

COURT OF APPEALS, EIGHTH DISTRICT OF TEXAS, EL PASO

Gregory Walberg and Evelyn Walberg v. Delton Weiser, Virginia Weiser, Mark Stites, Kathy Stites, and James P. Marchak

Walberg v. Weiser · No. 08-25-00273-CV · Decided June 19, 2026

SUMMARY

The Eighth District Court of Appeals of Texas granted the parties’ agreed motion to dismiss the appeal as moot. The parties had settled the underlying dispute and obtained an agreed dismissal order vacating the order challenged on appeal.

CASE DETAILS

COURT	Court of Appeals, Eighth District of Texas, El Paso
WRITING FOR THE COURT	Gina M. Palafox; Chief Justice Salas Mendoza; Justice Gina M. Palafox; Justice Soto
JURISDICTION	Texas Court of Appeals, Eighth District
DECIDED	June 19, 2026
DOCKET	08-25-00273-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from an order of the 395th District Court of Williamson County, Texas; the parties jointly moved to dismiss the appeal as moot after settling the underlying dispute and obtaining an agreed order of dismissal that vacated the order on appeal.
PRECEDENTIAL VALUE	published
PARTIES	Gregory Walberg, Evelyn Walberg v. Delton Weiser, Virginia Weiser, Mark Stites, Kathy Stites, James P. Marchak

TOPICS

- mootness
- appellate procedure
- civil procedure

PRACTICE AREAS

- Appellate procedure
- Civil procedure

QUESTIONS PRESENTED

1. Whether the parties' agreed motion to dismiss the appeal as moot should be granted after settlement of the dispute and vacation of the order under review.

HOLDINGS

1. Because the parties settled their dispute and the underlying agreed order of dismissal vacated the order from which the appeal was taken, the court granted the agreed motion and dismissed the appeal as moot.

KEY QUOTATIONS

“settled their dispute and have entered an agreed order of dismissal in the underlying suit that vacated the order from which this appeal was taken.”

FACTUAL BACKGROUND

The parties settled their dispute while the appeal was pending. They entered an agreed order of dismissal in the underlying suit that vacated the order from which the appeal had been taken. As a result, the parties agreed that the appeal was moot.

PROCEDURAL HISTORY

The appeal was taken from an order entered in the underlying suit in the 395th District Court of Williamson County. While the appeal was pending, the parties settled their dispute and entered an agreed order dismissing the underlying suit and vacating the appealed order. The parties then filed an agreed motion to dismiss the appeal as moot, which the court granted.

DISPOSITION

dismissed

OPINION

PER CURIAM.

COURT OF APPEALS EIGHTH DISTRICT OF TEXAS EL PASO, TEXAS No. 08-25-00273-CV Gregory Walberg and Evelyn Walberg, Appellants v. Delton Weiser, Virginia Weiser, Mark Stites, Kathy Stites, and James P. Marchak, Appellees On Appeal from the 395th District Court Williamson County, Texas Trial Court No. 21-0740-C425 M E M O R A N D U M O P I N I O N 1 Before the Court is the parties' agreed motion to dismiss this appeal as moot.

The parties inform us that they have “settled their dispute and have entered an agreed order of dismissal in the underlying suit that vacated the order from which this appeal was taken.” The motion complies 1 This case was transferred pursuant to the Texas Supreme Court’s docket equalization efforts. Tex. Gov’t Code § 73.001.

We follow the precedent of the Third Court of Appeals to the extent it might conflict with our own. See Tex. R. App. P. 41.3. with Texas Rule of Appellate Procedure 42.1. See Tex. R. App. P. 42.1(a)(2). We grant the motion and dismiss the appeal. See Tex. R. App. P. 42.1(a)(2)(A). GINA M. PALAFOX, Justice June 19, 2026 Before Salas Mendoza, C.J., Palafox and Soto, JJ. 2

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