

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

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
Court Taylor County, Texas Trial Court Cause No. 28362-B

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

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