



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-14-00049-CV

**BRIAN KERN, O.D., PETER M. HO, M.D., D/B/A TEXAS VISION ASSOCIATES, P.A.
AND MING-TAO HO, M.D., A/K/A "PETER" M. HO, M.D., APPELLANTS**

V.

THE TEXAS OPTOMETRY BOARD, ET AL., APPELLEES

On Appeal from the 99th District Court
Lubbock County, Texas
Trial Court No. 2013-508,829; Honorable William C. Sowder, Presiding

December 1, 2014

ORDER OF DISMISSAL

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

Appellants, Brian Kern, O.D. and Peter M. Ho, M.D., P.A., d/b/a Texas Vision Associates, P.A., and Ming-Tao Ho, M.D., a/k/a "Peter" M. Ho, M.D., filed *Appellants' Motion for Voluntary Dismissal* of this appeal on November 25, 2014. The motion includes a certificate of conference indicating that counsel for Appellees does not oppose the relief requested. Accordingly, the motion to dismiss is granted and the

appeal is dismissed. See TEX. R. APP. P. 42.1(a)(1). The motion does not indicate an agreement of the parties with regard to the allocation of costs of the appeal. We therefore tax costs of the appeal against Appellants. See TEX. R. APP. P. 42.1(d).

Having dismissed the appeal at the request of Appellants, we will not entertain a motion for rehearing, and our mandate will issue forthwith.

Patrick A. Pirtle
Justice