

**COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI-EDINBURG**

**Carl Francis Badalich and Carl F. Badalich & Associates v. American
Fidelity & Liberty Insurance Company**

No. 13-09-00144-CV · No. 13-09-00144-CV · Decided February 11, 2010

SUMMARY

The Texas Thirteenth Court of Appeals granted the appellants' unopposed motion to dismiss their appeal because they no longer wished to pursue it. The court dismissed the appeal under Texas Rule of Appellate Procedure 42.1(a), taxed costs according to the parties' agreement, and ordered that no motion for rehearing would be entertained.

OPINION

PER CURIAM.

NUMBER 13-09-00144-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG

CARL FRANCIS
BADALICH AND CARL F. BADALICH & ASSOCIATES, Appellants, v. AMERICAN
FIDELITY & LIBERTY INSURANCE COMPANY, Appellee.

On Appeal from the
148th District Court of Nueces County, Texas.

MEMORANDUM

OPINION Before Chief Justice Valdez and Justices Yañez and Vela Memorandum Opinion Per Curiam Appellants perfected an appeal from a judgment entered by the 148th District Court of Nueces County, Texas, in cause number 04-7211-E.

Appellants have filed an unopposed motion to dismiss the appeal on grounds that the appellants no longer wish to pursue this appeal. Appellants request that this Court dismiss the appeal. The Court, having considered the documents on file and appellants' unopposed motion to dismiss the appeal, is of the opinion that the motion should be granted. See Tex. R. App.

P. 42.1(a). Appellants' motion to dismiss is granted, and the appeal is hereby DISMISSED. In accordance with the agreement of the parties, costs are taxed against the party incurring same. See Tex. R. App. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant.").

Having dismissed the appeal at appellants' request, no motion for rehearing will be entertained, and our mandate will issue forthwith. PER CURIAM Delivered and filed the 11th day of February, 2010.

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