

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-11-00563-CV

Cheryl Rogers and Don Rogers, Appellants

v.

City of Austin and Delta Air Lines, Inc., Appellees

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 353RD JUDICIAL DISTRICT
NO. D-1-GN-09-001135, HONORABLE TIM SULAK, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellants Cheryl Rogers and Don Rogers filed their notice of appeal in September 2011 from a summary judgment order. Appellants then filed a motion to abate the appeal with this Court, stating that the order was not a final appealable order and that other claims remained. We granted their motion to abate on October 18, 2011 and gave them 60 days to take action to cure the jurisdictional defect and to pay for and request a supplemental clerk's record containing a signed order of severance or an order otherwise disposing of the remaining claims. Tex. R. App. P. 27.2.

On March 28, 2012, the Clerk of this Court sent notice to appellants that the supplemental record was due in this Court on December 19, 2011, and was overdue, and requested appellants to make arrangements for the supplemental record and to submit a status report regarding this appeal by April 9, 2012. The Clerk also notified appellants that the failure to do so would result in dismissal for want of prosecution. *See* Tex. R. App. P. 42.3. To date, appellants

have not responded to this Court's notice. Accordingly, we reinstate the appeal and dismiss it for want of prosecution.

Melissa Goodwin, Justice

Before Justices Puryear, Henson and Goodwin

Dismissed for Want of Prosecution

Filed: May 16, 2012