

Dismissed and Opinion filed October 26, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-00997-CV

LEE-HICKMAN'S INVESTMENT, Appellant

V.

ALPHA INVESCO CORPORATION, Appellee

**On Appeal from the 234th District Court
Harris County, Texas
Trial Court Cause No. 2000-25188**

OPINION

This is an interlocutory appeal from an order dissolving a temporary injunction, signed August 7, 2000. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(4) (Vernon Supp. 2000).

Appellee filed its brief on September 7, 2000, asserting that the trial court granted a final summary judgment on August 30, 2000, which rendered the appeal moot. On September 18, 2000, notification was transmitted to all parties of the Court's intent to dismiss the appeal for want of jurisdiction unless a response was filed demonstrating that the appeal was not moot. *See* TEX. R. APP. P. 42.3(a).

On September 29, 2000, appellant filed a motion to consolidate this appeal with the appeal of the final summary judgment signed by the trial court on August 30, 2000. The appeal of the final judgment was docketed in the First Court of Appeals under Cause No. 01-00-00986-CV, but was subsequently transferred to the Thirteenth Court of Appeals, under Cause No. 13-00-00610-CV.

Appellant also filed its objection to dismissal of the appeal. The response fails to demonstrate that the appeal is not moot. The Texas Supreme Court has held that if the trial court renders a final judgment while an order granting or denying a temporary injunction is on appeal, the interlocutory appeal is rendered moot. *See Isuani v. Manske-Sheffield Radiology Group, P.A.*, 802 S.W.2d 235, 236 (Tex. 1991).

Accordingly, the appeal is ordered dismissed. All pending motions are denied as moot.

PER CURIAM

Judgment rendered and Opinion filed October 26, 2000.

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

Do Not Publish — TEX.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