



NUMBER 13-19-00642-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 Tijerina**

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 pretrial court had not ruled on MedData's motion to dismiss filed pursuant to the Texas

¹ This case originated in trial court cause number C-2527-19-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.

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, Adrian Bautista Sr., as next friend for A.D., minor, 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

² The appellees include: Adrian Bautista Sr., as next friend for A.D., minor, Amanda Elizondo, as next friend for A.E., minor, Ana Rodriguez, as next friend for R.G., minor, Angela Badillo Saenz, as next friend for M.D., minor, Angelica Garcia, as next friend for J.G., minor, Armira Martinez, as next friend for J.M., minor, Arnulfo Ruiz, as next friend for A.R., minor, Belinda Luna, as next friend for R.L., minor, Berenice Parra, as next friend for J.P., minor, Blanca Martinez, Cecilia Cabrera, Cecilia Pecina, as next friend for N.A., minor, Cindy Villarreal, Corina Perez, Crystal Cerda, as next friend for J.C., minor, Diego Sanchez, as next friend for E.S., minor, Diego Sanchez, as next friend for D.S., minor, Dina Zamora, Dolores Williams, as next friend for M.R., minor, Elvira Bernal, as next friend for S.T., minor, Emma Espinoza, Esmeralda Sepulveda, as next friend for J.S., minor, Isela Ramirez, as next friend for E.M., minor, Ivan Ramirez, Jose Daniel Hernandez, Juan J. Gutierrez, Julio Cortez, Laura Flores, as next friend for A.M., minor, Leticia Rodriguez, as next friend for B.R., minor, Lucio Rivera, Luis Mireles, as next friend for L.M., minor, Maria Ayala, as next friend for J.M., minor, Maria Cazarez, as next friend for D.C., minor, Maria De Leon, as next friend for E.D., minor, Maria Leos, Maria Lozano, as next friend for A.L., minor, Maria Lozano, as next friend for A.L., minor, Mariana Rios, as next friend for D.R., minor, Mavel Corona, as next friend for B.C., minor, Mavel Corona, as next friend for J.C., minor, Minerva De Leon, as next friend for L.L., minor, Minerva Gomez, as next friend for L.L., minor, Minerva Gomez, as next friend for G.L., minor, Minerva Gomez, as next friend for G.L., minor, Mirella Garcia, as next friend for N.N., minor, Monica Martinez, Noemi Saucedo, as next friend for N.S., minor, Ophelia Moralez, Quirina Chavez, as next friend for D.F., minor, Raul Longoria, Robert Hernandez, Santa Olivarez, as next friend for L.I., minor, Selina Lucio, as next friend for C.P., minor, Selina Lucio, as next friend for I.P., minor, and Silvia Conlan.

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>. 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.

JAIME TIJERINA,
JUSTICE

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