



**NUMBER 13-19-00637-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI—EDINBURG**

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**IN RE FRAUDULENT HOSPITAL LIEN LITIGATION**

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

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**MEMORANDUM OPINION**

**Before Chief Justice Contreras and Justices Longoria and Hinojosa  
Memorandum Opinion by Chief Justice Contreras**

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.<sup>1</sup> MedData alleged that the judge of the MDL

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<sup>1</sup> This case originated in trial court cause number C-2429-19-C in the 139th 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, Efren Aguilar, et al.,<sup>2</sup> 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>.

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<sup>2</sup> The appellees include: Efren Aguilar, Brenda Barrera, Adrian Bautista, Maricela Cantu, Selene Castillo, Mavel Corona, Irma Deleon, Irma Deleon, Ibeth Delosreyes, Brenda Escalante, Diana Garza, Linda Garza, Ovidio Garza, Maria Gomez, Carolina Gonzalez, Veronica Gonzalez, Nancy Huerta, Rosa Ledezma, Ludivina Longoria, Kassandra Lopez, Sidney Lee Martin, Ana B. Martinez, Wendy Medina-Deflores, Sylvia Moya, Jennifer Munguia, Esmeralda Neal, Mark Neal, Santa Olivares, Leticia Olivarez, Eufracia Ortiz, Roberto Ortiz, Primitivo Parra, Minerva Perez, Federico Pineda Jr., Marco Ramos Jr., Elida Resendez, Jaime Reyna, Porfirio Rodriguez, Sanjuanita Rodriguez, Luis Salazar, Ismael Saldana, Juan Salinas, Juanita Salinas, Yvette Salinas, Maria Solis, Gloria Teran, Fidel Vargas, Dora Vasquez, Rocky Villarreal, and Ana Villasenor.

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.

DORI CONTRERAS  
Chief Justice

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