzuick and Garda
Security Inc.

§ From the 393rd District Court of
§ Denton County (2012-60975-393)

v.

§ December 6, 2012

Brink's Incorporated

§ Per Curiam

JUDGMENT

This court has considered the record on appeal in this case and holds that the appeal should be dismissed. It is ordered that the appeal is dismissed for want of jurisdiction.

SECOND DISTRICT COURT OF APPEALS

PER CURIAM



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NO. 02-12-00403-CV

MICHAEL J. BOYZUICK AND
GARDA SECURITY INC.

APPELLANTS
AND APPELLEES

V.

BRINK'S
INCORPORATED

APPELLEE
AND APPELLANT

FROM THE 393RD DISTRICT COURT OF DENTON COUNTY

MEMORANDUM OPINION¹

Appellants Michael J. Boyzuick and Garda Security Inc. filed a notice of accelerated appeal from the trial court's September 20, 2012 order granting a temporary injunction for Appellee Brink's Incorporated. See Tex. Civ. Prac. & Rem. Code Ann. § 51.014(a)(4) (West 2008 & Supp. 2012). Subsequently,

¹See Tex. R. App. P. 47.4.

Boyzuick and Garda filed a motion for partial summary judgment, and the trial court granted it, modifying the temporary injunction order. On November 13, 2012, Brink's filed a motion for review of the modified temporary injunction order in this court, arguing that because the order that had been the basis of Boyzuick and Garda's appeal had been changed, the appeal was moot. Boyzuick and Garda did not file a response to the motion, but Brink's amended certificate of conference indicated that Boyzuick and Garda were unopposed to the motion.

"Appeals of some interlocutory orders become moot because the orders have been rendered moot by subsequent orders." *Hernandez v. Ebrom*, 289 S.W.3d 316, 319 (Tex. 2009). And, as here, if the controversy at issue ceases to exist, the case becomes moot. See *Clawson v. Crosby ISD*, No. 14-11-00532-CV, 2012 WL 4757927, at *1, 3 (Tex. App.—Houston [14th Dist.] Oct. 4, 2012, no pet. h.) (mem. op.) (dismissing appeal for want of jurisdiction when there were no issues in controversy in the appeal). We therefore dismiss the appeal of the original temporary injunction order only, without prejudice to the appeal, if any, of the subsequently modified temporary injunction order. See *Richards v. Mena*, 820 S.W.2d 372, 372 (Tex. 1991); see also Tex. R. App. P. 43.2(f).

PER CURIAM

PANEL: MCCOY, MEIER, and GABRIEL, JJ.

DELIVERED: December 6, 2012