



NUMBER 13-19-00629-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI-EDINBURG

IN RE FRAUDULENT HOSPITAL LIEN LITIGATION

**On appeal from MDL No. 15-0360-H in the 444th District Court
of Cameron County, Texas.**

MEMORANDUM OPINION

**Before Justices Benavides, Perkes, and Tijerina
Memorandum Opinion by Justice Perkes**

MedData d/b/a Alegis Revenue Group, L.L.C. (MedData) filed this notice of appeal from MDL No. 15-0360-H, *In re Fraudulent Hospital Lien Litigation*, pending in the 444th District Court of Cameron County, Texas.¹ MedData alleged that the judge of the MDL

¹ This case originated in trial court cause number C-2439-19-F in the 332nd District Court of Hidalgo County, Texas, which was transferred to MDL No. 15-0360-H in the 444th District Court of Cameron County, Texas, for consolidated pretrial proceedings.

pretrial court had not ruled on MedData’s motion to dismiss filed pursuant to the Texas Citizens Participation Act (TCPA) within the statutory deadline, and accordingly, its motion to dismiss was “considered to have been denied by operation of law.” See TEX. CIV. PRAC. & REM. CODE ANN. §§ 27.005(a), 27.008(a). This appeal ensued.

On January 9, 2020, MedData filed a “Motion to Dismiss Appeal as Premature.” Without “abandoning its position that each case in an MDL proceeding is distinct,” MedData asserted that its attempted interlocutory appeal should be dismissed on grounds that the underlying MDL proceedings are stayed, and thus its notice of appeal was premature. MedData’s motion to dismiss is opposed by appellees, Veronica Anguiano, et al.,² however, more than ten days have passed since the motion to dismiss was filed and appellees have not filed a response or other pleading in opposition to MedData’s motion. See TEX. R. APP. P. 10.1(a)(5), 10.1(b), 10.3(a).

The Court, having examined and fully considered the motion to dismiss and the applicable law, is of the opinion that the appeal should be dismissed for the reasons expressed in our opinion in *In re Fraudulent Hospital Lien Litigation*, No. 13-19-00627-CV, 2020 WL _____ (Tex. App.—Corpus Christi—Edinburg Mar. 5, 2020, no pet. h.) (mem. op.), available at <http://www.search.txcourts.gov/case.aspx?cn=13-19-00627-CV>.

² The appellees include: Veronica Anguiano, Maricela Arispe, PerryMay Baker, Laura Boson, Violeta Briseno, Joe Carreon, Guillermo Crispin, Adrian DeLosSantos, Claudia Flores, Claudia Flores, Jenise Fuerte, Raquel Fuerte, Presentacion Garcia, Carlos Garza, Emilia Garza, Jose Gonzalez, Rocio Guerrero, Blanca Guzman, Maria Guadalupe Guzman, Sergio M. Hernandez, Mitchell Johnson, Mary Krause, Selina Lopez, Pedro Lucio, Luis Mata, Manuela Miranda, Ana Guajardo Moya, Berenice Parra, Jorge Patlan, Felipa Ramos, Artemio Regis, Isabel Reyes, Amanda Rivera, Juventino Rivera, Manuel Rivera, SanJuana Rivera, Alejandra Rodriguez, Hortencia Rodriguez, Santa Rosales, Maria Salinas, Angel Sanchez, Maria Saucedo, Claudio Solares, Armando Soliz, Irene Soliz, Eloy Trevino, Erika Trevino, Oyuky Vela, Rosa Vera, and Joanna Villarreal.

Accordingly, we grant MedData's motion to dismiss and we dismiss this appeal for lack of jurisdiction. Pending motions, if any, are dismissed as moot.

GREGORY T. PERKES
Justice

Delivered and filed the
5th day of March, 2020.