

COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI-EDINBURG

Soledad Gonzales v. Deutsche Bank Trust Co.

No. 13-14-00695-CV, Court of Appeals of Texas, Thirteenth District, Corpus Christi-Edinburg (March 19, 2015)

SUMMARY

The Thirteenth Court of Appeals of Texas granted Soledad Gonzales’s motion for voluntary dismissal of her appeal from a Hidalgo County court judgment. The appeal was dismissed under Texas Rule of Appellate Procedure 42.1(a), with costs taxed against the appellant and the mandate ordered to issue immediately.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi-Edinburg
WRITING FOR THE COURT	Per Curiam; Chief Justice Valdez; Justice Rodriguez; Justice Longoria
JURISDICTION	Texas
DECIDED	March 19, 2015
DOCKET	13-14-00695-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant appealed a judgment of the County Court at Law No. 2 of Hidalgo County and moved for voluntary dismissal of the appeal.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Soledad Gonzales v. Deutsche Bank Trust Co.

TOPICS

- appellate procedure
- costs
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

- Whether the appellant's motion for voluntary dismissal of the appeal should be granted.
- Against which party appellate costs should be taxed following voluntary dismissal.

HOLDINGS

- 1. The appellate court granted appellant's motion for voluntary dismissal and dismissed the appeal.
- 2. Absent an agreement of the parties, appellate costs were taxed against appellant.

KEY QUOTATIONS

“Absent agreement of the parties, the court will tax costs against the appellant.”

FACTUAL BACKGROUND

The opinion contains no substantive underlying facts because the appeal was resolved on appellant's motion for voluntary dismissal. Gonzales requested that the appellate court dismiss her appeal from the county court judgment.

PROCEDURAL HISTORY

Soledad Gonzales appealed a judgment entered by the County Court at Law No. 2 of Hidalgo County, Texas. While the appeal was pending, she moved for voluntary dismissal. The court granted the motion, dismissed the appeal, assessed costs against appellant, and ordered that its mandate issue forthwith.

DISPOSITION

dismissed

OPINION

PER CURIAM.

NUMBER 13-14-00695-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG
SOLEDAD
GONZALES, Appellant, v. DEUTSCHE BANK TRUST CO., Appellee.
On appeal from the
County Court at Law No. 2 of Hidalgo County, Texas.
MEMORANDUM

OPINION Before Chief Justice Valdez and Justices Rodriguez and Longoria Memorandum Opinion Per Curiam Appellant, Soledad Gonzales, filed an appeal from a judgment entered by the County Court at Law No. 2 of Hidalgo County, Texas, in cause number CL-14-3213-B.

This cause is before the Court on appellant’s motion for voluntary dismissal. Appellant requests that this Court dismiss the appeal. The Court, having considered the documents on file and appellant’s motion to dismiss the appeal, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). Appellant’s motion to dismiss is granted, and the appeal is hereby DISMISSED.

Costs will be taxed against appellant. See TEX. R. APP. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith. PER CURIAM Delivered and filed the 19th day of March, 2015. 2