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EIGHTH COURT OF APPEALS
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08-12-00331-CV
THOMPSON COE

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Austin
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June 21, 2013

The Honorable Eighth Court of Appeals
El Paso County Courthouse
500 E. San Antonio Ave., Suite 1203
El Paso, TX 79901-2408

Via Federal Express

Re: No. 08-12-00331-CV; *Stephen B. Hopper and Laura S. Wassmer v. Jo N. Hopper*
v. JP Morgan Chase Bank, N.A.; **Request to reconsider Court's January 25,**
2013 determination to pass consideration of motion to dismiss until full
appellate case submission

FILED IN
COURT OF APPEALS
JUN 24 2013

To the Honorable Justices of the 8th District Court of Appeals:

DENISE PACHECO
CLERK 8th DISTRICT

On January 11, 2013, Appellee/Cross-Appellant Jo N. Hopper filed her Motion to Dismiss for Want of Jurisdiction ("Motion"). Mrs. Hopper requested the Court dismiss Appellants' (the Heirs') entire appeal because they had sold all their interest in the property (Robledo), upon which their Appeal was based. The Heirs' very brief Response (of January 21, 2013) admitted both that they had sold their entire interest in Robledo, and that all the Heirs' Issues were conjoined and centered on Robledo. Mrs. Hopper's Reply of January 23rd cited, *inter alia*, *Singh v. Duane Morris, LLP*, 338 S.W.3d 176, 181, 182 (Tex. App. – Houston [14th Dist.] 2011, pet. denied) and pointed out standing was irrevocably lost. The Court, by its letter on January 25, 2013, indicated it would "pass" immediate hearing and rule upon the Motion later, when the entire case was submitted.

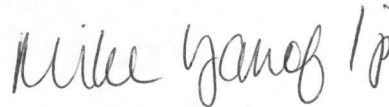
All briefing in this case is now concluded. On the standing issue, the Appellants' Response Brief filed May 17th (p. 2) merely states: "*This issue has been briefed in Response to Appellee's/Cross-Appellant's Motion to Dismiss and in the Appellants/Heirs' Response.*" In other words, Appellants added nothing further to their prior (and only) briefing of January 21, 2013. Thus, briefing was complete on this subject by January 23, 2013 when Mrs. Hopper filed her Reply to the Heirs' Response to the Motion – recall, the IA abjured taking a position on the topic. Despite months passing and since submitting in excess of 80 pages of other briefing (which effectively gave the Heirs an opportunity to augment their standing briefing), the Heirs have provided no further briefing or argument on standing/jurisdiction.

With all case briefing now completed, Mrs. Hopper respectfully requests that the Court presently make a determination on the Motion. Mrs. Hopper requests that a decision be made at this time because the Motion is "ripe" and granting the Motion would greatly "slim down" the Issues to be considered at oral argument. Conversely, no oral argument is necessary on the Motion.

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Mrs. Hopper submits that a ruling now, granting the Motion, would aid the Court in more efficiently determining the remaining (live) Issues as raised (only) by Mrs. Hopper. Of course, if the Court continues with its prior determination to consider the Motion in tandem with all other appellate Issues, Mrs. Hopper will be prepared to address all outstanding matters at oral argument. Mrs. Hopper thanks the Court in advance for its careful consideration of this request.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mike Yanof" followed by a stylized flourish.

Michael A. Yanof

cc: Mark Enoch/Lawrence Fischman (via facsimile 972-419-8329 and regular mail)
John Eichman/Tom Cantrill (via facsimile 214-880-0011 and regular mail)
James Albert Jennings (via email)
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