

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

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**NO. 03-08-00373-CV**

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**Max Moudy, David Allen Hall and Danny O'Dell, Appellants**

**v.**

**Pedernales Electric Cooperative, Inc.; John Worrall, Individually and as representative of others similarly situated; Glenn Van Shellenbeck, Individually and as representative of others similarly situated; Linda Evans, Individually and as representative of others similarly situated; Bennie R. Fuelberg; Will Dahmann; W.W. "Bud" Burnett; E.B. Price; O.C. Harmon; R.B. Felps; Val Smith; and Vi Cloud; Appellees**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 353RD JUDICIAL DISTRICT  
NO. D-1-GN-07-002234, HONORABLE JOHN K. DIETZ, JUDGE PRESIDING**

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**ORDER**

Appellants Max Moudy, David Allen Hall, and Danny O'Dell appealed from final orders that were signed in a class-action lawsuit on May 5, 2008. O'Dell's brief on appeal was originally due on August 14, 2008. On September 5, 2008, this Court notified O'Dell that his brief was overdue and requested a response explaining his failure to file a brief. This notice warned O'Dell that his failure to respond by September 17, 2008, would result in the dismissal of his appeal for want of prosecution. To date, O'Dell has not responded to this Court's notice.

Furthermore, Moudy has filed a motion requesting that his appeal be dismissed. *See* Tex. R. App. P. 42.1(a)(1).

We do not dismiss the entire cause because appellant Hall is not subject to dismissal for want of prosecution and does not join Moudy's motion to dismiss. Accordingly, we (1) grant Moudy's motion and dismiss him as an appellant, (2) dismiss O'Dell as an appellant for want of prosecution, and (3) allow cause number 03-08-00373-CV to proceed with Hall as the sole appellant, styled *David Allen Hall v. Pedernales Electric Cooperative, Inc.; John Worrall, Individually and as representative of others similarly situated; Glenn Van Shellenbeck, Individually and as representative of others similarly situated; Linda Evans, individually and as representative of others similarly situated; Bennie R. Fuelberg; Will Dahmann; W.W. "Bud" Burnett; E.B. Price; O.C. Harmon; R.B. Felps; Val Smith; and Vi Cloud.*

It is so ordered November 21, 2008.

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Diane M. Henson, Justice

Before Justices Patterson, Waldrop and Henson