

Opinion issued October 12, 2012.



In The
Court of Appeals
For The
First District of Texas

NO. 01-11-00243-CV

**DAN BURGESS, KEVIN CROSS, AL FOLEY, JOHN MCCLELLAND,
MARI ODOM, RANDY TAUSCHER, AND KEITH WEST, Appellants**

V.

**SCOTT D. MARTIN, SKM PARTNERSHIP, LTD., AND KCM, LLC,
INDIVIDUALLY AND SHAREHOLDERS ON BEHALF OF MARTIN
RESOURCE MANAGEMENT CORPORATION, Appellees**

**On Appeal from the 215th District Court
Harris County, Texas
Trial Court Case No. 2008-53948**

MEMORANDUM OPINION

Appellants filed an unopposed motion to dismiss on October 5, 2012, indicating the parties have settled. We withdraw our opinion and judgment of October 11, 2012, and we issue this opinion in its stead. We order the cause dismissed with prejudice. TEX. R. APP. P. 42.1(a)(2). Costs of this appeal and in the court below are to be borne by the party incurring them. The Clerk of this Court is directed to issue the mandate immediately. TEX. R. APP. P. 18.1.

PER CURIAM

Panel consists of Justices Jennings, Massengale, and Huddle.