

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-00-00256-CV

**The State of Texas; Department of Transportation;
and William G. Burnett, Appellants**

v.

**Marjorie Meyers, by Next Friend Edgar Z. Benzing; Helen Elkin; Ruth H. Davis; and
Phillip Greenberg, on Behalf of Themselves and All Others Similary Situated, Appellees**

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 201ST JUDICIAL DISTRICT
NO. 97-09093, HONORABLE JOHN DIETZ, JUDGE PRESIDING**

MEMORANDUM OPINION

On appellants' motion, this Court abated this interlocutory appeal in 2001 after receiving notice that the underlying case had been removed to federal court. After the abatement, no party to this appeal sought reinstatement. We have now been informed that the underlying case is closed and, therefore, have reinstated the appeal.

On April 3, 2017, the Clerk of this Court sent notice to the parties that this appeal would be dismissed for want of prosecution unless a status report was filed on or before April 13, 2017, that provided reason to retain this appeal. *See* Tex. R. App. P. 42.3(b). To date, no response has been filed. Accordingly, we dismiss the appeal for want of prosecution.

Scott K. Field, Justice

Before Chief Justice Rose, Justices Field and Bourland

Dismissed for Want of Prosecution

Filed: May 18, 2017