

NO. 12-19-00291-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

TOG HOTELS FORT WORTH, L.L.C., § *APPEAL FROM THE 87TH*
APPELLANT

V. § *JUDICIAL DISTRICT COURT*

GARY DAVID SCOGGIN AND
AMANDA SCOGGIN, § *ANDERSON COUNTY, TEXAS*
APPELLEES

MEMORANDUM OPINION
PER CURIAM

Gary David Scoggin and Amanda Scoggin filed a notice of appeal from a May 2019 judgment. BNSF Railway Company and TOG Hotels Fort Worth, L.L.C. were the Appellees. TOG filed a cross appeal. On September 11, 2019, this Court dismissed the Scoggins' appeal for failure to comply with the Texas Rules of Appellate Procedure. *See Scoggin v. BNSF Railway Co.*, No. 12-19-00291-CV, 2019 WL 4296500 (Tex. App.—Tyler Sept. 11, 2019, no pet. h.) (mem. op.). The dismissal did not impact TOG's appeal. *See id.* The Scoggins did not file a motion for rehearing or an extension of time to do so. *See* TEX. R. APP. P. 49.1, 49.8.

TOG filed a motion to dismiss the appeal, stating that TOG no longer needs or desires to pursue its cross appeal now that the Scoggins' appeal was dismissed. Accordingly, we *grant* the motion and *dismiss* the appeal.

Opinion delivered October 17, 2019.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

OCTOBER 17, 2019

NO. 12-19-00291-CV

TOG HOTELS FORT WORTH, L.L.C.,
Appellant
V.
GARY DAVID SCOGGIN AND AMANDA SCOGGIN,
Appellees

Appeal from the 87th District Court
of Anderson County, Texas (Tr.Ct.No. DCCV15-039-87)

THIS CAUSE came on to be heard on the motion of the Appellant to dismiss the appeal herein, and the same being considered, it is hereby ORDERED, ADJUDGED and DECREED by this Court that the motion to dismiss be **granted** and the appeal be **dismissed**, and that the decision be certified to the court below for observance.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.