

Opinion issued April 29, 2025



**In The
Court of Appeals
For The
First District of Texas**

NO. 01-24-00343-CV

**FRED ZAZISKI AND ROZANNE ZAZISKI, Appellants
V.
NORTH TEXAS ACQUISITIONS GROUP, LLC, Appellee**

**On Appeal from the County Civil Court at Law No. 2
Harris County, Texas
Trial Court Case No. 1214593**

MEMORANDUM OPINION

Appellants, Fred Zaziski and Rozanne Zaziski, through counsel, filed a notice of appeal from the trial court's April 25, 2024 final judgment. Appellee, North Texas Acquisitions Group, LLC, filed a motion to dismiss the appeal for want of prosecution because appellants have failed to timely file a brief.

We grant appellee's motion and dismiss the appeal for want of prosecution.

On May 8, 2024, the official court reporter for the County Civil Court at Law No. 2 notified the Court that no record was taken in the trial court cause, and the clerk's record was filed on July 26, 2024. Appellants' brief was therefore originally due on or before August 26, 2024. *See* TEX. R. APP. P. 38.6(a), (d). However, no brief was filed.

On September 4, 2024, appellants were notified by the Clerk of this Court that the appeal was subject to dismissal unless a brief, or motion to extend time to file a brief, was filed within ten days of the notice. *See* TEX. R. APP. P. 38.8(a) (governing failure of appellant to file brief), 42.3(b) (allowing involuntary dismissal of appeal for want of prosecution), 42.3(c) (allowing involuntary dismissal of case for failure to comply with order of this Court). On September 13, 2024, appellants filed their first motion to extend the deadline to file their brief, which was granted by the Court. With the extension, appellants' brief was due on or before October 25, 2024.

On October 16, 2024, appellants filed their second motion to extend the deadline to file their brief, which was granted by the Court. With the extension, appellants' brief was due on or before November 25, 2024. However, no brief was filed. Instead, on November 25, 2024, appellants' counsel filed a motion to withdraw as appellate counsel, stating that "professional considerations require[d] termination of the representation."

The Court granted the motion to withdraw, allowing counsel to withdraw, and directed appellants to, within thirty days of the date of the Court's order, file a brief pro se, or if they hired new counsel, direct such counsel to file a notice of appearance along with a brief or meritorious motion to extend the deadline for filing a brief. The Court's order further notified appellants that failure to comply with the order may result in dismissal of the appeal. Appellants did not adequately respond to the Court's order.

On April 2, 2025, appellee filed its motion to dismiss the appeal for want of prosecution. Despite the Court's notice that this appeal was subject to dismissal, and appellee's motion requesting dismissal of the appeal, appellants have not adequately responded. *See* TEX. R. APP. P. 10.3(a).

Accordingly, we grant appellee's motion and dismiss this appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b), (c), 43.2(f). All pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Guerra, Caughey, and Morgan.