

NO. 12-19-00291-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***GARY DAVID SCOGGIN AND
AMANDA SCOGGIN,
APPELLANTS***

§ ***APPEAL FROM THE 87TH***

V.

§ ***JUDICIAL DISTRICT COURT***

***BNSF RAILWAY COMPANY AND
TOG HOTELS FORT WORTH, L.L.C.,
APPELLEES***

§ ***ANDERSON COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for failure to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3(c).

On August 22, 2019, the Clerk of this Court notified Appellants, Gary David Scoggin and Amanda Scoggin, that the filing fee in this appeal is due. *See* TEX. R. APP. P. 5. Appellants were informed that failure to remit the filing fee on or before September 3, would result in the Court's taking appropriate action, including dismissal of the case without further notice. *See* TEX. R. APP. P. 42.3(c). The date for remitting the filing fee has passed, and Appellants have not complied with the Court's request.

Because Appellants failed, after notice, to comply with Rule 5, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c). This dismissal does not affect the cross appeal filed by TOG Hotels Fort Worth, LLC.

Opinion delivered September 11, 2019.
Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

SEPTEMBER 11, 2019

NO. 12-19-00291-CV

GARY DAVID SCOGGIN AND AMANDA SCOGGIN,

Appellants

V.

BNSF RAILWAY COMPANY AND TOG HOTELS FORT WORTH, L.L.C.,

Appellees

Appeal from the 87th District Court

of Anderson County, Texas (Tr.Ct.No. DCCV15-039-87)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this Court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this Court that this appeal be, and the same is, hereby **dismissed**; and that this decision be certified to the court below for observance. This dismissal does not affect the cross appeal filed by TOG Hotels Fort Worth, LLC.

By *per curiam* opinion.

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