

COURT OF APPEALS OF TEXAS, ELEVENTH DISTRICT

**Mark Adams; Waterloo Medical Labs, LLC; Ashton Kouzbari; and
Strategic Medical Services, LLC v. Landon Northcutt; Diversified
Sales, LLC; Star Hospital Solutions, LLC; and Go Net, LLC**

Mark Adams · No. 11-17-00252-CV · Decided September 15, 2017

SUMMARY

The Texas Eleventh Court of Appeals partially granted Appellants' emergency motion in an accelerated appeal involving temporary injunctions issued without notice. The court stayed the trial court's injunctive orders issued on August 25 and September 8, 2017, but declined to stay all proceedings in the trial court. The court expressed no opinion on the merits of the requested temporary injunction.

OPINION

PER CURIAM.

Order filed September 15, 2017 In The Eleventh Court of Appeals _____ No. 11-17-00252-CV _____ MARK ADAMS; WATERLOO MEDICAL LABS, LLC; ASHTON KOUZBARI; AND STRATEGIC MEDICAL SERVICES, LLC, Appellants V. LANDON NORTHCUTT; DIVERSIFIED SALES, LLC; STAR HOSPITAL SOLUTIONS, LLC; AND GO NET, LLC, Appellees On Appeal from the 266th District Court Erath County, Texas Trial Court Cause No. CV34582 ORDER In this accelerated appeal from two orders in which the trial court granted a temporary injunction without notice to Appellants, Appellants have filed in this court an emergency motion.

In their motion, Appellants ask that we dissolve or stay the two orders issued by the trial court and also that we stay all proceedings below. We grant the motion in part. We note that the trial court's orders are not merely temporary restraining orders, but are temporary injunctions. See TEX. R. CIV. P. 680, 681. "No temporary injunction shall be issued without notice to the adverse party." TEX. R. CIV.

P. 681. We also note that a hearing is scheduled to be held in the trial court on September 18, 2017, and that two of the trial court's stated purposes for the hearing are (1) to determine whether a temporary injunction should be granted and (2) to rule on Appellants' motion to reconsider and to dissolve the temporary injunction.

We express no opinion regarding the merits of Appellees' request for a temporary injunction; however, we note that Rule 29.6 of the Texas Rules of Appellate Procedure provides that we may,

in this accelerated appeal, review any “further appealable interlocutory order concerning the same subject matter.” We grant Appellants’ emergency motion with respect to Appellants’ request to stay the injunctive orders issued by the trial court on August 25, 2017, and September 8, 2017.

The emergency motion is denied with respect to Appellants’ request to stay all proceedings in the trial court. See TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(4), (b) (West Supp. 2016); see also TEX. R. APP. P. 29.1. PER CURIAM September 15, 2017 Panel consists of: Wright, C.J., Willson, J., and Bailey, J. 2