

DISMISS and Opinion Filed June 15, 2021



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-18-01538-CV

**SHAWN K. BROWN CHAPTER 7 BANKRUPTCY TRUSTEE OF TOTAL
OPERATING, LLC, Appellant**

V.

JACOB F. WATTERS AND WILLIAM BERRY DEAN III, Appellees

**On Appeal from the 101st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-18-09217**

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Goldstein, and Justice Smith
Opinion by Chief Justice Burns

We reinstate this appeal. In January 2019, we abated this case due to William Berry Dean III's bankruptcy. *See* TEX. R. APP. P. 8.2. The Court conducted an independent review of the federal Public Access to Court Electronic Records (PACER) system which shows the bankruptcy case associated with this appeal was terminated on January 28, 2021, effectively dissolving the automatic stay.

We notified the parties by letter dated May 7, 2021, requesting they inform the Court of the status of the bankruptcy and of this appeal. We cautioned that the

failure to respond would result in the appeal being dismissed for want of prosecution. *See id.* 42.3(b),(c). To date, no party has responded.

Because we gave the parties an opportunity to show why we should not dismiss the appeal for want of prosecution and no one responded, we dismiss this appeal. *See id.* 42.3(b), (c); *Tex. Bus. Telecomm. Servs., Inc. v. Potomac Leasing Co.*, 2021 WL 1783104, at *1 (Tex. App.—Dallas May 5, 2021, no pet. h.) (mem. op.).

/Robert D. Burns, III/
ROBERT D. BURNS, III
CHIEF JUSTICE

181538F.P05



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

SHAWN K. BROWN CHAPTER 7
BANKRUPTCY TRUSTEE OF
TOTAL OPERATING, LLC,
Appellant

No. 05-18-01538-CV V.

JACOB F. WATTERS AND
WILLIAM BERRY DEAN III,
Appellees

On Appeal from the 101st Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-1 8-
09217.

Opinion delivered by Chief Justice
Burns. Justices Goldstein and Smith
participating.

In accordance with this Court's opinion of this date, the appeal is
DISMISSED.

Judgment entered June 15, 2021