

TEXAS COURT OF APPEALS, ELEVENTH DISTRICT

Rush Truck Centers of Texas, L.P. v. Ronald Joe Andrus, Jr.

Rush Truck Centers · No. 11-26-00018-CV · Decided April 9, 2026

SUMMARY

The Texas Eleventh Court of Appeals granted Rush Truck Centers of Texas, L.P.’s unopposed motion to dismiss its portion of the appeal after the trial court granted its postjudgment motion and entered a take-nothing judgment. The court also dismissed Ronald Joe Andrus, Jr.’s portion of the appeal for want of prosecution and failure to comply with court directives.

CASE DETAILS

COURT	Texas Court of Appeals, Eleventh District
WRITING FOR THE COURT	W. Stacy Trotter; Bailey, C.J.; W. Stacy Trotter, J.; Williams, J.
JURISDICTION	Texas Court of Appeals, Eleventh District
DECIDED	April 9, 2026
DOCKET	11-26-00018-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Rush Truck Centers appealed from an initial judgment entered after a jury trial and filed postjudgment motions. After the trial court granted those motions and entered a take-nothing judgment in Rush Truck's favor, Andrus filed a cross-appeal. The appellate court granted Rush Truck's unopposed motion to dismiss its portion of the appeal and dismissed Andrus's portion for want of prosecution and failure to comply with appellate-court directives.
PRECEDENTIAL VALUE	published memorandum opinion
PARTIES	Rush Truck Centers of Texas, L.P. v. Ronald Joe Andrus, Jr.

TOPICS

- appellate procedure
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether Rush Truck Centers' portion of the appeal should be dismissed after the trial court granted all relief requested in its pending postjudgment motion.
2. Whether Andrus's portion of the appeal should be dismissed for want of prosecution and failure to comply with the appellate court's directives.

HOLDINGS

1. An appellant's portion of an appeal may be dismissed when the appellant requests dismissal and the appeal is no longer necessary because the trial court has granted all requested relief.
2. An appellate court may dismiss an appeal for want of prosecution and failure to comply with the court's directives when the appellant does not pursue the appeal or take required steps to obtain the appellate record.

KEY QUOTATIONS

“Given the foregoing, we grant Rush Truck’s motion to dismiss its portion of the appeal, and we dismiss Andrus’s portion of the appeal for want of prosecution and failure to comply with our directives.” (2)

FACTUAL BACKGROUND

The trial court initially entered judgment in favor of Ronald Joe Andrus, Jr. after a jury trial. It subsequently granted Rush Truck Centers of Texas, L.P.'s omnibus postjudgment motion and entered a take-nothing judgment in Rush Truck's favor. Andrus then failed to take the required steps to prosecute his cross-appeal, including arranging for the clerk's record and responding to the appellate court.

PROCEDURAL HISTORY

Following a jury trial, the trial court entered judgment for Andrus on October 28, 2025. The court later granted Rush Truck's omnibus postjudgment motion and entered a take-nothing judgment for Rush Truck on February 2, 2026. Rush Truck moved to dismiss its appeal because the requested relief had been granted, while Andrus failed to pursue his cross-appeal, obtain preparation of the clerk's record, pay or arrange payment for it, or respond to the appellate court's directives.

DISPOSITION

dismissed

OPINION

Rush Trucking Centers of Texas, L.P. v. Ronald Joe Andrus, Jr.

PER CURIAM.

Opinion filed April 9, 2026 In The Eleventh Court of Appeals _____ No. 11-26-00018-CV
_____ RUSH TRUCK CENTERS OF TEXAS, L.P., Appellant/Cross- Appellee V.
RONALD JOE ANDRUS, JR., Appellee/Cross-Appellant On Appeal from the 104th District

MEMORANDUM OPINION

On October 28, 2025, the trial court signed a judgment in favor of Appellee/Cross-Appellant, Ronald Joe Andrus, Jr., following a jury trial. Appellant/Cross-Appellee, Rush Truck Centers of Texas, L.P., filed a notice of appeal and an omnibus motion (1) for new trial, (2) to modify, correct, and reform the judgment, and (3) for judgment notwithstanding the verdict. The trial court conducted a hearing, granted Rush Truck's omnibus motion, and signed a take-nothing judgment in its favor on February 2, 2026. Andrus filed a notice of appeal from the trial court's take-nothing judgment, which was filed in this cause because it relates to the appeal of the trial court's original judgment. See TEX. R. APP. P. 27.3. Rush Truck has now filed an unopposed motion to dismiss its portion of this appeal. In the motion, Rush Truck states that its notice of appeal was filed as a protective measure while its postjudgment motion was still pending. It states that because the trial court "granted all of [Rush Truck]'s requested relief and entered a take-nothing judgment, this appeal [is] no longer necessary." We agree and conclude that its motion should be granted. See TEX. R. APP. P. 42.1(a)(1). On March 5, Andrus attempted to file a "notice of nonsuit" but we did not file it because it lacked a certificate of conference and Andrus did not pay the required filing fee. On March 11, because we had not received any correspondence from Andrus's attorney, we requested a response from the attorney regarding his desire to prosecute the appeal, with a March 23 deadline to respond. On March 26, we issued a letter to the parties reminding Andrus's attorney that we were attempting to determine whether Andrus desired to prosecute his portion of the appeal. Andrus's attorney has not filed a response or otherwise contacted this court. On March 27, the district clerk's office filed a request for an extension of time to file the clerk's record, which we granted, because Andrus has not submitted a request for the preparation or written designation for the clerk's record, nor has he paid or made arrangements to pay for the clerk's record. See TEX. R. APP. P. 35.3(a)(2). Given the foregoing, we grant Rush Truck's motion to dismiss its portion of the appeal, and we dismiss Andrus's portion of the appeal for want of prosecution 2 and failure to comply with our directives. TEX. R. APP. P. 42.1(a)(1), 42.3(b), (c). Accordingly, this appeal is dismissed.

W. STACY TROTTER

JUSTICE

April 9, 2026 Panel consists of: Bailey, C.J., Trotter, J., and Williams, J. 3