

# IN THE SUPREME COURT OF TEXAS

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No. 98-0552  
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RAMPART CAPITAL CORPORATION , PETITIONER

v.

BONNIE L. ABKE, RESPONDENT

=====  
ON PETITION FOR REVIEW FROM THE  
COURT OF APPEALS FOR THE FOURTH DISTRICT OF TEXAS  
=====

JUSTICE HECHT, joined by JUSTICE OWEN, dissenting from the denial of the petition for review.

I respectfully dissent from the Court's denial of the petition for review. This is a suit on a promissory note against a limited partner in circumstances described in *Rampart Capital Corporation v. Maguire*, 974 S.W.2d 195 (Tex. App.—San Antonio 1998, pet. denied). In an unpublished opinion essentially identical to its opinion in *Maguire*, a divided court of appeals affirmed the trial court's dismissal of the action for want of prosecution. As in *Maguire*, I would grant Rampart's petition, reverse the judgment of the court of appeals, and remand the case for further proceedings. *Rampart Capital Corp. v. Maguire*, \_\_\_ S.W.2d \_\_\_ (Tex. 1999) (Hecht, J., dissenting).

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Nathan L. Hecht  
Justice

Opinion delivered: July 1, 1999