

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

Danny Lee Dubberly v. Cathryn Joy Dubberly

Dubberly · No. 13-14-00605-CV · Decided January 19, 2015

SUMMARY

The Thirteenth Court of Appeals of Texas reinstated the appeal after abatement for mediation and granted the parties' agreed motion to reverse and set aside the trial court's judgment without regard to the merits. The court remanded the case for entry of an agreed judgment, taxed costs against the party incurring them, and directed immediate issuance of the mandate.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi-Edinburg
WRITING FOR THE COURT	Per Curiam; Chief Justice Valdez; Justice Rodriguez; Justice Garza
JURISDICTION	Texas
DECIDED	January 19, 2015
DOCKET	13-14-00605-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the trial court's July 7, 2014 judgment; the appeal was abated for mediation and was later reinstated pursuant to the parties' agreed motion to reverse and remand.
STANDARD OF REVIEW	The court did not review the merits; it acted pursuant to the parties' agreement and the applicable Texas Rules of Appellate Procedure.
PRECEDENTIAL VALUE	Published memorandum opinion; no reporter citation appears in the provided text.
PARTIES	Danny Lee Dubberly v. Cathryn Joy Dubberly

TOPICS

family law appellate procedure mediation remedies

PRACTICE AREAS

family law appellate procedure remedies

QUESTIONS PRESENTED

1. Whether the appellate court should grant the parties' agreed motion to reverse and set aside the trial court's judgment without reaching the merits.
2. Whether the mandate should issue immediately pursuant to the parties' request.

HOLDINGS

1. The court granted the parties' agreement, reversed and set aside the trial court's July 7, 2014 judgment without regard to the merits, and remanded the cause for disposition in accordance with the agreement, including entry of an agreed judgment.
2. The court granted the parties' request for immediate issuance of the mandate and directed the clerk to issue it immediately.

KEY QUOTATIONS

“We REVERSE and set aside the trial court’s July 7, 2014 judgment without regard to the merits, and REMAND this cause to the trial court for disposition in accord with the agreement of the parties (the entry of an agreed judgment as negotiated by the parties).”

FACTUAL BACKGROUND

The parties reached an agreement concerning disposition of the matters on appeal after the appeal was abated for mediation. They requested that the appellate court reverse and set aside the trial court's July 7, 2014 judgment without regard to the merits and remand for entry of an agreed judgment negotiated by the parties.

PROCEDURAL HISTORY

The appeal was abated on October 31, 2014, and the parties were ordered to mediation. After reaching an agreement concerning disposition, the parties jointly requested reversal and setting aside of the trial court's judgment without regard to the merits and remand for entry of an agreed judgment. The court granted the motion, reversed and set aside the judgment, remanded for disposition consistent with the parties' agreement, and directed immediate issuance of the mandate.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must dispose of the cause in accordance with the parties' agreement, including entry of an agreed judgment as negotiated by the parties.

OPINION

PER CURIAM.

NUMBER 13-14-00605-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG DANNY LEE DUBBERLY, Appellant, v. CATHRYN JOY
DUBBERLY, Appellee. On appeal from 105th District Court of Nueces County, Texas.
MEMORANDUM OPINION Before Chief Justice Valdez and Justices Rodriguez and Garza
Memorandum Opinion Per Curiam This appeal was abated by this Court on October 31, 2014, and
the parties were ordered to mediation.

This cause is before the Court on an agreed motion to reverse and set aside the trial court judgment
without regard to the merits and remand for disposition in accord with the agreement of the
parties. Accordingly, this appeal is hereby REINSTATED.

The parties have reached an agreement with regard to the disposition of the matters currently on
appeal. Pursuant to agreement, the parties request this Court to reverse and set aside the trial
court's July 7, 2014 judgment without regard to the merits, and to remand the case to the trial court
for disposition in accordance with the agreement of the parties.

We REVERSE and set aside the trial court's July 7, 2014 judgment without regard to the merits,
and REMAND this cause to the trial court for disposition in accord with the agreement of the
parties (the entry of an agreed judgment as negotiated by the parties). See TEX. R. APP. P. 42.1(a)
(2)(B), 43.2(d).

In accordance with the agreement of the parties, costs are taxed against the party incurring same.
The parties request immediate issuance of our mandate. See TEX. R. APP. P.18.1(c). The motion is
GRANTED. We direct the Clerk of the Court to issue the mandate immediately. PER CURIAM
Delivered and filed the 15th day of January, 2015. 2