

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Laura Walls v. 1809 Baker, LLC d/b/a Baker Square Apartments

No. 05-23-00832-CV · No. No. 05-23-00832-CV · Decided September 1, 2023

SUMMARY

The Fifth District Court of Appeals of Texas dismissed the appeal with prejudice after the parties reported that they had settled their dispute. The court ordered the parties to bear their own attorney's fees and costs.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Justice Ken Molberg; Justice Molberg; Justice Carlyle; Justice Smith
JURISDICTION	Texas
DECIDED	September 1, 2023
DOCKET	No. 05-23-00832-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	The parties filed an agreed motion to dismiss the appeal after settling their dispute.
PRECEDENTIAL VALUE	published
PARTIES	Laura Walls v. 1809 Baker, LLC d/b/a Baker Square Apartments

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the agreed motion to dismiss the appeal should be granted after the parties settled their dispute.
2. How attorney's fees and costs of the appeal should be allocated under the parties' agreement.

HOLDINGS

1. The agreed motion to dismiss the appeal was granted, and the appeal was dismissed with prejudice.

2. The parties were ordered to bear their own attorney's fees and costs of the appeal, as agreed.

KEY QUOTATIONS

“We grant the motion and dismiss the appeal with prejudice.” (at 1)

“Pursuant to the parties’ agreement, it is ORDERED that the parties bear their own attorney’s fees and costs of this appeal.” (at 2)

FACTUAL BACKGROUND

The parties were involved in a dispute that resulted in an appeal. They settled the dispute while the appeal was pending and jointly requested dismissal.

PROCEDURAL HISTORY

Laura Walls appealed from proceedings in the County Court at Law No. 2 of Dallas County, Texas. While the appeal was pending, the parties settled and jointly moved to dismiss the appeal. The Court of Appeals granted the agreed motion, dismissed the appeal with prejudice, and ordered the parties to bear their own attorney's fees and costs.

DISPOSITION

dismissed

OPINION

PER CURIAM.

DISMISS and Opinion Filed September 1, 2023 In The Court of Appeals Fifth District of Texas at Dallas No. 05-23-00832-CV LAURA WALLS, Appellant V. 1809 BAKER, LLC D/B/A/ BAKER SQUARE APARTMENTS, Appellee On Appeal from the County Court at Law No. 2 Dallas County, Texas Trial Court Cause No. CC-23-03375-B MEMORANDUM OPINION Before Justices Molberg, Carlyle, and Smith Opinion by Justice Molberg Before the Court is the parties’ agreed motion to dismiss the appeal as they have settled their dispute.

We grant the motion and dismiss the appeal with prejudice. As agreed by the parties, they shall bear their own attorney’s fees and costs. /Ken Molberg// 230832f.p05 KEN MOLBERG JUSTICE Court of Appeals Fifth District of Texas at Dallas JUDGMENT LAURA WALLS, Appellant On Appeal from the County Court at Law No. 2, Dallas County, Texas No. 05-23-00832-CV V. Trial Court Cause No. CC-23-03375- B. 1809 BAKER, LLC D/B/A/ BAKER Opinion delivered by Justice SQUARE APARTMENTS, Appellee Molberg.

Justices Carlyle and Smith participating. In accordance with this Court’s opinion of this date, the appeal is DISMISSED WITH PREJUDICE. Pursuant to the parties’ agreement, it is ORDERED

that the parties bear their own attorney's fees and costs of this appeal. Judgment entered this 1st day of September, 2023. –2–

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