

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

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**NO. 03-19-00238-CV**

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**Glenn Hegar, Comptroller of Public Accounts of the State of Texas, and  
Ken Paxton, Attorney General of the State of Texas, Appellants**

**v.**

**Zertuche Construction, LLC, Appellee**

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**FROM THE 261ST DISTRICT COURT OF TRAVIS COUNTY  
NO. D-1-GN-19-000889, THE HONORABLE JAN SOIFER, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

**PER CURIAM**

We abate this cause pending the Texas Supreme Court’s resolution of *EBS Solutions, Inc. v. Hegar*, No. 18-503, on petition for review of this Court’s opinion in *Hegar v. EBS Solutions, Inc.*, 549 S.W.3d 849 (Tex. App.—Austin 2018, pet. granted). We direct appellants to notify this Court of the Texas Supreme Court’s decision by filing a letter with this Court within 30 days of that decision becoming final, though appellee may so inform the Court and the Court may reinstate the appeal on its own motion.

Upon reinstatement of the appeal, this Court will permit briefs, if needed, addressing the effect of the supreme court’s decision in *EBS* according to the following schedule: appellants’ supplemental brief will be due thirty days after the reinstatement, appellee’s supplemental brief will be due thirty days after the date on which appellants file their

supplemental brief, and appellants' supplemental reply brief (if any) will be due twenty days after the date on which appellee files its supplemental brief. These supplemental briefs must not exceed 7,500 words if computer generated, and 25 pages if not. A party who perceives the need for additional brief length may request an expansion of its limits through established procedures. *See* Tex. R. App. P. 9.4(i).

Before Justices Goodwin, Baker, and Kelly

Abated

Filed: October 18, 2019