

Dismissed and Opinion filed May 11, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-00183-CV

ADRIANO QUINTANA AND CAROLYNE QUINTANA, Appellants

V.

**EUGENE AUGUST AND STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY, Appellees**

**On Appeal from the 215th District Court
Harris County, Texas
Trial Court Cause No. 98-23244**

OPINION

This is an appeal from a judgment signed November 22, 1999.

On April 24, 2000, notification was transmitted to all parties of the Court's intent to dismiss the appeal for failing to comply with this Court's order of April 6, 2000, which ordered the parties to agree on a mediator or, if they could not agree, to each submit the names of two acceptable mediators on or before April 17, 2000. *See* TEX. R. APP. P. 42.3(c).

On April 28, 2000, appellants filed a response to this Court's dismissal letter. In their one-page response, appellants assert they did not comply with this Court's order because the

order was “misfiled and not calendered. Appellant’s [sic] counsel was therefore unable to timely comply with said court order.” On May 1, 2000, appellees filed a “brief in support of the court’s motion to dismiss.” In their brief, appellees argued appellants’ claim that the failure to comply with this Court’s order was due to misfiling or mistake is “disingenuous.” Appellees assert that in two separate letters, which are attached to the brief as exhibits, appellees attempted to reach an agreement on the selection of a mediator. In the second, letter, dated April 11, 2000, appellees again sought an agreement on the selection of a mediator and *specifically referenced* this Court’s order of April 6, 2000.

Based on the foregoing, we find appellants’ response demonstrates no reasonable explanation for failure to comply with this Court’s order of April 6, 2000. Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed May 11, 2000.

Panel consists of Justices Amidei, Anderson, and Frost. (J. Amidei, dissenting without opinion).

DO NOT PUBLISH - TEX. R. APP. P. 47.3(b).