

VACATE and REMAND; and Opinion Filed June 17, 2015.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-14-01437-CV

IN RE ADVOCARE INTERNATIONAL, LP

**On Appeal from the 296th Judicial District Court
Collin County, Texas
Trial Court Cause No. 296-01545-2014**

MEMORANDUM OPINION

Before Chief Justice Wright and Justices Brown and Stoddart
Opinion by Justice Brown

This is an appeal from an order granting AdvoCare International, LP's request for a pre-suit deposition and an order denying eBay Inc.'s motion for new trial and reconsideration. *See* TEX. R. CIV. P. 202. Citing Texas Rule of Appellate Procedure 42.1(a)(2), the parties move to dismiss the appeal, vacate the trial court's orders without regard to the merits, and remand this case to the trial court for rendition of judgment in accordance with the parties' agreement. We grant the motion to the extent we vacate the trial court's orders without regard to the merits and remand the case to the trial court for rendition of judgment in accordance with the agreement. *See* TEX. R. APP. P. 42.1(a)(2)(B).

/Ada Brown/
ADA BROWN
JUSTICE

141437F.P05



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

IN RE ADVOCARE INTERNATIONAL,
LP

No. 05-14-01437-CV

On Appeal from the 296th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 296-01545-2014.
Opinion delivered by Justice Brown. Chief
Justice Wright and Justice Stoddart
participating.

In accordance with this Court's opinion of this date, we **VACATE**, without regard to the merits, the trial court's September 16, 2014 "Order on AdvoCare's Rule 202 Petitions" and the November 6, 2014 "Order on eBay's Motion for New Trial and for Reconsideration" and **REMAND** to the trial court for rendition of judgment in accordance with the parties' agreement.

As agreed by the parties, we **ORDER** that AdvoCare International, LP and eBay Inc. each bear its own costs of this appeal.

Judgment entered this 17th day of June, 2015.