

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00702-CV

**Appellants, Glenn Hegar, Comptroller of Public Accounts of the State of Texas,
and Ken Paxton, Attorney General of the State of Texas// Cross-Appellant,
Gateway Regency, LP**

v.

**Appellee, Gateway Regency, LP// Cross-Appellants, Glenn Hegar, Comptroller of Public
Accounts of the State of Texas, and Ken Paxton, Attorney General of the State of Texas**

**FROM THE 53RD DISTRICT COURT OF TRAVIS COUNTY
NO. D-1-GN-17-003680, THE HONORABLE SCOTT H. JENKINS, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

Appellants–Cross-Appellees have filed an agreed motion to abate this appeal pending the Texas Supreme Court’s resolution of *EBS Solutions, Inc. v. Hegar*, No. 18-0503, an appeal from this Court’s decision in *Hegar v. EBS Solutions, Inc.*, 549 S.W.3d 849 (Tex. App.—Austin 2018, pet. filed) (en banc). We grant the motion and abate the appeal. Within 30 days of the Texas Supreme Court’s decision in cause 18-0503, Appellants–Cross-Appellees shall file an opening brief or a motion to dismiss the appeal. Failure to do so may result in this Court reinstating and dismissing this appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b).

Before Chief Justice Rose, Justices Kelly and Smith

Abated

Filed: January 18, 2019