

COURT OF APPEALS OF TEXAS, NINTH DISTRICT AT BEAUMONT

ODC, LP, Communis, LLC, and Brent L. Mainwaring v. Medical Imaging Solutions Group Inc. of Texas

No. 09-17-00105-CV (Tex. App.—Beaumont July 20, 2017) · No. No. 09-17-00105-CV · Decided July 20, 2017

SUMMARY

The Ninth District Court of Appeals of Texas considered a joint motion by the appellants and cross-appellant to dismiss the appeal with prejudice. The court granted the motion and dismissed the appeal under Texas Rule of Appellate Procedure 42.1(a)(1).

CASE DETAILS

COURT	Court of Appeals of Texas, Ninth District at Beaumont
WRITING FOR THE COURT	Per curiam; McKeithen, C.J.; Kreger, J.; Johnson, J.
JURISDICTION	Texas
DECIDED	July 20, 2017
DOCKET	No. 09-17-00105-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	The appellants and cross-appellant jointly moved to dismiss the appeal with prejudice.
PRECEDENTIAL VALUE	published memorandum opinion
PARTIES	ODC, LP, Communis, LLC, Brent L. Mainwaring v. Medical Imaging Solutions Group Inc. of Texas

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the court should grant the parties' joint motion to dismiss the appeal with prejudice.

HOLDINGS

1. The court granted the parties' joint motion and dismissed the appeal with prejudice under Texas Rule of Appellate Procedure 42.1(a)(1).

KEY QUOTATIONS

"We grant the motion and dismiss the appeal." (at 1)

"APPEAL DISMISSED." (at 1)

FACTUAL BACKGROUND

The record reflects that ODC, LP, Communis, LLC, and Brent L. Mainwaring appealed, while Medical Imaging Solutions Group Inc. of Texas filed a cross-appeal. The appellants and cross-appellant jointly requested dismissal of the appeal with prejudice, and no other party filed a notice of appeal.

PROCEDURAL HISTORY

The appeal arose from the 136th District Court of Jefferson County, Texas, in Trial Cause No. D-194,217. All parties who had appealed jointly moved to dismiss the appeal with prejudice, and the Court of Appeals granted the motion.

DISPOSITION

dismissed

OPINION

PER CURIAM.

In The Court of Appeals Ninth District of Texas at Beaumont _____ NO. 09-17-00105-CV _____ ODC, LP, COMMUNIS, LLC, AND BRENT L. MAINWARING, Appellants/Cross-Appellees V. MEDICAL IMAGING SOLUTIONS GROUP INC. _____ OF _____ TEXAS, _____ Appellee/Cross-Appellant _____ On Appeal from the 136th District Court Jefferson County, Texas Trial Cause No. D-194,217 _____

MEMORANDUM OPINION The Appellants, ODC, LP, Communis, LLC, and Brent L. Mainwaring, and the Cross-Appellant, Medical Imaging Solutions Group Inc. of Texas, filed a joint motion to dismiss this appeal with prejudice.

No other party filed a notice of appeal. We grant the motion and dismiss the appeal. See Tex. R. App. P. 42.1(a)(1). 1 APPEAL DISMISSED. _____ LEANNE JOHNSON Justice Submitted on July 19, 2017 Opinion Delivered July 20, 2017 Before McKeithen, C.J., Kreger and Johnson, JJ. 2

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