

Reversed and Remanded and Opinion filed March 1, 2001.

In The
Fourteenth Court of Appeals

NO. 14-98-01187-CV

MARY J. RISER, Appellant

V.

**UYU KIAN SUA, INDIVIDUALLY AND D/B/A MANDARIN HUNAN CUISINE
CHINESE RESTAURANT, Appellee**

**On Appeal from the 190th District Court
Harris County, Texas
Trial Court Cause No. 97-05637**

OPINION

Appellant, Mary J. Riser, appeals the trial court's dismissal for want of prosecution of her case in three issues. We reverse and remand for an oral hearing on the motion to reinstate. Appellant's case was dismissed by the trial court for want of prosecution. Soon thereafter, she timely filed a verified motion to reinstate and requested a hearing on the motion. In the verified motion, her attorney stated he did not receive notice of the dismissal for want of prosecution. The trial court did not conduct a hearing and denied the motion to

reinstate.

Civil Procedure Rule 165a.3 requires an oral hearing on any timely filed motion to reinstate a case dismissed for want of prosecution. TEX. R. CIV. P. 165a.3; *Thordson v. City of Houston*, 815 S.W.2d 550, 550 (Tex. 1991) (per curiam). Thus, because appellant was not provided a hearing on her motion to reinstate, we sustain her third issue and remand this cause to the trial court for an oral hearing on the motion to reinstate.

/s/ Ross A. Sears
 Justice

Judgment rendered and Opinion filed March 1, 2001.

Panel consists of Justices Sears, Lee and Andell.*

Do Not Publish — TEX.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

* Senior Justices Ross A. Sears, Norman Lee, and Former Justice Eric Andell sitting by assignment.