

No. 01-23-00615-CV

IN THE 1st COURT OF APPEALS
AT HOUSTON, TEXAS

**RAMESH KAPUR INDIVIDUALLY AND
d/b/a AIC MANAGEMENT COMPANY
APPELLANT,
V.
NICIA VITORINO
APPELLEE.**

Appealed from
the 268th Judicial District Court
Fort Bend County, Texas

**APPELLANT'S
MOTION TO DISMISS THE APPEAL
DUE TO ORDER GRANTING MOTION FOR NEW TRIAL**

TO THE HONORABLE COURT:

NOW COMES, RAMESH KAPUR INDIVIDUALLY AND d/b/a AIC
MANAGEMENT COMPANY, Appellant and files this Motion to Dismiss the
appeal under Texas Rules of Appellate Procedure 10.1 and 42.1(a)(1), moves the

Court to dismiss the pending appeal as moot and in support thereof **STATES:**

1. The trial court granted and signed an Order for New Trial on the Intervention on August 25, 2023. (See Attached Exhibit "A")

2. The above entitled and numbered appeal is now moot as the trial court is moving forward on the intervention and there is no need for an appeal.

WHEREFORE, Appellee, **RAMESH KAPUR INDIVIDUALLY AND d/b/a AIC MANAGEMENT COMPANY**, prays that the Court dismiss the above appeal due to the August 25, 2023 Order granting a new trial on the intervention and for whatever further the Court deems just and proper in the premises.

Respectfully submitted,

COLLEEN M. McCLURE
ATTORNEY AT LAW

By: 

Colleen M. McClure

SBN: 24012121

6064 FM 2920, #425

Spring, Texas 77379

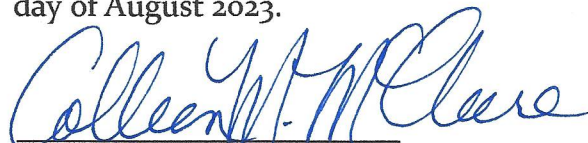
Telephone: (281) 440-1625

Facsimile: (281) 946-5627

colleen.mcclure@att.net


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above notice was served to opposing counsel pursuant to the Texas Rules of Civil Procedure and via email at electronically via email and eservice on this 31st day of August 2023.


COLLEEN M. McCLURE

CERTIFICATE OF COMPLIANCE

I hereby certify this document has 293 as calculated by word count feature on Microsoft 11.


COLLEEN M. McCLURE

CAUSE NO. 2021-02915

Pgs-4

4X

NICIA VITORINO

Plaintiff,

vs.

RAMESH KAPUR INDIVIDUALLY
D/B/A AIC MANAGEMENT
COMPANY, FORT BEND MDDS,
LLC, RK PARIVAR HOLDINGS,
PLLC BULETEX MANAGEMENT
SOLUTIONS, INC AND JERRY
SCHULTZ
Defendants.

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IN THE DISTRICT COURT

334th JUDICIAL DISTRICT



OF HARRIS COUNTY, TEXAS

RAMESH KAPUR INDIVIDUALLY
AND D/B/A AIC MANAGEMENT
COMPANY
Intervenor,

vs.

NICIA VITORINO, AND
STEVEN ENGLEHARDT
Intervenor/Defendants.

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IN THE DISTRICT COURT

334th JUDICIAL DISTRICT

OF HARRIS COUNTY, TEXAS

**AGREED ORDER GRANTING NEW TRIAL ON THE INTERVENTION
AND RELEASING DEFENDANTS HREAL COMPANY, LLC AND
ALDENS ACQUISITIONS, LLC**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, INTERVENOR, RAMESH KAPUR INDIVIDULALY AND D/B/A
AIC MANAGEMENT COMPANY in the above-entitled and numbered cause, filing this
their Order Granting New Trial on his Intervention with the court having read the
pleadings, heard the argument of counsel and being otherwise fully advised in the premises

FINDS AND IT IS THEREFORE ORDERED:

1. That the order is granted in the interest of justice and fairness.
2. The Intervention filed herein on May 15, 2023 will proceed forward.
3. Intervenor Ramesh Kapur and Defendants Hreal Company, LLC and Aldens

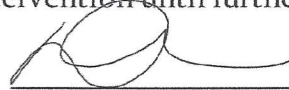
Acquisitions, LLC have reached an agreement and said agreement is herein, the court

herein FINDS AND IT IS FURTHER ORDERED:

