

**COURT OF APPEALS OF TEXAS, FOURTH COURT OF APPEALS DISTRICT,
SAN ANTONIO**

Ronald Mensch v. State Farm Fire & Casualty Company

Mensch · No. 04-15-00159-CV · Decided June 26, 2015

SUMMARY

This document is an appellant's motion to dismiss an appeal pending in the Fourth Court of Appeals District of Texas at San Antonio. Ronald Mensch argues that the issues in the appeal had already been resolved in a related proceeding and that dismissal would avoid the need to file a frivolous brief. The document includes a proposed order dismissing the appeal with costs borne by the party incurring them.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth Court of Appeals District, San Antonio
JURISDICTION	Texas
DECIDED	June 26, 2015
DOCKET	04-15-00159-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant moved to dismiss his appeal after a prior related appellate decision became final and resolved the issues presented in this appeal. The Court of Appeals granted the motion and dismissed the appeal, ordering each party to bear its own costs.
PRECEDENTIAL VALUE	No reporter citation or precedential designation appears in the document.
PARTIES	Ronald Mensch v. State Farm Fire & Casualty Company

TOPICS

appellate procedure insurance civil procedure

PRACTICE AREAS

appellate procedure civil procedure workers' compensation insurance

QUESTIONS PRESENTED

1. Whether the appellant's motion to dismiss should be granted after a related appellate decision became final and resolved the issues in the appeal.

FACTUAL BACKGROUND

Mensch sought workers' compensation benefits from State Farm based on a 1980 injury. The dispute concerned whether Mensch had exhausted administrative remedies before pursuing judicial relief. After the related appellate decision ordering dismissal became final, Mensch concluded that the issues in this appeal had already been resolved.

PROCEDURAL HISTORY

Mensch sued State Farm, the workers' compensation carrier for his employer, seeking benefits arising from a 1980 injury. After the trial court denied State Farm's plea to the jurisdiction, State Farm pursued a mandamus proceeding, and the Texas Department of Insurance pursued a related interlocutory appeal. The Court of Appeals reversed and rendered a dismissal in the related appeal, the Texas Supreme Court denied review, and the mandate issued. Mensch then moved to dismiss this separate appeal because the prior decision had become final and resolved all issues in the case.

DISPOSITION

dismissed