

## **Kill Buch Platinum, LLC v. Potts**

Court of Appeals of Texas, Thirteenth District, Corpus Christi - Edinburg

February 15, 2024, Delivered; February 15, 2024, Filed

NUMBER 13-24-00076-CV

### **Reporter**

2024 Tex. App. LEXIS 1169 \*; 2024 WL 630895

KILL BUCH PLATINUM, LLC D/B/A PLATINUM AUTO GROUP, Appellant, v. CRAIG POTTS, Appellee.

**Prior History:** [\*1] On appeal from the County Court at Law No. 1 of Travis County, Texas.

### **Core Terms**

want of jurisdiction, licensed attorney, trial court, notify, email

**Counsel:** For Craig Potts, Appellee: Hon. Michael Todd Howell, Hon. Jeremy Sandoval.

**Judges:** Before Justices Longoria, Silva, and Peña. Memorandum Opinion by Justice Longoria.

**Opinion by:** NORA L. LONGORIA

### **Opinion**

#### **MEMORANDUM OPINION**

##### **Memorandum Opinion by Justice Longoria**

This cause is before the Court on appellee's motion to dismiss for want of jurisdiction.<sup>1</sup> We now dismiss the matter for want of jurisdiction.

On October 25, 2023, the trial court entered a default judgment in this matter. On December 8, 2023, an email was sent to the trial court indicating appellant desired to appeal the judgment. The email appears to be from Danny Bucher, who is not currently a licensed attorney

in the State of Texas.

On January 17, 2024, the Clerk of the Court notified appellant that the appeal has not been timely perfected, so that steps could be taken to correct the defect, if it could be done. Appellant was advised that, if the defect was not corrected within ten days from the date of the Court's letter, the appeal would be dismissed. The Clerk of the Court also notified appellant that it appears they are unrepresented by an attorney and that only a licensed attorney may [\*2] appear and represent a corporation in litigation. See [Kunstoplast of Am. v. Formosa Plastics Corp., USA, 937 S.W.2d 455, 456 \(Tex. 1996\)](#). Appellant was instructed to explain who has legal authority to act on behalf of appellant by January 26, 2024. Appellant has failed to respond to either notice.

The Court, having examined and fully considered the documents on file and appellant's failure to timely perfect his appeal, is of the opinion that the appeal should be dismissed for want of jurisdiction. Accordingly, the appeal is hereby dismissed for want of jurisdiction and appellee's motion is dismissed as moot. See TEX. R. APP. P. 42.3(a), (c).

NORA L. LONGORIA

Justice

Delivered and filed on the 15th day of February, 2024.

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<sup>1</sup> This case is before the Court on transfer from the Third Court of Appeals pursuant to a docket equalization order issued by the Supreme Court of Texas. See [Tex. Gov'T Code Ann. § 73.001](#).