

# COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO

## Ruben Montelongo v. George Cisneros

Montelongo · No. 08-08-00324-CV · Decided September 22, 2010

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### SUMMARY

The Eighth District Court of Appeals of Texas granted the parties' joint motion to dismiss an appeal after they reported settling the underlying claims with Bankruptcy Court approval. Because the motion did not establish an agreement regarding costs, the court assessed appellate costs against the appellant.

### OPINION

PER CURIAM.

COURT OF APPEALS EIGHTH DISTRICT OF TEXAS EL PASO, TEXAS RUBEN MONTELONGO, § No. 08-08-00324-CV Appellant, § Appeal from the v. § County Court at Law No. 6 GEORGE CISNEROS, § of El Paso County, Texas Appellee. § (TC# 2006-3279) § MEMORANDUM OPINION Pending before the Court is a joint motion to dismiss the appeal pursuant to the parties' agreement. See TEX. R. APP.

P. 42.1(a)(2). Originally, this Court stayed the proceedings after Appellant, Ruben Montelongo, filed for bankruptcy in the United States Bankruptcy Court. See TEX. R. APP. P. 8.2. However, that stay was later lifted, with the Bankruptcy Court's approval, to allow the appeal to continue.

The parties now assert, in their joint motion, that they have settled the claims that formed the basis of the appeal and that their settlement has been approved by the Bankruptcy Court. We therefore grant the motion and dismiss the appeal.

Because the motion does not show an agreement as to costs, we assess costs of this appeal against Appellant. See TEX. R. APP. P. 42.1(d). September 22, 2010 GUADALUPE RIVERA, Justice Before Chew, C.J., McClure, and Rivera, JJ.