



**NUMBER 13-16-00284-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IWR OPERATING, LLC,**

**Appellant,**

**v.**

**SUNBREAKER SERVICES, LLC,**

**Appellee.**

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**On appeal from the 135th District Court  
of Jackson County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Garza, Perkes and Longoria  
Memorandum Opinion Per Curiam**

Appellant IWR Operating, LLC has filed a motion to dismiss this appeal on grounds that a bill of review has been granted setting aside the default judgment subject to appeal in this case. Appellant further states that the deadline for appealing the bill of review has expired, thereby rendering this appeal moot.

The Court, having considered the documents on file and appellant's motion to dismiss the appeal, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). Accordingly, we GRANT appellant's motion to dismiss and we DISMISS the appeal. Costs will be taxed against appellant. See *id.* R. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Delivered and filed the  
6th day of October, 2016.