

NO. 12-19-00384-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

THURSTON, OWENS & NEWMAN, § APPEAL FROM THE
L.L.C., D/B/A SOUTHWEST
RESTAURANT & BEVERAGE
SOLUTIONS, LESLIE DELOYD
THURSTON, BILLY RAY BELL
JUNIOR, THREE SAVAGES, L.L.C.,
PAUL SACCOCCIO, ROTHROCK
SOLUTIONS, L.L.C., TODD
ROTHROCK, AND GILL ELECTRIC,
L.L.C., APPELLANTS/CROSS-
APPELLEES

§ COUNTY COURT AT LAW NO. 2

V.

JERRY DAVIS, INDIVIDUALLY AND
AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF HAYDEN
DAVIS, KAREN DAVIS, AND
SUMMER HERNANDEZ, AS NEXT
FRIEND OF G.L.D. AND C.N.D.,
APPELLEES/CROSS-APPELLANTS § GREGG 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 November 21, 2019, the Clerk of this Court notified Appellants 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 December 2, 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 Jerry Davis, individually and as personal representative of the Estate of Hayden Davis, Karen Davis, and Summer Hernandez, as next friend of G.L.D. and C.N.D.

Opinion delivered December 4, 2019.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

DECEMBER 4, 2019

NO. 12-19-00384-CV

**THURSTON, OWENS & NEWMAN, L.L.C., D/B/A SOUTHWEST RESTAURANT &
BEVERAGE SOLUTIONS, LESLIE DELOYD THURSTON, BILLY RAY BELL
JUNIOR, THREE SAVAGES, L.L.C., PAUL SACCOCCIO, ROTHROCK SOLUTIONS,
L.L.C., TODD ROTHROCK, AND GILL ELECTRIC, L.L.C.,**

Appellants/Cross-Appellees

V.

**JERRY DAVIS, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE
ESTATE OF HAYDEN DAVIS, KAREN DAVIS, AND SUMMER HERNANDEZ, AS
NEXT FRIEND OF G.L.D. AND C.N.D.,**

Appellees/Cross-Appellants

Appeal from the County Court at Law No. 2
of Gregg County, Texas (Tr.Ct.No. 2017-2475-CCL2)

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 Jerry Davis, individually and as personal representative of the Estate of Hayden Davis, Karen Davis, and Summer Hernandez, as next friend of G.L.D. and C.N.D.

By *per curiam* opinion.

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