

Dismissed and Opinion Filed January 20, 2017



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

No. 05-16-00902-CV

**SOUTHCROSS MARKETING COMPANY LTD., Appellant
V.
FORMOSA HYDROCARBONS COMPANY, INC., Appellee**

**On Appeal from the 191st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-13-02687**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Lang-Miers, and Justice Stoddart
Opinion by Chief Justice Wright

Before the Court is the parties' January 13, 2017 agreed motion to dismiss cause with prejudice pursuant to settlement agreement. In their agreed motion, the parties state they have settled and resolved all disputes in the underlying case. The parties request that this Court "render judgment (1) vacating the district court's June 27, 2016 final judgment from which this appeal and cross-appeal were taken; (2) ordering the release of the supersedeas bond filed November 1, 2016 by Formosa Hydrocarbons Company, Inc. and Hartford Casualty Insurance Company; (3) ordering that all costs of court and attorney's fees in Cause No. DC-13-02687 and in this appeal be assessed against the party who has incurred such costs and fees, and that no party shall be responsible for any attorney's fees and cost of court incurred by any other party; (4) and dismissing Cause No. DC-13-02687 with prejudice."

Texas Rule of Appellate Procedure 42.1(a)(2) addresses disposition of an appeal in accordance with the parties' agreement. We grant the agreed motion and, as requested by the parties and in accordance with their agreement, the Court vacates the district court's June 27, 2016 final judgment, dismisses Cause No. DC-13-02687 with prejudice, orders the release of the supersedeas bond filed November 1, 2016 by Formosa Hydrocarbons Company, Inc. and Hartford Casualty Insurance Company, orders that all costs of court and attorney's fees in Cause No. DC-13-02687 and in this appeal be assessed against the party who has incurred such costs and fees, and orders that no party shall be responsible for any attorney's fees and costs of court incurred by any other party. *See* TEX. R. APP. P. 42.1(a)(2)(A), 43.2(e); 43.4.

/Carolyn Wright/

CAROLYN WRIGHT
CHIEF JUSTICE

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

JUDGMENT

SOUTHCROSS MARKETING COMPANY
LTD., Appellant

No. 05-16-00902-CV V.

FORMOSA HYDROCARBONS
COMPANY, INC., Appellee

On Appeal from the 191st Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-13-02687.
Opinion delivered by Chief Justice Wright.
Justices Lang-Miers and Stoddart
participating.

In accordance with this Court's opinion of this date, and as requested by the parties and in accordance with their settlement agreement, the Court **VACATES** the district court's June 27, 2016 final judgment, **DISMISSES WITH PREJUDICE** Cause No. DC-13-02687, **ORDERS** the release of the supersedeas bond filed November 1, 2016 by Formosa Hydrocarbons Company, Inc. and Hartford Casualty Insurance Company, **ORDERS** that all costs of court and attorney's fees in Cause No. DC-13-02687 and in this appeal be assessed against the party who has incurred such costs and fees, and **ORDERS** that no party shall be responsible for any attorney's fees and costs of court incurred by any other party. *See* TEX. R. APP. P. 42.1(a)(2)(A), 43.2(e); 43.4.

Judgment entered this 20th day of January, 2017.