

Dismissed and Opinion filed January 11, 2001.



In The

Fourteenth Court of Appeals

NO. 14-00-01447-CV

DR. ARTHUR B. CONDE, Appellant

V.

VINCENT R. GARDNER, Appellee

**On Appeal from the 240th District Court
Fort Bend County, Texas
Trial Court Cause No. 92,829**

M E M O R A N D U M O P I N I O N

This is an attempted appeal from the denial of a motion to stay execution of judgment in this cause, which was signed on October 5, 2000. The appeal from the final judgment is pending in this court under our Appeal No. 14-99-1102-CV. On December 22, 2000, appellee filed a motion to dismiss this appeal for want of jurisdiction, asserting that the denial of a motion to stay execution of judgment is not an appealable order. *See* TEX. R. APP. P. 42.3. On January 3, 2001, appellant filed a response to the motion, agreeing that the appeal should be dismissed. Appellee's motion is granted.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed January 11, 2001.

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

Do Not Publish.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