

NO. 07-08-0034-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
FEBRUARY 13, 2008

DIANE BROWNLEE AND BRANDON BROWNLEE, APPELLANT

V.

WALTER C. BROGAN, III, M.D.; W. CHUCK BROGAN, III, M.D., Ph.D, P.A.
D/B/A BROGAN HEART CENTER; LUBBOCK HEART HOSPITAL, L.P.;
DENISE RODELA, R.N. AND SHANA VINSON, R.N., APPELLEES

FROM THE 99TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2007-539,760; HONORABLE WILLIAM C. SOWDER, JUDGE

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

ON MOTION TO DISMISS

Appellants Diane Brownlee and Brandon Brownlee filed a motion to dismiss their appeal. While their motion contained a certificate of service it did not contain a certificate of conference as required by Rule 10.1. Tex. R. App. P. 10.1(a)(5). We notified appellants and appellees of this fact by letter of January 25, 2008, and therein explained that any appellee wishing to file a response should do so within ten days of the letter. Having held

the motion for ten days with no response from an appellee we proceed to the merits of the motion.

As no decision of the Court has been delivered to date, we grant appellants' motion to dismiss the appeal. The appeal is dismissed. No motion for rehearing will be entertained and our mandate will issue forthwith. See Tex. R. App. P. 42.1(a). The parties have not presented an agreement for taxation of costs. Therefore costs are taxed against appellants. Tex. R. App. P. 42.1(d).

James T. Campbell
Justice