

NO. 07-05-0090-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
MAY 2, 2005

HORIZON MEDICAL PRODUCTS, INC. and DR. HUAN VU,

Appellants

v.

ESPERANZA SERENIL,

Appellee

FROM THE 72ND DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2003-522,262; HON. J. BLAIR CHERRY, JR., PRESIDING

On Motion to Dismiss

Before QUINN, REAVIS and CAMPBELL, JJ.

Horizon Medical Products, Inc., appellant, by and through its attorney, has filed a motion to dismiss this appeal because the trial court action disposed of all issues forming the basis of this appeal and the appeal is moot. In the certificate of conference attached to the motion to dismiss, counsel for appellant advised this Court that counsel for appellee is opposed to the relief sought in this motion. On April 8, 2005, this Court requested that counsel for appellee file a response to the motion to dismiss the appeal on or before April

18, 2005. To date, no response has been filed with the Court. Without passing on the merits of the case, we grant the motion to dismiss pursuant to Texas Rule of Appellate Procedure 42.1(a)(2) and dismiss the appeal. Having dismissed the appeal at appellants' request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

Brian Quinn
Justice