

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-17-00044-CV
NO. 03-17-00365-CV**

Mateo Cortez, as Representative of the Estate of Deborah Cortez, Appellant

v.

**Linda Lou Marks Murray, Individually; Charlene Rae Flesher Johnston;
Charlotte Fae Flesher Ash; Sandra Kay Flesher Brown; Thomas Wayne Marks;
James Berl Marks; Betty J. Webb; Patricia A. Chapman; Lisa A. Smith;
Charles Bruce Roberts, Jr.; Virginia Ann Roberts Villers; Randall Wayne Davis;
Sherry Lynn Whited Salsbury; Terry Lee Whited; Michael Ray Whited;
Donald Leaman Whited; and Connie Lou Keith Barry, Appellees**

**FROM THE PROBATE COURT NO.1 OF TRAVIS COUNTY
NO. C-1-PB-16-002348, HONORABLE GUY S. HERMAN, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

On June 1, 2017, this Court notified appellant Mateo Cortez that his first appeal, cause number 03-17-00044-CV, did not appear to challenge any final order and that the appeal seemed to duplicate his challenges to the probate court's rulings in his subsequent appeal, cause number 03-17-00365-CV. Cortez's first appeal challenges two orders: the probate court's December 19, 2016 order granting summary judgment and the court's order denying special exceptions. Cortez's subsequent appeal once again challenges the probate court's orders on summary judgment and special exceptions, as well as three other rulings: the court's December 19, 2016 order of severance, the court's February 10, 2017 order modifying the

judgment to include sanctions against Cortez’s counsel, and the court’s February 10, 2017 amended final judgment. In response to our notice, Cortez states that he does not oppose consolidation of his two appeals.¹

The appeals are consolidated. The record and all filings from cause number 03-17-00044-CV are consolidated into cause number 03-17-00365-CV. The consolidated appeal will proceed under cause number 03-17-00365-CV, and cause number 03-17-00044-CV is dismissed. *See Onkst v. Onkst*, Nos. 03-15-00308-CV & 03-15-00636-CV, 2015 Tex. App. LEXIS 12666, at *1 (Tex. App.—Austin Dec. 16, 2015) (mem. op.) (following similar consolidation and dismissal procedure); *Coburn v. Moreland*, Nos. 03-12-00662-CV & 03-12-00709-CV, 2013 Tex. App. LEXIS 1804, at *1 (Tex. App.—Austin Feb. 26, 2013, no pet.) (mem. op.) (same). Briefing will proceed in accordance with the Texas Rules of Appellate Procedure.

Before Chief Justice Rose, Justices Field and Bourland

03-17-00044-CV Dismissed

03-17-00365-CV Consolidated

Filed: June 30, 2017

¹ Counsel for appellees also filed a response stating that it would be appropriate for Cortez’s latter appeal to proceed and his earlier appeal to be dismissed.