

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-05-00151-CV**

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**Russell J. Verney, Appellant**

**v.**

**Carole Keeton Strayhorn, as Comptroller of Public Accounts of the State of Texas;  
Greg Abbott, Individually and as Attorney General of the State of Texas;  
and Reagan E. Greer, Individually and as Executive Director  
of the Texas Lottery Commission, Appellees**

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**FROM THE DISTRICT COURT OF 126TH COUNTY, TRAVIS JUDICIAL DISTRICT  
NO. GN404078, HONORABLE YELENOSKY, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Pursuant to the parties' request, we abated this appeal on May 12, 2005, pending resolution of the appeal in cause number 03-05-00064-CV. We stated that the instant appeal would be reinstated upon the resolution of 03-05-00064-CV. That appeal has now been resolved. *See Verney v. Abbott*, No. 03-05-00064-CV, 2006 Tex. App. LEXIS 6727 (Tex. App.—Austin July 28, 2006, no pet.) (“*Verney I*”). Thus, the instant appeal has been reinstated.

We now dismiss this appeal because the disposition in *Verney I*—that the trial court lacked subject matter jurisdiction—has rendered this appeal moot.

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W. Kenneth Law, Chief Justice

Before Chief Justice Law, Justices B. A. Smith and Puryear

Dismissed as moot

Filed: September 14, 2006