

**Dismissed and Opinion filed August 31, 2000.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-00-00579-CV**  
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**DOV AVNI KAMINETSKY, INDIVIDUALLY AND AS ASSIGNEE OF SAMANTHA  
CORPORATION INC., Appellants**

**V.**

**TEXAS NATIONAL RESOURCES CONSERVATION COMMISSION, Appellee**

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**On Appeal from the 113th District Court  
Harris County, Texas  
Trial Court Cause No. 99-44482-A**

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**OPINION**

The final judgment, which included language severing appellants' claims against appellee, was signed February 15, 2000. No motion for new trial was filed. Appellant's notice of appeal was filed May 12, 2000.

The notice of appeal must be filed within thirty days after the judgment is signed when appellant has not filed a timely motion for new trial, motion to modify the judgment, motion to reinstate, or a request for findings of fact and conclusions of law. *See* TEX. R. APP. P. 26.1.

Appellants' notice of appeal was not filed timely. A motion for extension of time is necessarily implied when an appellant, acting in good faith, files a notice of appeal beyond the time allowed by Rule 26.1, but within the fifteen-day grace period provided by Rule 26.3 for filing a motion for extension of time. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617-18 (1997) (construing the predecessor to rule 26). However, the appellant must offer a reasonable explanation for failing to file the notice of appeal in a timely manner. *See* TEX. R. APP. P. 26.3, 10.5(b)(1)(C); *Verburgt*, 959 S.W.2d at 617-18. Appellants' notice of appeal was not filed within the fifteen-day period provided by rule 26.3.

On August 1, 2000, notification was transmitted to all parties of the Court's intent to dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a). Appellants filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed on August 31, 2000.

Panel consists of Justices Amidei, Anderson and Frost.

Do Not Publish — *See* TEX.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