

No. 24-0444

IN THE SUPREME COURT OF TEXAS

**Michael Joseph Bitgood a/k/a Michael Easton
Petitioner**

v.

**Karina Martinez, Marianna Sullivan, and Imperial Lofts
Respondents**

**On Petition for Review from No. 14-22-00694-CV
Court of Appeals
Fourteenth Judicial District**

**On Interlocutory Appeal
From the County Court at Law No. 3
of Fort Bend County, Texas
Trial Court Case No. 22-CCV-070378**

**Petitioner's Notice of Non-suit
Without Prejudice Pursuant to Rule 162**

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a/k/a Michael Easton

TO THE HONORABLE TEXAS SUPREME COURT:

Petitioner, Michael Joseph Bitgood, a/k/a/ Michael Easton, files this notice of non-suit without prejudice pursuant to Texas Rule of Civil Procedure 162 and in accord with *Morath v. Lewis*, 601 S.W.3d 785 (Tex. 2020). This is an interlocutory appeal from County Court at Law No. 3 of Fort Bend County where Petitioner is Plaintiff.

Respondents did not seek an extension of time to file their cross petition for review and have filed no petition for review, but rather Respondents invoked the arbitration process in connection with these claims and as such abandoned their claims in this Court. Thus, under *Morath* and because this was an interlocutory appeal, this non-suit is effective immediately and requires that this Court enter the non-suit and end the litigation in this Court.

Prayer

Wherefore, Petitioner prays that the Court take notice of Petitioner's non-suit without prejudice and enter an order of such non-suit without prejudice.

Respectfully submitted,

/s/ Brad Beers

Brad Beers

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CERTIFICATE OF COMPLIANCE

This document complies with the typeface requirements of Tex.R.App.P. 9.4(e) because it has been prepared in a conventional typeface no smaller than 14 point for text, and contains 127 words as counted by MS Word Office 365.

CERTIFICATE OF SERVICE

On September 3, 2024, I certify that I delivered a true and correct copy of this instrument to Texas e-File for distribution.

/s/ Brad Beers

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Filing Description: Petitioner's Notice of Non-suit Without Prejudice Pursuant to Rule 162
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Associated Case Party: MichaelJosephBitgood

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