



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

**NO. 02-16-00357-CV**

EDWARDS & ASSOCIATES, TIM  
EDWARDS

APPELLANTS

V.

AZLEWAY, INC. AND GARY DUKE

APPELLEES

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FROM THE 17TH DISTRICT COURT OF TARRANT COUNTY  
TRIAL COURT NO. 017-281397-15  
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**MEMORANDUM OPINION<sup>1</sup> AND JUDGMENT**  
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Appellants filed a timely notice of appeal from the trial court's July 28, 2016 "Order Granting Defendants' Motion for Summary Judgment." The trial court subsequently granted appellants' motion for new trial on September 28, 2016, 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 October 3, 2016, 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 October 13, 2016, 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: MEIER, GABRIEL, and SUDDERTH, JJ.

DELIVERED: November 23, 2016