

**Dismissed and Opinion filed February 22, 2001.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-99-01093-CV**  
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**REX TEMPLE, INC. d/b/a ZONE D'EROTICA, Appellant**

**V.**

**HARRIS COUNTY, Appellee**

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**On Appeal from the 269th District Court  
Harris County, Texas  
Trial Court Cause No. 98-55159**

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**MEMORANDUM OPINION**

This is an appeal from a judgment signed June 29, 1999. Appellant's brief has been filed, but appellee has been unable to file its brief due to problems with the record on appeal.

On January 5, 2001, appellee filed a motion requesting that appellant be ordered to replace those portions of the record lost by appellant's counsel while preparing appellant's brief. The Court granted the motion and on January 11, 2001, ordered appellant to locate and return the missing record to the Court within ten days of the date of the order. If appellant was unable to return the missing portions of the record, the Court ordered appellant to take the steps necessary to replace the record, pay the costs incurred in

replacing the missing record, and file the replacements on or before February 12, 2001. The order warned that if appellant failed to comply, the appeal would be dismissed. To date, neither the lost original portions of the missing record or replacements have been filed with the Court. Nor has appellant responded to the Court's order.

On February 14, 2001, appellee filed a motion to dismiss the appeal for failure to comply with this court's January 11, 2001, order. *See* TEX. R. APP. P. 42.3(c). The motion is granted.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed February 22, 2001.

Panel consists of Chief Justice Murphy, Justices Edelman and Frost.

Do Not Publish. — TEX. R. APP. P. 47.3(b).