



**In the  
Court of Appeals  
Second Appellate District of Texas  
at Fort Worth**

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No. 02-19-00004-CV

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SIANA OIL & GAS CO., LLC AND TOM M. RAGSDALE, Appellants

v.

FROST BANK, Appellee

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On Appeal from the 236th District Court  
Tarrant County, Texas  
Trial Court No. 236-300068-18

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Before Bassel, Womack, and Wallach, JJ.  
Per Curiam Memorandum Opinion

## MEMORANDUM OPINION

Appellants Siana Oil & Gas Co., LLC and Tom M. Ragsdale filed a notice of appeal on January 4, 2019. By letter dated January 28, 2019, we requested that Appellants pay the filing fee and file the docketing statement by February 7, 2019. Appellants did not pay the filing fee until February 12, 2019, and did not file a docketing statement until March 4, 2019.

In a letter dated March 6, 2019, we gave notice to the parties that we would refer this case to mediation unless a party filed a written objection by March 18, 2019, and we requested the parties to notify this court of their choice of mediator by March 18, 2019. No party filed an objection. On March 18, 2019, the parties notified us of their choice of mediator. By order dated March 28, 2019, we referred the case to mediation and abated the appeal pending the mediation, which was to be completed by April 19, 2019. No party filed any objections to this order. On April 10, 2019, the mediator notified us that the parties did not reach a settlement because Appellants refused to participate. By order dated April 18, 2019, we reinstated this appeal and set the filing deadlines for the record.

Appellants' brief was initially due July 1, 2019, but they did not file a brief by this date. In a letter dated July 17, 2019, we warned Appellants that this appeal may be dismissed for want of prosecution unless they filed a brief on or before July 29, 2019, along with a motion reasonably explaining the failure to file a brief and the need for an extension. *See* Tex. R. App. P. 10.5(b), 38.8(a)(1). Rather than file a brief on

July 29, 2019, Appellants filed a letter requesting an unspecified amount of time for an extension because they were seeking replacement counsel. On August 15, 2019, we warned Appellants that this appeal may be dismissed unless another licensed attorney filed a notice of appearance on or before August 26, 2019. *See* Tex. R. App. P. 42.3(b), (c). Appellants have not filed a brief nor have they had a licensed attorney file a notice of appearance.

On September 4, 2019, Appellee Frost Bank filed a motion to dismiss and requested attorney's fees pursuant to Texas Rule of Appellate Procedure 45. *See* Tex. R. App. P. 45. Appellants have filed no response to Appellee's motion.

Accordingly, we grant Appellee's motion and dismiss the appeal for want of prosecution, and we deny Appellee's request for attorney's fees. *See* Tex. R. App. P. 38.8(a)(1), 42.3(b), 43.2(f), 45.

Per Curiam

Delivered: October 17, 2019