

COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

**Melanie Pfenninger, Individually and as Next Friend of Kyle Thome
v. Harvest Family Ent., L.P. d/b/a Hawaiian Falls Waterparks; CNL
Income Properties, Inc. and CNL Income Garland, L.P.**

No. 05-13-00555-CV · No. No. 05-13-00555-CV · Decided July 23, 2013

SUMMARY

The Fifth District Court of Appeals of Texas at Dallas granted the appellant’s voluntary motion to dismiss the appeal under Texas Rule of Appellate Procedure 42.1(a)(1). The court dismissed the appeal and ordered the appellees to recover any appellate costs from the appellant.

CASE DETAILS

COURT	Court of Appeals for the Fifth District of Texas at Dallas
WRITING FOR THE COURT	David Evans; Justice Lang; Justice Myers
JURISDICTION	Texas
DECIDED	July 23, 2013
DOCKET	No. 05-13-00555-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant voluntarily moved to dismiss her appeal, and the Court of Appeals granted the motion and dismissed the appeal.
PRECEDENTIAL VALUE	published memorandum opinion
PARTIES	Melanie Pfenninger, individually and as next friend of Kyle Thome v. Harvest Family Ent., L.P. d/b/a Hawaiian Falls Waterparks, CNL Income Properties, Inc., CNL Income Garland, L.P.

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the court should grant appellant's voluntary motion to dismiss the appeal.

HOLDINGS

1. The court granted appellant's voluntary motion to dismiss the appeal and dismissed the appeal.

FACTUAL BACKGROUND

The opinion contains no substantive factual findings concerning the underlying dispute. It addresses only appellant's voluntary motion to dismiss the pending appeal.

PROCEDURAL HISTORY

The appeal was taken from the County Court at Law No. 5 of Dallas County, Texas, in trial court cause number CC-10-06195-E. While the appeal was pending, appellant filed a voluntary motion to dismiss on July 12, 2013. The court granted the motion, dismissed the appeal, and awarded appellees their appellate costs, if any.

DISPOSITION

dismissed

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