

COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI–EDINBURG

Ramiro R. Armendariz v. State Farm Lloyds and Daniel Longoria

Armendariz · No. 13-12-00787-CV · Decided April 9, 2015

SUMMARY

The Thirteenth Court of Appeals of Texas considered a joint motion to dismiss an appeal after the parties settled their dispute. The court reinstated the appeal, granted the motion, dismissed the appeal with prejudice, taxed costs as agreed by the parties, and dismissed pending motions as moot.

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 Longoria
JURISDICTION	Texas
DECIDED	April 9, 2015
DOCKET	13-12-00787-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant appealed a judgment of the 445th District Court of Cameron County. After the appeal was abated to finalize settlement documents, the parties jointly moved to dismiss the appeal with prejudice.
PRECEDENTIAL VALUE	published
PARTIES	Ramiro R. Armendariz v. State Farm Lloyds, Daniel Longoria

TOPICS

- appellate procedure
- mootness
- costs
- civil procedure
- insurance

PRACTICE AREAS

- Appellate Procedure
- Civil Procedure
- Insurance

QUESTIONS PRESENTED

- Whether the court should grant the parties' joint motion to dismiss the appeal with prejudice after they compromised and settled their dispute.

2. How appellate costs should be taxed under the parties' agreement.

HOLDINGS

1. The court granted the parties' joint motion and dismissed the appeal with prejudice under Texas Rule of Appellate Procedure 42.1(a).
2. Appellate costs were taxed against the party incurring them in accordance with the parties' agreement.

KEY QUOTATIONS

“Absent agreement of the parties, the court will tax costs against the appellant.” (at 2)

FACTUAL BACKGROUND

The parties compromised and settled their dispute while the appeal was pending. The appeal had been abated to permit finalization of settlement documents. After settlement, all parties jointly requested dismissal of the appeal with prejudice.

PROCEDURAL HISTORY

Armendariz perfected an appeal from a judgment in the 445th District Court of Cameron County, Texas, cause number 2011-DCL-05958-I. The appellate court abated the appeal on April 1, 2015, to allow the parties to finalize settlement documents. Following settlement, the parties jointly requested dismissal with prejudice, which the court granted.

DISPOSITION

dismissed

OPINION

PER CURIAM.

NUMBER 13-12-00787-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG

RAMIRO R.
ARMENDARIZ, Appellant, v. STATE FARM LLOYDS AND DANIEL LONGORIA, Appellees.

On appeal from the
445th District Court of Cameron County, Texas.

MEMORANDUM

OPINION Before Chief Justice Valdez and Justices Rodriguez and Longoria Memorandum
Opinion Per Curiam Appellant, Ramiro R. Armendariz, perfected an appeal from a judgment
entered by the 445th District Court of Cameron County, Texas, in cause number 2011-DCL-
05958-I.

On April 1, 2015, the appeal was abated for purposes of finalizing settlement documents. The parties have now filed a joint motion to dismiss the appeal with prejudice on grounds that the parties have compromised and settled their dispute.

The parties request that this Court dismiss this appeal with prejudice, costs taxed to the party incurring same. This appeal is hereby REINSTATED. The Court, having considered the documents on file and the joint motion to dismiss with prejudice, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a).

The joint motion to dismiss is GRANTED, and the appeal is hereby DISMISSED WITH PREJUDICE. 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 the parties' request, no motion for rehearing will be entertained, and our mandate will issue forthwith. All pending motions are hereby DISMISSED AS MOOT. PER CURIAM Delivered and filed the 9th day of March, 2015. 2