

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-22-00714-CV

Charles G. Cooper, in his Official Capacity as the Texas Banking Commissioner, Appellant

v.

Cornelius Campbell Burgess, Appellee

**FROM THE 201ST DISTRICT COURT OF TRAVIS COUNTY,
NO. D-1-GN-22-000504, THE HONORABLE AMY CLARK MEACHUM, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant Charles G. Cooper, in his Official Capacity as the Texas Banking Commissioner, has filed an opposed motion to abate the appeal. Cooper informs the Court that there has been a recent change in the applicable law at issue in the appeal, Texas Finance Code Section 11.202(b). *See* Act of May 6, 2023, 88th Leg. R.S., ch. 97, § 1, sec. 11.202, 2023 Tex. Sess. Law Serv. (amending Tex. Fin. Code § 11.202(b)). Accordingly, Cooper requests that we abate the appeal to allow the parties time to consider the effect of this change on their respective positions. Appellee Cornelius Campbell Burgess has filed a response, asserting that the amendment to the applicable law has no bearing on the appeal, but not asserting any harm from an abatement. We grant Cooper's motion and abate this appeal to allow the parties to consider the effect of the recent change in the applicable law on their respective positions. Cooper shall submit either a motion to reinstate the appeal, a motion to extend the abatement, or a report advising us of the status of the case no later than July 24, 2023.

It is so ordered on June 23, 2023.

Before Chief Justice Byrne, Justices Triana and Theofanis

Abated

Filed: June 23, 2023