- a. A Final Summary Judgment was entered on May 23, 2023 wherein Plaintiff Nicia Vitorino and Defendants Hreal Company, LLC and Aldens Acquisitions, LLC resolved all claims between them with Defendants Hreal Company, LLC and Aldens Acquisitions, LLC receiving \$18,000, plus 45% of the statutory interest accrued thereon since the funds were placed into the court registry and Plaintiff Nicia Vitorino will receive \$22,000, which represents 55% of the funds in the court registry, along with 55% of the statutory interest accrued on those funds.
- b. Intervenor Ramesh Kapur and Defendants Hreal Company, LLC and Aldens Acquisitions, LLC agree that Intervenor will amend his Petition for Intervention to reflect that Defendants Hreal Company, LLC and Aldens Acquisition, LLC are released from all claims through the Summary Judgment signed on May 23, 2023.
- c. Intervenor has a claim solely on Plaintiff/Defendant Nicia Vitorino's funds in the court registry, \$22,000 plus 55% of the interest accrued on the total deposit into the Court Registry of \$40,000.

- d. Intervenor releases all claims that he may have against Defendants Hreal Company, LLC and Aldens Acquisition, LLC and agree to release the fund in the amount of \$18,000 plus 45% of the interest accrued on the total deposit into the Court Registry of \$40,000.
- e. The parties further agree that \$22,000 of the \$40,000, plus 55% of the interest accrued on the total deposit of \$40,000, will remain in the court registry due to the pending intervention until further order of the Court.

Signed:
8/25/2023



DISTRICT JUDGE

APPROVED AS TO FORM:

COLLEEN M. McCLURE
ATTORNEY AT LAW

By: /s/ Colleen M. McClure

Colleen M. McClure

SBN: 24012121

6046 FM 2920 #425

Spring, Texas 77379

Telephone: (281) 440-1625

Facsimile: (281) 946-5627

colleen.mcclure@att.net

Attorney for Intervenor

Barry & Sewart, PLLC

By: /s/ David W. Barry

David W. Barry

SBN: 01835200

evictions@barryandsewart.com

ATTORNEYS FOR HREAL COMPANY, LLC
and ALDENS ACQUISITIONS, LLC

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Colleen McClure on behalf of Colleen McClure
Bar No. 24012121
colleen.mcclure@att.net
Envelope ID: 78853444
Filing Code Description: Proposed Order
Filing Description: Order Granting Motion for New Trial
Status as of 8/24/2023 7:31 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Nicia Vitorino		nicia.vitorino@gmail.com	8/23/2023 4:47:39 PM	SENT
Jerry L. Schutza	17853800	schutzalaw@yahoo.com	8/23/2023 4:47:39 PM	SENT
David W. Barry	1835200	dwbarry@barryandsewart.com	8/23/2023 4:47:39 PM	SENT
Colleen McCure		colleen.mcclure@att.net	8/23/2023 4:47:39 PM	SENT
Charlie Henke		chenke@henkelawfirm.com	8/23/2023 4:47:39 PM	SENT
Kathleen Boll		kboll@henkelawfirm.com	8/23/2023 4:47:39 PM	SENT
Eileen Hensley		ehensley@henkelawfirm.com	8/23/2023 4:47:39 PM	SENT
Colleen McCure		colleen.mcclure@att.net	8/23/2023 4:47:39 PM	SENT
Katie hinsz		legalassistantcmclure@gmail.com	8/23/2023 4:47:39 PM	SENT
Steven Engelhardt		steven@engelhardtlaw.com	8/23/2023 4:47:39 PM	ERROR
Anna Sewart		efile@barryandsewart.com	8/23/2023 4:47:39 PM	SENT

Automated Certificate of eService

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Colleen McClure on behalf of Colleen McClure

Bar No. 24012121

colleen.mcclure@att.net

Envelope ID: 79132646

Filing Code Description: Motion

Filing Description: Motion to Dismiss Due to Order Granting Motion for New Trial

Status as of 8/31/2023 4:16 PM CST

Associated Case Party: Ramesh Kapur

Name	BarNumber	Email	TimestampSubmitted	Status
Katie hinsz		legalassistantcmclure@gmail.com	8/31/2023 4:10:55 PM	SENT
Colleen McCure		colleen.mcclure@att.net	8/31/2023 4:10:55 PM	SENT

Associated Case Party: Nicia Vitorino

Name	BarNumber	Email	TimestampSubmitted	Status
Nicia Vitorino		nicia.vitorino@gmail.com	8/31/2023 4:10:55 PM	SENT

Associated Case Party: Aldens Acquisitions, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
David W Barry		dwbarry@barryandsewart.com	8/31/2023 4:10:55 PM	SENT

Associated Case Party: Hreal Company, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
David WBarry		dwbarry@barryandsewart.com	8/31/2023 4:10:55 PM	SENT