

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Izzy Ashkenazy and Jonathan Agus v. Wells Fargo, N.A.

No. 05-12-01172-CV · No. No. 05-12-01172-CV · Decided January 23, 2013

SUMMARY

The Fifth Court of Appeals at Dallas granted the appellants’ unopposed motion to dismiss their appeal and dismissed the appeal. The court ordered that, subject to any agreement of the parties, Wells Fargo, N.A. recover its appellate costs from the appellants.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Justice Evans; Justice FitzGerald; Justice Fillmore
JURISDICTION	Texas
DECIDED	January 23, 2013
DOCKET	No. 05-12-01172-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants filed an unopposed motion to dismiss their appeal from the 14th Judicial District Court of Dallas County, Texas.
PRECEDENTIAL VALUE	published
PARTIES	Izzy Ashkenazy, Jonathan Agus v. Wells Fargo, N.A.

TOPICS

- appellate procedure
- civil procedure
- costs

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

- Whether the court should grant appellants' unopposed motion to dismiss the appeal.

HOLDINGS

- The court granted appellants' unopposed motion and dismissed the appeal.

KEY QUOTATIONS

“We grant appellants’ motion and dismiss the appeal.”

FACTUAL BACKGROUND

The opinion contains no substantive facts concerning the underlying dispute. The material procedural fact is that appellants filed an unopposed motion to dismiss their appeal.

PROCEDURAL HISTORY

The appeal arose from trial court cause number DC-12-04619 in the 14th Judicial District Court of Dallas County. On January 16, 2013, appellants moved without opposition to dismiss the appeal. The Court of Appeals granted the motion, dismissed the appeal, and awarded appellate costs to appellee subject to any agreement of the parties.

DISPOSITION

dismissed

OPINION

PER CURIAM.

1)DISMISS; Opinion filed January 23, 2013. In The (!Inurt øf ijcaki.Fift!i Dntrirt rf xai at Ja1tai No. 05-12-01 172-CV IZZY ASUKENAZY AND JONATHAN AGUS, Appellants WELLS FARGO, N.A., Appellee On Appeal from the 14th Judicial District Court Dallas County, Texas Trial Court Cause No. DC—12-04619 OPINION Before Justices FitzGerald, Fillmore and Evans Opinion by Justice Evans Before the Court is appellants’ January 16, 2013 unopposed motion to dismiss appeal.

We grant appellants’ motion and dismiss the appeal. See JUSTICE 121 172F.P05 (itutri Lii Apri15 3Fiftli Jit1rir1 tit Lixt tt Jt11ai JUDGMENT Izzy Ashkenazy and Jonathan Agus, On Appeal from the 14th Judicial District Appellants Court, Dallas County, Texas Trial Court Cause No. DC-12-04619. No. 05-12-01 172-CV V. Opinion delivered by Justice Evans. Justices FitzGerald and Fillmore Wells Fargo, N.A., Appellee participating.

In accordance with this Court’s opinion of this date, this appeal is DISMiSSED. Subject to any agreement of the parties, it is ORDERED that appellee Wells Fargo, N.A. recover its costs of this appeal from appellants Izzy Ashkenazy and Jonathan Agus. Judgment entered this January 23, 2013. W. EVANS JUSTiCE