

NO. 07-12-0374-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
OCTOBER 8, 2012

WEST TEXAS MUNICIPAL POWER AGENCY, APPELLANT

v.

REPUBLIC POWER PARTNERS, L.P., APPELLEE

FROM THE 237TH DISTRICT COURT OF LUBBOCK COUNTY;

NO. 2012-501,169; HONORABLE PAUL DAVIS, JUDGE

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

ORDER OF SEVERANCE AND DESIGNATION OF STYLE OF CASES

By its live pleading, Republic Power Partners, L.P., filed suit against West Texas Municipal Power Agency and the City of Lubbock for breach of contract. Both defendants filed pleas to the jurisdiction. By separate orders, on August 15, 2012, the trial court denied West Texas Municipal Power Agency's plea but granted the City of Lubbock's plea. West Texas Municipal Power Agency filed a notice of appeal on August 27, 2012, challenging the denial of its plea to the jurisdiction. On August 28,

2012, Republic Power Partners, L.P. filed its notice of appeal challenging the granting of the City of Lubbock's plea to the jurisdiction.¹

Even though these two appeals arise from the same trial court cause of action, they involve different parties and different issues on appeal. Therefore, this Court now orders a severance of the appeal filed by Republic Power Partners, L.P. as Appellant² against the City of Lubbock as Appellee.³ That appeal will be assigned appellate cause number 07-12-0438-CV and be styled *Republic Power Partners, L.P. v. City of Lubbock*. Furthermore, appellate cause number 07-12-0374-CV will be styled *West Texas Municipal Power Agency v. Republic Power Partners, L.P.* Both cases will share the Clerk's Record filed on September 6, 2012, and the Supplemental Clerk's Record filed on September 10, 2012. Additionally, the appeals will be treated as companion cases.

It is so ordered.

Per Curiam

¹Because both notices arise from the same trial court cause number, only one cause number was assigned to both appeals. See Tex. R. App. P. 12.2(c).

²Tex. R. App. P. 3.1(a).

³Tex. R. App. P. 3.1(c).