

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

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**NO. 03-13-00327-CV**

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**Appellants, The Texas Alcoholic Beverage Commission and  
Sherry Cook, Administrator// Cross-Appellant, D. Houston, Inc. d/b/a Treasures**

**v.**

**Appellee, D. Houston, Inc. d/b/a Treasures// Cross-Appellees,  
The Texas Alcoholic Beverage Commission and Sherry Cook, Administrator**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 126TH JUDICIAL DISTRICT  
NO. D-1-GN-12-001750, HONORABLE GISELA D. TRIANA, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

The Texas Alcoholic Beverage Commission (TABC) and Sherry Cook, in her official capacity as TABC administrator, have filed a motion to abate this appeal pending resolution by the Texas Supreme Court of the related mandamus proceeding, *In re Texas Alcoholic Beverage Commission and Sherry Cook, in her official capacity as TABC Administrator*, cause number 13-0513. We grant the motion.

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Bob Pemberton, Justice

Before Chief Justice Jones, Justices Pemberton and Field

Abated

Filed: November 6, 2013