



NUMBER 13-19-00640-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 Chief Justice Contreras and Justices Longoria and Hinojosa
Memorandum Opinion by Justice Hinojosa**

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-2476-19-H in the 389th 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, Alfonso Acuna, 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: Alfonso Acuna, Ester Alcala, Adrian Aleman, Jesus Alonso, Carlos Andrade, Maria Barron, Blanca Cardenas, Juan Chavez, Merida Davila, Elsa Escalon, Bertha Flores De Carrillo, Margarita Fuentes, Jose A. Garcia, Laura Garza, Jessica Gomez, Maria C. Gomez, Raul Gomez, Celia Gonzalez, Raquel Guzman, Dalila Ibarra, Melissa Ibarra, Oralia Loza, Rosa Lozano, Sanjuana Luna, Joannie Luna-Ponce, Matthew Marroquin, Coral Martinez, Juan Martinez, Eliezer Melendez, Dionicio Muniz, Elizabet Olivarez, Noemi Ortiz, Victor Oyervides, Dolores Parra, Adelfa Perez, Erica Rios, Raul Rivera, Saul Rivera, Margarita Rodriguez, Eduardo Roque, Audelia Saenz, Rebeca Salamanca, Samuel Salinas, Jiuver Salomon, Amalia Sanchez, Mary Sosa, Juan Vasquez, Cresencia Vives, George Vives, and Maria Zapien.

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.

LETICIA HINOJOSA
Justice

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