

**Dismissed and Opinion Filed July 21, 2021**



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

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**No. 05-11-01545-CV**

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**BROYHILL FURNITURE INDUSTRIES, Appellant  
V.  
RANDY MURPHY AND DAVE SHAFFER, Appellees**

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**On Appeal from the 44th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. 08-13276**

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**MEMORANDUM OPINION**

Before Justices Myers, Partida-Kipness, and Garcia  
Opinion by Justice Partida-Kipness

We reinstate this appeal. In 2013, we abated this case due to Broyhill Furniture Industries' 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 does not show a pending bankruptcy case associated with this appeal.

We notified the parties by letter, 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, neither 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); *Brewer v. Admiral Ins. Co.*, 2002 WL 31312990, at \*1 (Tex. App.—Dallas Oct. 16, 2002, no writ) (per curiam) (not designated for publication).

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/Robbie Partida-Kipness/  
ROBBIE PARTIDA-KIPNESS  
JUSTICE



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

**JUDGMENT**

BROYHILL FURNITURE  
INDUSTRIES, Appellant

No. 05-11-01545-CV      V.

RANDY MURPHY AND DAVE  
SHAFFER, Appellees

On Appeal from the 44th Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. 08-13276.  
Opinion delivered by Justice Partida-  
Kipness. Justices Myers and Garcia  
participating.

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

Judgment entered this 21<sup>st</sup> day of July, 2021.