

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

**Southern Nurseries, Inc. and Kathy Garfield v. Maria Guadalupe
Solis**

No. 13-09-00664-CV · No. 13-09-00664-CV · Decided February 11, 2010

SUMMARY

The Thirteenth Court of Appeals of Texas granted appellants' motion to dismiss their appeal because no issue remained in controversy. The appeal was dismissed under Texas Rule of Appellate Procedure 42.1(a), with costs taxed against appellants and the mandate ordered to issue forthwith.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi-Edinburg
WRITING FOR THE COURT	Justice Rodriguez; Justice Garza; Justice Benavides
JURISDICTION	Texas
DECIDED	February 11, 2010
DOCKET	13-09-00664-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants attempted to perfect an appeal from an order of the 93rd District Court of Hidalgo County and moved to dismiss the appeal because no issue remained in controversy.
PRECEDENTIAL VALUE	published
PARTIES	Southern Nurseries, Inc., Kathy Garfield v. Maria Guadalupe Solis, et al.

TOPICS

mootness appellate procedure costs civil procedure

PRACTICE AREAS

appellate procedure civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed at appellants' request because there was no longer an issue in controversy.
2. Whether costs should be taxed against appellants following dismissal.

HOLDINGS

1. The court granted appellants' motion to dismiss and dismissed the appeal because there was no longer an issue in controversy.
2. Costs were taxed against appellants.

KEY QUOTATIONS

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

FACTUAL BACKGROUND

The opinion provides no substantive factual background concerning the underlying dispute. Appellants sought dismissal of their appeal, asserting that no issue remained in controversy.

PROCEDURAL HISTORY

The appeal arose from an order entered by the 93rd District Court of Hidalgo County, Texas, in cause number C-290-09-B. During the appeal, appellants moved for dismissal on the ground that there was no longer an issue in controversy. The court granted the motion, dismissed the appeal, taxed costs against appellants, and directed that no motion for rehearing would be entertained and that the mandate issue forthwith.

DISPOSITION

dismissed