

Dismissed and Opinion filed July 12, 2001.



In The

Fourteenth Court of Appeals

NO. 14-00-01468-CV

WENDY LORRAINE HOLEMAN, Appellant

V.

**ELIAS FRANCO and STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, Appellees**

**On Appeal from the 125th District Court
Harris County, Texas
Trial Court Cause No. 99-23991**

MEMORANDUM OPINION

This is an appeal from a summary judgment signed July 18, 2000. The clerk's record was filed December 12, 2000. On January 4, 2001, this court ordered the parties to mediation. The parties filed a joint objection to mediation, which the court sustained on January 25, 2001. Accordingly, appellant's brief was due February 26, 2001. Appellant requested and received three extensions of time until May 29, 2001, to file her brief. When this court granted the third extension, the court noted that no further extensions would be entertained. Appellant's brief was not filed by its due date.

On June 13, 2001, appellees filed a motion to dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b). On June 14, 2001, the office manager for appellant's counsel filed a notice in this court stating that appellant's counsel was out of state on a business trip and was due to return on June 28, 2001. Attached to the notice was copy of counsel's vacation letter, file-stamped by the Harris County District Clerk, indicating that counsel had selected the week of June 18, 2001, as one of his vacation weeks. Appellees objected to the filing by the office manager for appellant's counsel. Nonetheless, the court allowed time for appellant's counsel to respond to the motion to dismiss after his return from his business trip. To date, no response has been filed.

Accordingly, appellees' motion is granted, and the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed July 12, 2001.

Panel consists of Justices Edelman, Frost, and Senior Chief Justice Murphy.¹

Do Not Publish.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

¹ Senior Chief Justice Paul C. Murphy sitting by assignment.