



NUMBER 13-18-00666-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

CITY OF EDCOUCH, TEXAS,

Appellant,

v.

JOEL SEGURA,

Appellee.

**On appeal from the 206th District Court
of Hidalgo County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Benavides and Longoria
Memorandum Opinion Per Curiam**

Appellant, City of Edcouch, Texas perfected an appeal from a judgment entered by the 206th District Court of Hidalgo County, Texas, in cause number C-4204-18-D. Appellant had filed a motion to dismiss the appeal on grounds that the party no longer desires to proceed on this matter. Appellant requests that this Court dismiss the appeal.

Previously, the appellant, City of Edcouch's had filed motions to substitute counsel,¹ and an emergency motion to enforce stay order, and appellee Joel Segura's motion to require the City to designate lead counsel. On December 27, 2018, the Court abated and remanded to the trial court to determine which attorney had authority to represent counsel. On January 4, 2019, a supplemental clerk's record was filed and showed that on December 23, 2018, the trial court held a hearing and signed an order discharging Javier Villalobos and Law Offices of Javier Villalobos, along with Jeffery R Vaugh and the Law Office of Jeffery R Vaughn as attorneys of records and substituting Orlando Jimenez as the attorney of record.

The Court, having considered the documents on file and appellant's motion to dismiss the appeal, is of the opinion that the motion to dismiss should be granted. See TEX. R. APP. P. 42.1(a). We hereby REINSTATE this cause of action, appellant's motion to dismiss is granted, and the appeal is hereby DISMISSED.² Costs will be taxed against appellant. See TEX. R. APP. P. 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
10th day of January, 2019.

¹ The motion to substitute counsel was filed by Orlando Jimenez and signed by the Mayor of Edcouch. Jimenez has not previously appeared in these proceedings. The original motion for emergency relief and notice of appeal for the City were filed by Javier Villalobos who is designated counsel in these proceedings for the City of Edcouch. Jimenez asserts that Villalobos no longer has authority to act for the City.

² Appellant's motion to substitute counsel and appellee's motion seeking designation of appellant's attorney-in-charge are also granted. Appellant's emergency motion to enforce stay order is dismissed as moot.