

Dismissed and Opinion filed December 20, 2001.



In The
Fourteenth Court of Appeals

NO. 14-01-00972-CV

**JESUS GARCIA SALAS, SANTIAGO LOPEZ RODRIGUEZ, JESUS ORTIZ,
AND MARIO OROZCO CASILLAS, Appellants**

V.

**EXXON MOBIL CORPORATION AND PETROCHEM FIELD SERVICES, INC.,
Appellees**

**On Appeal from the 80th District Court
Harris County, Texas
Trial Court Cause No. 99-29961**

MEMORANDUM OPINION

This is an attempted appeal from a judgment signed August 9, 2001. No motion for new trial was filed. Accordingly, appellant's notice of appeal was due September 10, 2001. Appellants' notice of appeal was filed October 1, 2001.

The notice of appeal must be filed within thirty days after the judgment is signed when appellant has not filed a timely motion for new trial, motion to modify the judgment, motion

to reinstate, or a request for findings of fact and conclusions of law. *See* TEX. R. APP. P. 26.1.]

Appellants' notice of appeal was not filed timely. A motion for extension of time is necessarily implied when an appellant, acting in good faith, files a notice of appeal beyond the time allowed by Rule 26.1, but within the fifteen-day grace period provided by Rule 26.3 for filing a motion for extension of time. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617-18 (1997) (construing the predecessor to Rule 26). However, the appellant must offer a reasonable explanation for failing to file the notice of appeal in a timely manner. *See* TEX. R. APP. P. 26.3, 10.5(b)(1)(C); *Verburgt*, 959 S.W.2d at 617-18. Appellants' notice of appeal, however, was not filed within the fifteen-day period provided by Rule 26.3.

On October 24, 2001, appellee Exxon Mobil Corporation filed a motion to dismiss the appeal for want of jurisdiction. Appellants filed no response to the motion to dismiss. We grant the motion.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed December 20, 2001.

Panel consists of Justices Yates, Edelman, and Guzman.

Do Not Publish — TEX.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