

COURT OF APPEALS OF THE FIFTH DISTRICT OF TEXAS AT DALLAS

Marsha Fontanive v. CDX Holdings, Inc.

No. 05-14-01391-CV · No. 05-14-01391-CV · Decided July 30, 2015

SUMMARY

The Fifth District Court of Appeals at Dallas granted Marsha Fontanive’s unopposed motion to dismiss her appeal after the parties settled the underlying litigation. The court dismissed the appeal under Texas Rule of Appellate Procedure 42.1(a) and ordered each party to bear its own appellate costs.

CASE DETAILS

COURT	Court of Appeals of the Fifth District of Texas at Dallas
WRITING FOR THE COURT	David J. Schenck; Justices Bridges; Justice Lang; Justice Schenck
JURISDICTION	Texas
DECIDED	July 30, 2015
DOCKET	05-14-01391-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant moved without opposition to dismiss the appeal after stating that she and appellee had settled the underlying litigation.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Marsha Fontanive v. CDX Holdings, Inc.

TOPICS

- appellate procedure
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

- Whether the court should dismiss the appeal under Texas Rule of Appellate Procedure 42.1(a) after the parties settled the underlying litigation and appellant filed an unopposed motion to dismiss.

HOLDINGS

1. The court granted appellant's unopposed motion and dismissed the appeal under Texas Rule of Appellate Procedure 42.1(a).

FACTUAL BACKGROUND

The parties settled the underlying litigation while the appeal was pending. Appellant then filed an unopposed motion requesting dismissal of the appeal.

PROCEDURAL HISTORY

The appeal arose from the County Court at Law No. 1 of Dallas County, Texas, in Trial Court Cause No. CC-14-01736-A. After the parties settled the underlying litigation, Fontanive filed an unopposed motion to dismiss the appeal. The court of appeals granted the motion, dismissed the appeal, and ordered each party to bear its own appellate costs pursuant to the parties' agreement.

DISPOSITION

dismissed

OPINION

PER CURIAM.

DISMISS; and Opinion Filed July 30, 2015. S In The Court of Appeals Fifth District of Texas at Dallas No. 05-14-01391-CV MARSHA FONTANIVE, Appellant V. CDX HOLDINGS, INC, Appellee On Appeal from the County Court at Law No. 1 Dallas County, Texas Trial Court Cause No. CC-14-01736-A MEMORANDUM OPINION Before Justices Bridges, Lang, and Schenck Opinion by Justice Schenck Stating she and appellee have settled the underlying litigation, appellant has filed an unopposed motion to dismiss the appeal.

See TEX. R. APP. P. 42.1(a). We GRANT the motion and dismiss the appeal. See *id.* /David J. Schenck/ DAVID J. SCHENCK JUSTICE 141391F.P05 S Court of Appeals Fifth District of Texas at Dallas JUDGMENT MARSHA FONTANIVE, Appellant On Appeal from the County Court at Law No. 1, Dallas County, Texas No. 05-14-01391-CV V. Trial Court Cause No. CC-14-01736-A. Opinion delivered by Justice Schenck.

CDX HOLDINGS, INC, Appellee Justices Bridges and Lang participating. In accordance with this Court's opinion of this date, we DISMISS the appeal. Based on the parties' agreement, we ORDER each party bear its own costs of this appeal. Judgment entered this 30th day of July, 2015.

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