



Neutral

As of: May 18, 2026 4:39 PM Z

Williams v. Miller

Court of Appeals of Texas, Eighth District, El Paso

May 26, 2023, Decided

No. 08-19-00255-CV

Reporter

2023 Tex. App. LEXIS 3645 *; 2023 WL 3688019

SKYLER WILLIAMS, derivatively on behalf of BLACKLAND CONSTRUCTION, INC., Appellant, v. JAMES G. MILLER, JR.; ABRIELLE O. MILLER; and BLACKLAND CONSTRUCTION, INC., Appellees.

Subsequent History: Related proceeding at [Williams v. Gottfried, 2024 Tex. App. LEXIS 2823 \(Tex. App. Austin, Apr. 24, 2024\)](#)

Prior History: [*1] Appeal from the 368th Judicial District Court of Williamson County, Texas. (TC# 16-0655-C368).

Core Terms

Notice

Counsel: For Skyler Williams, derivatively on behalf of Blackland Construction, Inc., Appellant: Michael T. Howell, N. West Short.

For Miller, Abrielle O., Appellee: Melissa White, Jason W. Snell, Hon. William Lance Cawthon.

For Blackland Construction, Inc., Appellee: David M. Gottfried, Michael Jurgens, Meghan Alexander.

For Miller, James G., Appellee: Jason W. Snell, Hon. William Lance Cawthon, Melissa White.

Judges: Before Rodriguez, C.J., Palafox, and Soto, JJ.

Opinion by: GINA M. PALAFOX

Opinion

MEMORANDUM OPINION

Appellant Skyler Williams, derivatively on behalf of Blackland Construction, Inc., filed a conditional notice of

appeal on September 6, 2019.¹ Appellant therein described that it intended to appeal a discovery order dated April 26, 2018, but only if another party appealed the trial court's final judgment. Appellee James G. Miller, Jr. next filed a Notice of Suggestion of Bankruptcy under Chapter 13 of the Bankruptcy Code. Pursuant to [11 U.S.C. § 362\(a\)](#), this appeal was automatically stayed; thus, we ordered the appeal abated and for it to be removed from the Court's docket.

On May 3, 2023, we ordered that either a motion or response be filed regarding the status of [*2] the bankruptcy. On May 8, 2023, Appellant filed a motion to voluntarily dismiss the appeal. Appellant informed the Court of the parties entering a settlement agreement that includes a provision acknowledging that all matters between them are fully resolved. Appellee James G. Miller, Jr. also responded on May 24, 2023, informing the Court that the bankruptcy proceeding had been discharged. Appellee further confirmed he was not opposed to Appellant's motion to dismiss and also requested dismissal of the case.

The motion is granted, and this appeal is dismissed. See [Tex. R. App. P. 42.1](#). Appellant shall bear all costs of the appeal. See [Tex. R. App. P. 42.1\(d\)](#).

GINA M. PALAFOX, Justice

May 26, 2023

End of Document

¹ This case was transferred to this Court from the Third Court of Appeals pursuant to docket equalization efforts of the Supreme Court of Texas. See [Tex. Gov't Code Ann. § 73.001](#). We follow the precedent of the Third Court of Appeals to the extent it might conflict with our own. See [Tex. R. App. P. 41.3](#).