

Dismissed and Opinion filed May 25, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-00058-CV

JERRY S. SURBER, JR. d/b/a U.S. AWARDS, INC., Appellant

V.

**DOW CHEMICAL COMPANY EMPLOYEE'S RETIREMENT PLAN TRUST,
Appellee**

**On Appeal from the County Civil Court at Law No. 4
Harris County, Texas
Trial Court Cause No. 708,260**

OPINION

This is an appeal from a summary judgment signed September 23, 1999. The clerk's record was filed on March 9, 2000. No brief was filed.

On May 4, 2000, notification was transmitted to all parties of the Court's intent to dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b). Appellant filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed May 25, 2000.

Panel consists of Chief Justice Murphy, Justices Hudson and Wittig.

Do Not Publish — TEX.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