

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).

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Justice Puryear; Justice Pemberton; Justice Rose
JURISDICTION	Texas
DECIDED	January 25, 2013
DOCKET	03-12-00677-CV
DISPOSITION	vacated
PROCEDURAL POSTURE	The Office of the Attorney General of Texas appealed a district court order granting summary judgment to Charles Trask Dix. After the appeal was filed, the parties reached an agreement and jointly requested that the appellate court set aside the judgment and remand for rendition of judgment according to that agreement.
PRECEDENTIAL VALUE	published
PARTIES	Office of the Attorney General of Texas v. Charles Trask Dix

TOPICS

[appellate procedure](#)[civil procedure](#)[summary judgment](#)

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the appellate court should set aside the district court's judgment without addressing the merits and remand for rendition of judgment in accordance with the parties' agreement.

HOLDINGS

1. Under Texas Rule of Appellate Procedure 42.1(a)(2)(B), the court may grant the parties' agreed motion, set aside the district court's judgment without regard to the merits, and remand for rendition of judgment in accordance with the parties' agreement.

KEY QUOTATIONS

"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."

FACTUAL BACKGROUND

The district court entered an order granting summary judgment in favor of Charles Trask Dix. After the Office of the Attorney General of Texas filed its notice of appeal, the parties reached an agreement and both signed an agreed order.

PROCEDURAL HISTORY

The District Court of Travis County, 353rd Judicial District, granted Dix's motion for summary judgment on June 8, 2012. The Attorney General filed a notice of appeal, then filed an agreed motion to set aside the judgment without reaching the merits because the parties had settled and filed an agreed order in the trial court. The court of appeals granted the motion and remanded for rendition of judgment consistent with the parties' agreement.

DISPOSITION

vacated

REMAND INSTRUCTIONS

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.