

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Anthony P. Griffin, Inc. v. Galveston County, City of Galveston, Galveston College, Galveston County Navigation District # 01, and Galveston Independent School District

No. 01-22-00067-CV · No. No. 01-22-00067-CV · Decided May 12, 2022

SUMMARY

The First Court of Appeals of Texas granted Anthony P. Griffin, Inc.’s motion to dismiss its appeal after the trial court vacated the challenged judgment, rendering the appeal moot. The court dismissed the appeal and all other pending motions as moot.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Justice Kelly; Justice Goodman; Justice Guerra
JURISDICTION	Texas
DECIDED	May 12, 2022
DOCKET	No. 01-22-00067-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant moved to voluntarily dismiss its appeal after the trial court vacated the judgment from which the appeal was taken.
PRECEDENTIAL VALUE	published
PARTIES	Anthony P. Griffin, Inc. v. Galveston County, City of Galveston, Galveston College, Galveston County Navigation District # 01, Galveston Independent School District

TOPICS

mootness appellate procedure civil procedure final judgment rule

PRACTICE AREAS

civil procedure appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal should be voluntarily dismissed after the trial court vacated the complained-of judgment.
2. Whether the court should dismiss the remaining pending motions as moot.

HOLDINGS

1. The court granted appellant's motion and dismissed the appeal because the complained-of judgment had been vacated and no party opposed voluntary dismissal.
2. All other pending motions were dismissed as moot.

FACTUAL BACKGROUND

The trial court entered a final judgment on January 3, 2022. The trial court later vacated that judgment, causing appellant to represent that the appeal had become moot and to request voluntary dismissal.

PROCEDURAL HISTORY

Anthony P. Griffin, Inc. appealed the 56th District Court of Galveston County's January 3, 2022 final judgment. While the appeal was pending, the trial court vacated that judgment, and appellant moved to dismiss the appeal; no other party filed a notice of appeal, and appellees did not oppose voluntary dismissal.

DISPOSITION

dismissed