

NO. 07-03-0476-CV

IN THE COURT OF APPEALS

FOR THE SEVENTH DISTRICT OF TEXAS

AT AMARILLO

PANEL E

MARCH 26, 2004

SURGERY CENTERS OF AMERICA II,

Appellant

v.

HANNA CANIZARO, M.D., MILES R. DAY, M.D.; SAMMY A. DEEB, M.D.; WERNER DE RIESE, M.D.; STEPHEN GATES, M.D.; JOHN GRISWOLD, M.D.; ALAN D. KAYE, M.D.; LELAND LOU, M.D.; BERNARD T. MITTMAYER, M.D.; BRIAN J. NORKIEWICZ, M.D.; GABOR B. RACZ, M.D.; and P. PRITHVI RAJ, M.D.,

Appellees

FROM THE 99TH DISTRICT COURT OF LUBBOCK COUNTY;

NO. 2002-578,731; HON. ANDY KUPPER, PRESIDING

Dismissal

Before JOHNSON, C.J., and QUINN and REAVIS, JJ.

A "Stipulation of Dismissal" has been filed with this court in the above-referenced matter and signed by the attorneys representing Surgery Centers of America II (SCOA) and the appellees. In the document, SCOA and the appellees "stipulate that SCOA's appeal of the Trial Court's Order entered on July 15, 2003 shall be dismissed with

prejudice.” They further state in the stipulation that the “costs of this appeal shall be taxed to [SCOA].”

Because no decision of this court has been delivered to date, we dismiss SCOA’s appeal. No motion for rehearing will be entertained and our mandate will issue forthwith.

TEX. R. APP. P. 42.1.

Brian Quinn
Justice