

COURT OF APPEALS OF THE FIFTH DISTRICT OF TEXAS AT DALLAS

Jim Lake, Inc. a/k/a Jim Lake Company v. Stantec Consulting Services, Inc.

No. 05-23-00007-CV · No. No. 05-23-00007-CV · Decided July 10, 2023

SUMMARY

The Fifth District Court of Appeals at Dallas granted the parties’ agreed motion to dismiss after they reported settling all claims. The court dismissed the appeal under Texas Rule of Appellate Procedure 42.1(a) and ordered that, subject to any agreement between the parties, Stantec Consulting Services, Inc. recover its appellate costs from Jim Lake, Inc.

CASE DETAILS

COURT	Court of Appeals of the Fifth District of Texas at Dallas
WRITING FOR THE COURT	Erin A. Nowell; Goldstein; Breedlove
JURISDICTION	Texas
DECIDED	July 10, 2023
DOCKET	No. 05-23-00007-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the 101st Judicial District Court of Dallas County, Texas; the parties filed an agreed motion to dismiss the appeal after reporting that they had settled all claims.
PRECEDENTIAL VALUE	Published
PARTIES	Jim Lake, Inc. a/k/a Jim Lake Company v. Stantec Consulting Services, Inc.

TOPICS

- appellate procedure
- civil procedure
- commercial litigation

PRACTICE AREAS

- appellate procedure
- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether the court should dismiss the appeal pursuant to the parties' agreed motion following settlement of all claims.

HOLDINGS

1. The court granted the agreed motion and dismissed the appeal under Texas Rule of Appellate Procedure 42.1(a).

KEY QUOTATIONS

“Stating they have reached a settlement of all claims asserted in this matter, the parties have filed an agreed motion to dismiss.” (unpaginated)

FACTUAL BACKGROUND

The parties stated that they had reached a settlement of all claims asserted in the matter. They filed an agreed motion asking the court of appeals to dismiss the appeal.

PROCEDURAL HISTORY

Jim Lake, Inc. appealed from the 101st Judicial District Court of Dallas County in Trial Court Cause No. DC-21-15852. After the parties stated that they had settled all claims, they jointly moved to dismiss the appeal, and the court of appeals granted the motion.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Dismiss and Opinion Filed July 10, 2023 In The Court of Appeals Fifth District of Texas at Dallas No. 05-23-00007-CV JIM LAKE, INC. A/K/A JIM LAKE COMPANY, Appellant V. STANTEC CONSULTING SERVICES, INC., Appellee On Appeal from the 101st Judicial District Court Dallas County, Texas Trial Court Cause No. DC-21-15852 MEMORANDUM OPINION Before Justices Nowell, Goldstein, and Breedlove Opinion by Justice Nowell Stating they have reached a settlement of all claims asserted in this matter, the parties have filed an agreed motion to dismiss.

We grant the motion and dismiss the appeal. See TEX. R. APP. P. 42.1(a). /Erin A. Nowell// 230007f.p05 ERIN A. NOWELL JUSTICE Court of Appeals Fifth District of Texas at Dallas JUDGMENT JIM LAKE, INC. A/K/A JIM LAKE On Appeal from the 101st Judicial COMPANY, Appellant District Court, Dallas County, Texas Trial Court Cause No. DC-21-15852. No. 05-23-00007-CV V. Opinion delivered by Justice Nowell, Justices Goldstein and Breedlove STANTEC CONSULTING participating.

SERVICES, INC., Appellee In accordance with this Court's opinion of this date, we DISMISS the appeal. Subject to any agreement between the parties, we ORDER that appellee Stantec Consulting Services, Inc. recover its costs, if any, of this appeal from appellant Jim Lake, Inc. a/k/a Jim Lake Company. Judgment entered this 10th day of July 2023. –2–