

**COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO**

ECW Investments, LLC v. Tarrant Appraisal District

ECW Investments · No. 07-22-00316-CV · Decided March 2, 2023

SUMMARY

The Seventh District Court of Appeals of Texas considered an appeal from an order sustaining an evidentiary objection, granting summary judgment to Tarrant Appraisal District, and denying ECW Investments’ plea to the jurisdiction. Based on the parties’ joint motion and settlement agreement, the court set aside the trial court’s judgment without regard to the merits and remanded for entry of a nonsuit under Texas Rule of Appellate Procedure 42.1(a)(2)(B).

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Per Curiam; Quinn, C.J.; Parker, J.; Yarbrough, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	March 2, 2023
DOCKET	07-22-00316-CV
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from an order sustaining the appellee's objection to certain evidence, granting summary judgment in favor of the appellee, and denying the appellant's plea to the jurisdiction. During the appeal, the parties jointly requested that the judgment be set aside and the case remanded for entry of a nonsuit pursuant to their settlement agreement.
PRECEDENTIAL VALUE	published
PARTIES	ECW Investments, LLC v. Tarrant Appraisal District

TOPICS

- appellate procedure
- summary judgment
- pleadings
- civil procedure
- property tax

PRACTICE AREAS

- appellate procedure
- civil procedure
- property tax

QUESTIONS PRESENTED

1. Whether the court should grant the parties' joint motion, set aside the trial court's judgment without regard to the merits, and remand for entry of a nonsuit pursuant to their settlement agreement.

HOLDINGS

1. Under Texas Rule of Appellate Procedure 42.1(a)(2)(B), the court granted the parties' joint motion, set aside the trial court's judgment without regard to the merits, and remanded the case to the trial court to effectuate the settlement agreement.

KEY QUOTATIONS

“Having set aside the trial court’s judgment at the request of the parties, no motion for rehearing will be entertained and our mandate will issue forthwith.”

FACTUAL BACKGROUND

ECW Investments, LLC challenged proceedings involving Tarrant Appraisal District and appealed an order that affected ECW's evidence, granted summary judgment for the appraisal district, and denied ECW's plea to the jurisdiction. While the appeal was pending, the parties reached an agreement under which the trial court would enter a nonsuit and each party would bear its own costs and attorney's fees.

PROCEDURAL HISTORY

The 352nd District Court of Tarrant County entered judgment sustaining Tarrant Appraisal District's objection to certain ECW evidence, granting summary judgment for Tarrant Appraisal District, and denying ECW's plea to the jurisdiction. After the appeal was filed, the parties agreed to a nonsuit and jointly moved for remand. The court granted the motion, set aside the trial court's judgment without reaching the merits, and remanded for effectuation of the settlement agreement.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The case was remanded to the trial court for effectuation of the parties' settlement agreement, including entry of a nonsuit. Each party was to bear its own costs and attorney's fees.

OPINION

ECW Investments, LLC v. Tarrant Appraisal District

PER CURIAM.

In The Court of Appeals Seventh District of Texas at Amarillo No. 07-22-00316-CV

ECW INVESTMENTS, LLC, APPELLANT

V.

TARRANT APPRAISAL DISTRICT, APPELLEE

On Appeal from the 352nd District Court Tarrant County, Texas 1 Trial Court No. 352-311216-19,
Honorable Josh Burgess, Presiding March 2, 2023

MEMORANDUM OPINION

Before QUINN, C.J., and PARKER and YARBROUGH, JJ. Appellant, ECW Investments LLC, appeals from the trial court's order sustaining the objection of appellee, Tarrant Appraisal District, to certain of ECW's evidence, granting summary judgment in favor of Tarrant Appraisal District, and denying ECW's plea to the jurisdiction. On February 23, 2023, the parties filed a "Joint Notice of Originally appealed to the Second Court of Appeals, this case was transferred to this Court by the 1 Supreme Court of Texas pursuant to its docket equalization efforts. TEX. GOV'T CODE ANN. § 73.001 (West 2013). Agreement and Motion for Remand" signed by both parties' attorneys. In the motion, the parties represent that they have, "agreed to have the trial court enter an order of nonsuit . . . with each party bearing its own costs and attorney's fees." They also "request this Court set aside the trial court's judgment without regard to the merits and remand the case to the trial court for entry of nonsuit in accordance with the parties' agreement." Under the authority of Texas Rule of Appellate Procedure 42.1(a)(2)(B), we grant the parties' joint motion, set aside the judgment of the trial court, and remand the case to the trial court for effectuation of their settlement agreement. Having set aside the trial court's judgment at the request of the parties, no motion for rehearing will be entertained and our mandate will issue forthwith. Per Curiam 2