

NO. 04-14-00886-CV

IN THE COURT OF APPEALS
FOURTH COURT OF APPEALS DISTRICT OF TEXAS
SAN ANTONIO, TEXAS

CITY OF SAN ANTONIO

APPELLANT

VS.

HAYS STREET BRIDGE RESTORATION GROUP

APPELLEE

APPELLANT'S MOTION TO DISMISS

TO THE HONORABLE JUSTICES OF THE COURT:

Appellant, City of San Antonio, asks the Court to dismiss this appeal.

1. Appellant is the City of San Antonio. Appellee is the Hays Street Bridge Restoration Group.

2. The Supreme Court has issued mandate in this case, remanding the case to this Court in accordance with the Supreme Court's opinion and judgment.

3. Because Appellant believes the underlying trial court judgment has been satisfied, Appellant no longer desires to prosecute this appeal. Appellant is the only party who perfected an appeal from the trial court judgment. In accordance with

Tex. R. App. P. 42.1 (a) (1), Appellant requests that this Court dismiss Appellant's appeal from the trial court judgment.

PRAYER

For these reasons, Appellant asks the Court to grant this motion, dismiss this appeal and issue mandate in accordance with the rules of appellate procedure. Costs of appeal should be taxed against Appellant.

Respectfully submitted,

CITY OF SAN ANTONIO
Deborah Lynne Klein, Attorney IV
State Bar No. 11556750
Office of the City Attorney
Litigation Division
Frost Bank Tower
100 West Houston Street
San Antonio, TX 78205
(210) 207-8919 – Phone
deborah.klein@sanantonio.gov

POZZA & WHYTE, PLLC
239 E. Commerce Street
San Antonio, TX 78205
(210) 226-8888 – Phone
(210) 222-8477 – Fax
danpozza@pozzaandwhyte.com

/s/Dan Pozza

State Bar No. 16224800

ATTORNEYS FOR APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been delivered via e-mail transmission on this 1st day of May, 2019, to:

Amy Kastely
233 Lotus Avenue
San Antonio, TX 78210
amykastely@fastem.com

/s/Dan Pozza _____