

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00526-CV

ON MOTION FOR REHEARING

Thomas Kam, Appellant

v.

Badruddin Karedia, Appellee

**FROM THE COUNTY COURT AT LAW NO. 1 OF TRAVIS COUNTY
NO. C-1-CV-16-007167, HONORABLE TODD T. WONG, JUDGE PRESIDING**

MEMORANDUM OPINION AND ORDER

PER CURIAM

We grant Thomas Kam’s motion for rehearing, withdraw our opinion and judgment dated September 28, 2018, and reinstate this appeal. *See* Tex. R. App. P. 49.3.

In his motion for rehearing, Kam represents to this Court that the trial court has signed a final written order. In their response, appellees also represent that the trial court signed an order on October 8, 2018. We, therefore, abate this appeal to give Kam 30 days after the date of this opinion to pay for and request a supplemental clerk’s record containing a final appealable judgment or order. *See* Tex. R. App. P. 27.2 (“The appellate court may treat actions taken before an appealable order is signed as relating to an appeal of that order and give them effect as if they had been taken

after the order was signed.”); *see also id.* R. 27.1 (addressing prematurely filed notice of appeals). Failure to comply with this order will result in dismissal of this appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a).

It is so ordered on November 13, 2018.

Before Justices Puryear, Goodwin, and Bourland

Abated

Filed: November 13, 2018