



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-13-00018-CV

KAREN ENDSLEY, BRAD ENDSLEY, AND ENDSLEY ELECTRIC, INC. D/B/A
INDUSTRIAL POWER SYSTEMS, INC., Appellants

V.

MILLER, JAMES, MILLER & HORNSBY, L.L.P., Appellee

On Appeal from the County Court at Law
Bowie County, Texas
Trial Court No. 12C1571-CCL

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

Karen Endsley, Brad Endsley, and Endsley Electric, Inc. d/b/a Industrial Power Systems, Inc., appellants, filed their notice of appeal March 8, 2013. The reporter's record was filed March 19, and the clerk's record was filed March 26, making appellants' brief due April 25.

When neither a brief nor a motion to extend time for filing same were received by May 15, our clerk's office contacted appellants by letter, extended the deadline for filing their brief to May 30, and warned them that failure to file the brief by May 30 would subject their appeal to dismissal for want of prosecution. *See* TEX. R. APP. P. 42.3(b), (c). On May 30, Karen Endsley called our clerk's office and stated that she had been working on the brief, which she claimed was almost complete, and requested that she be given a few more days—until June 3—to complete and file appellants' brief. Endsley's request was granted, and she appeared in person at our clerk's office on June 3; however, rather than file the brief as she had stated she would, Endsley filed a motion for an extension of time. The motion was granted, and the deadline for filing appellants' brief was extended to June 25.

The June 25 deadline came and went, and still no brief from the appellants. Consequently, our clerk's office sent appellants a second notice informing them that their brief was, once again, late and directing them to file a brief on or before July 29, 2013, should they still desire to prosecute this appeal. Further, the notice warned appellants that their failure to file a brief on or before July 29 would subject the appeal to dismissal for want of prosecution. *See* TEX. R. APP. P. 42.3(b), (c).

On July 29, 2013, Endsley once again contacted our clerk's office and stated that she had completed the brief but that she lost it during a recent power outage. She indicated that she was working on reproducing the brief and was optimistic that she could hand deliver it to the clerk's office on July 30. It is now August 14, and we have received neither the appellants' brief nor a request for an extension of the briefing deadline.

Pursuant to Rule 42.3 of the Texas Rules of Appellate Procedure, we dismiss this appeal for want of prosecution. *See* TEX. R. APP. P. 42.3.

Jack Carter
Justice

Date Submitted: August 14, 2013
Date Decided: August 15, 2013