

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Office of the Attorney General of Texas v. Charles Trask Dix

No. 03-12-00677-CV, Texas Court of Appeals, Third District, at Austin (January 25, 2013)

SUMMARY

The Texas Court of Appeals, Third District, granted the Office of the Attorney General of Texas's agreed motion to set aside the district court's summary judgment without regard to the merits. The court remanded the case for rendition of judgment in accordance with the parties' agreement under Texas Rule of Appellate Procedure 42.1(a)(2)(B).

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-12-00677-CV Office of the Attorney General of Texas, Appellant v. Charles Trask Dix, Appellee FROM THE DISTRICT COURT OF TRAVIS COUNTY, 353RD JUDICIAL DISTRICT NO. D-1-AG-12-000271, HONORABLE RHONDA HURLEY, JUDGE PRESIDING M E M O R A N D U M O P I N I O N The Office of the Attorney General of Texas (OAG) filed a notice of appeal from the district court's order of June 8, 2012, granting summary judgment in favor of appellee Charles Trask Dix.

OAG has now filed an agreed motion to set aside the judgment. In the motion, OAG represents that "[s]ince the filing of the notice of appeal, the parties have reached an agreement in the cause and have filed an agreed order with the trial court." OAG asks that we set aside the district court's judgment without regard to the merits and remand the cause to the district court with instructions to render a judgment in accordance with the parties' agreement, as we are authorized to do pursuant to Texas Rule of Appellate Procedure 42.1(a)(2)(B).

The motion contains a certificate of conference verifying that the attorney for OAG has conferred with the attorney for Dix and that the attorney for Dix agrees to this motion. The agreed order, a copy of which is attached to the motion, has been signed by both parties.

We grant the motion, set aside the district court's judgment without regard to the merits, and remand the cause to the district court for rendition of judgment in accordance with the parties' agreement. See Tex. R. App. P. 42.1(a)(2)(B).

Bob Pemberton, Justice Before Justices
Puryear, Pemberton and Rose Vacated and Remanded Filed: January 25, 2013

