

Supplemental Opinion Filed October 10, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-01281-CV

KENNETH W. MORRISON, RICK ADAMS, AND STONECOAT OF TEXAS, LLC,
Appellants

V.

JOHN D. PROFANCHIK, SR., Appellee

On Appeal from the 416th Judicial District Court
Collin County, Texas
Trial Court Cause No. 416-02057-2015

SUPPLEMENTAL MEMORANDUM OPINION

Before Justices Whitehill, Partida-Kipness, and Pedersen, III
Opinion by Justice Partida-Kipness

This Court issued a memorandum opinion in this appeal on August 13, 2019. Appellants timely filed an opposed motion for extension of time to file a motion for rehearing, which was granted in part and ordered appellants to file their motion for rehearing by September 11, 2019. Appellants did not file a motion for rehearing. On October 7, 2019, however, the parties filed a Joint Motion for Voluntary Dismissal. Leaving our original opinion in place, this Court dispenses of the joint motion and this appeal by this supplemental memorandum opinion.

In the joint motion, the parties inform the Court that they have settled all matters in dispute and wish to end all pending litigation and appeals between them. Appellants and Appellee move the Court to dismiss this appeal so that they may enter an agreed order of dismissal with prejudice of the underlying proceeding with the district court. We grant the joint motion for voluntary

dismissal, vacate this Court's August 13, 2019 judgment, dismiss this proceeding, and render a new judgment as of the date of this supplemental memorandum opinion dismissing this proceeding. This Court's August 13, 2019 opinion remains in place with this supplemental opinion appended to it.

/Robbie Partida-Kipness/
ROBBIE PARTIDA-KIPNESS
JUSTICE

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

JUDGMENT

KENNETH W. MORRISON, RICK
ADAMS, AND STONECOAT OF
TEXAS, LLC, Appellant

No. 05-17-01281-CV V.

JOHN D. PROFANCHIK, SR., Appellee

On Appeal from the 416th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 416-02057-2015.
Opinion delivered by Justice Partida-
Kipness. Justices Whitehill and Pedersen,
III participating.

In accordance with this Court's supplemental memorandum opinion of this date, the appeal is **DISMISSED**.

Judgment entered this 10th day of October, 2019.