

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-08-00538-CV

Texas Alcoholic Beverage Commission, Appellant

v.

Illusions-Dallas Private Club, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 126TH JUDICIAL DISTRICT
NO. GN503660, HONORABLE GISELA TRIANA, JUDGE PRESIDING**

NO. 03-08-00572-CV

In re Texas Alcoholic Beverage Commission

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

The Texas Alcoholic Beverage Commission has filed motions in these two causes asking this Court to abate its appeal and its original proceeding, stating that the trial court has signed an order dismissing for want of jurisdiction the underlying suit brought by appellee and real party in interest Illusions-Dallas Private Club. TABC asks that the causes be abated rather than dismissed until the time has passed for Illusions-Dallas to file a motion to reinstate and the trial court loses plenary power. TABC has also filed certificates of conference stating that Illusions-Dallas does not oppose the motions to abate.

We grant the motions and abate the appeal and original proceeding for sixty days. TABC is ordered to file a report in this Court no later than December 30, explaining the status of the underlying case and, if appropriate, moving to dismiss the causes.

David Puryear, Justice

Before Chief Justice Law, Justices Puryear and Pemberton

Abated

Filed: October 30, 2008