

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Ashkenzay, Izzy v. LSREF2 Clover REO2, LLC

Ashkenzay · No. 05-12-01174-CV · Decided January 23, 2013

SUMMARY

The Texas Fifth Court of Appeals granted the appellant’s unopposed motion to dismiss the appeal. The appeal was dismissed under Texas Rule of Appellate Procedure 42.1(a)(1), with appellate costs awarded to the appellee subject to any agreement of the parties.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Justice Myers; Justice Lang-Miers; Justice Lewis
JURISDICTION	Texas
DECIDED	January 23, 2013
DOCKET	05-12-01174-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the 160th Judicial District Court of Dallas County, Texas; appellant moved without opposition to dismiss the appeal.
PRECEDENTIAL VALUE	published
PARTIES	Izzy Ashkenzay v. LSREF2 Clover REO2, LLC

TOPICS

- appellate procedure
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

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

HOLDINGS

- The court granted the appellant's unopposed motion and dismissed the appeal under Texas Rule of Appellate Procedure 42.1(a)(1).

KEY QUOTATIONS

“We grant appellant’s motion and dismiss the appeal.”

FACTUAL BACKGROUND

The opinion contains no substantive merits facts. The appellant filed an unopposed motion to dismiss the appeal.

PROCEDURAL HISTORY

Izzy Ashkenzay appealed from the 160th Judicial District Court of Dallas County in trial court cause number 12-04618. Ashkenzay filed an unopposed motion to dismiss the appeal on January 16, 2013. The Fifth District Court of Appeals granted the motion and dismissed the appeal, awarding appellate costs to LSREF2 Clover REO2, LLC subject to any agreement of the parties.

DISPOSITION

dismissed

OPINION

PER CURIAM.

DISMISS; Opinion Filed January 23, 2013. 0 In The tnurt nf Apprat ittI! Juttttttif ja at Oalla No. 05-12-01 174-CV IZZY ASHKENZAY, Appellant V. LSREF2 CLOVER REO2, LLC, Appellee On Appeal from the 160th Judicial District Court Dallas County, Texas Trial Court Cause No. 12M4618 OPINION Before Justices Lang-Miers, Myers and Lewis Opinion by Justice Myers Before the Court is appellant’s January 16, 2013 unopposed motion to dismiss appeal.

We grant appellant’s motion and dismiss the appeal. See TEx. R. App. P. 42.l(a)(1). LANAM ERS JUSTICE Q 121 174F.P05 1nitr nf Appizt1i fifl1! jiiitric uf ciixai at)at1ai JUDGMENT Izzy Ashkenzay, Appellant On Appeal from the 1 60th Judicial District Court, Dallas County, Texas No. 05-12-011 74-CV V. Trial Court Cause No. 12-04618. Opinion delivered by Justice Myers.

LSRIZF2 Clover REO2, LLC, Appellee Justices Lang-Miers and Lewis 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 LSREF2 Clover REO2, LLC recover its costs of this appeal from appellant Izzv Ashkenzay. Judgment entered this January 23, 2013. LANA MYERS JUSTICE