

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Sheng Zhong and Spicy Sichuan, Inc. v. Xing Quan Liu, Individually and on Behalf of the Partnership of Xing Quan Liu and Xiao Feng Zhu, and Quan Feng Catering Services, Inc.

No. 01-13-00765-CV · No. 01-13-00765-CV · Decided October 8, 2013

SUMMARY

The Texas Court of Appeals for the First District granted appellants' motion to dismiss their appeal because no other party had appealed, no opinion had issued, and no party had responded to the motion. The court dismissed the appeal under Texas Rule of Appellate Procedure 42.1(a)(1) and dismissed all other pending motions as moot.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Justice Keyes; Justice Higley; Justice Massengale
JURISDICTION	Texas
DECIDED	October 8, 2013
DOCKET	01-13-00765-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants moved to dismiss their appeal before any opinion had issued. No other party filed a notice of appeal, and no party responded to the dismissal motion.
PRECEDENTIAL VALUE	published memorandum opinion
PARTIES	Sheng Zhong, Spicy Sichuan, Inc. v. Xing Quan Liu, Individually and on Behalf of the Partnership of Xing Quan Liu and Xiao Feng Zhu, Quan Feng Catering Services, Inc.

TOPICS

[appellate procedure](#) [mootness](#) [civil procedure](#)

PRACTICE AREAS

[appellate procedure](#) [civil procedure](#)

QUESTIONS PRESENTED

1. Whether the appellants' motion to dismiss the appeal should be granted when no other party filed a notice of appeal and no appellate opinion had issued.

HOLDINGS

1. The Court of Appeals granted the appellants' motion and dismissed the appeal.
2. All other pending motions were dismissed as moot following dismissal of the appeal.

FACTUAL BACKGROUND

Sheng Zhong and Spicy Sichuan, Inc. filed an appeal from proceedings in the County Civil Court at Law No. 3 of Harris County. Before any appellate opinion issued, the appellants moved to dismiss the appeal, and no other party filed a notice of appeal or responded to the motion.

PROCEDURAL HISTORY

The appeal was taken from the County Civil Court at Law No. 3 of Harris County, Texas, in trial court cause number 1004756. The appellants moved to dismiss the appeal, and the Court of Appeals granted the motion and dismissed the appeal; it dismissed all other pending motions as moot.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Opinion issued October 8, 2013 In The Court of Appeals For The First District of Texas NO. 01-13-00765-CV SHENG ZHONG AND SPICY SICHUAN, INC., Appellants V. XING QUAN LIU, INDIVIDUALLY AND ON BEHALF OF THE PARTNERSHIP OF XING QUAN LIU AND XIAO FENG ZHU, AND QUAN FENG CATERING SERVICES, INC., Appellees On Appeal from the County Civil Court at Law No. 3 Harris County, Texas Trial Court Case No. 1004756 MEMORANDUM OPINION Appellants, Sheng Zhong and Spicy Sichuan, Inc., have filed a motion to dismiss the appeal.

No other party has filed a notice of appeal, and no opinion has issued. Further, although appellants failed to include a certificate of conference in their motion, more than 10 days have passed and no party has responded to the motion. See TEX. R. APP. P. 10.1(a)(5), 10.3(a).

Accordingly, we grant the motion and dismiss the appeal. See TEX. R. APP. P. 42.1(a)(1). We dismiss all other pending motions as moot. PER CURIAM Panel consists of Justices Keyes, Higley, and Massengale. 2

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