

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

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**NO. 03-05-00403-CV**

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**Kerry Elliot and Debra Elliot, Appellants**

**v.**

**Phoenix Irrigation LP d/b/a Austin Plumbing, Appellee**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 250TH JUDICIAL DISTRICT  
NO. GN401403, HONORABLE GISELA D. TRIANA, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellants Kerry Elliot and Debra Elliot no longer wish to pursue their appeal and have filed a motion to dismiss their appeal. Appellee Phoenix Irrigation LP d/b/a Austin Plumbing does not oppose the motion. We grant the motion and dismiss the appeal. Tex. R. App. P. 42.1(a).

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Jan P. Patterson, Justice

Before Justices B. A. Smith, Patterson and Puryear

Dismissed on Appellants' Motion

Filed: October 4, 2005