

Dismissed and Opinion filed November 10, 1999.



In The

Fourteenth Court of Appeals

NO. 14-96-00507-CV

OWENS-CORNING FIBERGLAS CORPORATION, PITTSBURGH CORNING CORPORATION, and FULLER-AUSTIN INSULATION COMPANY, Appellants

V.

CONRAD J. MERDIAN, ET AL., Appellees

**On Appeal from the 61st District Court
Harris County, Texas
Trial Court Cause No. 90-61663**

OPINION

This is an appeal from a judgment signed December 18, 1995, and an order signed March 1, 1996, which modified the final judgment. On September 4, 1997, the parties informed this court in a joint motion that they had reached a settlement. On September 25, 1997, based on the settlement agreement between the parties, we entered an order abating the appeal. The purpose of the abatement was to allow the parties to complete their obligations under the terms of the settlement agreement. In our order, we stated that if the

parties did not notify the court of the completion of the settlement on or before February 15, 1999, we would dismiss the appeal.

None of the parties notified this court of the completion of the settlement by February 15, 1999. On February 24, 1999, we notified the parties by letter that the appeal would be dismissed for want of prosecution on March 16, 1999, unless any party filed a response before March 8, 1999, showing meritorious grounds for continuing the appeal. On March 9, 1999, Fuller-Austin Insulation Company filed a motion to continue the abatement of the appeal pending execution of the settlement documents. We granted the motion on March 25, 1999. Since that time, we have received no further information from any of the parties regarding the status of the settlement.

On October 28, 1999, we issued an order in which we stated that unless the parties, on or before November 8, 1999, showed meritorious grounds for retaining this appeal, we would dismiss the appeal for want of prosecution on November 10, 1999.

Having received no response to our order of October 28, 1999, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(b).

PER CURIAM

Judgment rendered and Opinion filed November 10, 1999.

Panel consists of Justices Amidei, Edelman, and Wittig.

Do Not Publish.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