

## COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

### Lindsey Lavender and Leilani Ferguson v. City of Frisco, Texas

No. 05-21-00618-CV · No. No. 05-21-00618-CV · Decided August 5, 2021

#### SUMMARY

The Fifth District Court of Appeals at Dallas granted the appellants' motion to dismiss their appeal because they no longer wished to pursue it. The court dismissed the appeal under Texas Rule of Appellate Procedure 42.1(a)(1) and awarded the City of Frisco its appellate costs.

#### CASE DETAILS

|                       |                                                                                             |
|-----------------------|---------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Texas, Fifth District at Dallas                                         |
| WRITING FOR THE COURT | Justice David J. Schenck; Justice Reichek; Justice Carlyle                                  |
| JURISDICTION          | Texas                                                                                       |
| DECIDED               | August 5, 2021                                                                              |
| DOCKET                | No. 05-21-00618-CV                                                                          |
| DISPOSITION           | dismissed                                                                                   |
| PROCEDURAL POSTURE    | Appellants moved to dismiss their appeal after deciding they no longer wished to pursue it. |
| PRECEDENTIAL VALUE    | Published memorandum opinion; precedential effect not otherwise specified in the opinion.   |
| PARTIES               | Lindsey Lavender, Leilani Ferguson v. City of Frisco, Texas                                 |

#### TOPICS

appellate procedure civil procedure municipal law

#### PRACTICE AREAS

appellate procedure civil procedure municipal law

#### QUESTIONS PRESENTED

- Whether the appellants' motion to dismiss the appeal should be granted.

#### HOLDINGS

1. The court granted the appellants' motion and dismissed the appeal because the appellants no longer wished to pursue it.

## **FACTUAL BACKGROUND**

The appellants no longer wished to pursue their appeal. They therefore filed a motion requesting dismissal of the appeal.

## **PROCEDURAL HISTORY**

The appeal arose from the 471st Judicial District Court of Collin County, Texas, trial court cause number 471-02007-2021. The appellants moved to dismiss the appeal, and the Court of Appeals granted the motion and dismissed the appeal, awarding appellate costs to the City of Frisco.

## **DISPOSITION**

dismissed

## **OPINION**

PER CURIAM.

DISMISS and Opinion Filed August 5, 2021 S In The Court of Appeals Fifth District of Texas at Dallas No. 05-21-00618-CV LINDSEY LAVENDER AND LEILANI FERGUSON, Appellants V. CITY OF FRISCO, TEXAS, Appellee On Appeal from the 471st Judicial District Court Collin County, Texas Trial Court Cause No. 471-02007-2021 MEMORANDUM OPINION Before Justices Schenck, Reichek, and Carlyle Opinion by Justice Schenck Before the Court is appellants' motion to dismiss the appeal.

Appellants no longer wish to pursue the appeal. Accordingly, we grant the motion and dismiss the appeal. See TEX. R. APP. P. 42.1(a)(1). /David J. Schenck/ DAVID J. SCHENCK 210618F.P05 JUSTICE S Court of Appeals Fifth District of Texas at Dallas JUDGMENT LINDSEY LAVENDER AND On Appeal from the 471st Judicial LEILANI FERGUSON, Appellants District Court, Collin County, Texas Trial Court Cause No. 471-02007- No. 05-21-00618-CV V. 2021.

Opinion delivered by Justice CITY OF FRISCO, TEXAS, Schenck. Justices Reichek and Appellee Carlyle participating. In accordance with this Court's opinion of this date, the appeal is DISMISSED. It is ORDERED that appellee CITY OF FRISCO, TEXAS recover its costs of this appeal from appellants LINDSEY LAVENDER AND LEILANI FERGUSON. Judgment entered August 5, 2021 –2–