

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Memorial Glen Cove LLC v. Benjamin Gubernick

Memorial Glen Cove · No. 01-25-00120-CV · Decided April 30, 2026

SUMMARY

The Texas Court of Appeals for the First District dismissed an appeal after the parties jointly requested dismissal with prejudice based on a written settlement agreement resolving their disputes. The court granted the request under Texas Rule of Appellate Procedure 42.1(a)(2) and dismissed the appeal.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Justice Gunn; Justice Caughey; Justice Morgan
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	April 30, 2026
DOCKET	01-25-00120-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the trial court's December 6, 2024 judgment; the parties jointly requested dismissal with prejudice after entering into a settlement agreement.
PRECEDENTIAL VALUE	published
PARTIES	Memorial Glen Cove LLC v. Benjamin Gubernick

TOPICS

- appellate procedure
- civil procedure
- commercial litigation

PRACTICE AREAS

- appellate procedure
- civil procedure
- commercial litigation

QUESTIONS PRESENTED

- Whether the court should dismiss the appeal on the parties' joint request after settlement under Texas Rule of Appellate Procedure 42.1(a)(2).

HOLDINGS

1. The court granted the parties' joint request and dismissed the appeal because the parties had settled all disputes, no other party had filed a notice of appeal, and no opinion had issued.

KEY QUOTATIONS

“entered into a written settlement agreement that resolved all disputes between them, including those at issue in this appeal,”

FACTUAL BACKGROUND

The parties represented that they entered into a written settlement agreement resolving all disputes between them, including the disputes involved in the appeal. No other party filed a notice of appeal, and the appellate court had not issued an opinion.

PROCEDURAL HISTORY

Memorial Glen Cove LLC filed a notice of appeal on February 20, 2025, from a judgment of the 133rd District Court of Harris County, Texas. On April 17, 2026, both parties filed a joint request for dismissal with prejudice, stating that they had entered into a written settlement resolving all disputes, including those at issue in the appeal. No other party filed a notice of appeal, and the court had not issued an opinion.

DISPOSITION

dismissed