

**Opinion issued July 11, 2023**



**In The  
Court of Appeals  
For The  
First District of Texas**

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**NO. 01-23-00169-CV**

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**TARANTINO PROPERTIES, INC., Appellant  
V.  
SAMUEL BONILLA, Appellee**

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**On Appeal from the 129th District Court  
Harris County, Texas  
Trial Court Case No. 2017-71801**

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**MEMORANDUM OPINION**

On March 6, 2023, appellant, Tarantino Properties, Inc., filed a notice of appeal from the trial court's December 7, 2022 final judgment in favor of appellee, Samuel Bonilla. On June 27, 2023, the parties, representing that they had "settled

the case,” filed a “Joint Motion to Set Aside Trial Court’s Judgment, Release Supersedeas Bond, and Dismiss Appeal.”

In their motion, the parties stated that they had reached an agreement in which appellee “agreed to release all claims against” appellant, and therefore “jointly request[ed] that this Court dismiss this appeal, set aside the trial court’s judgment without regard to the merits, and remand the case to the trial court with instructions to release [appellant] and its surety from the Supersedeas Bond filed on December 27, 2022.” *See* TEX. R. APP. P. 42.1(a)(2)(A), (B). The parties’ motion further stated that “[c]osts on appeal should be taxed against the party who incurred the same.”

No other party has filed a notice of appeal, and no opinion has issued. *See* TEX. R. APP. P. 42.1(a)(2), (c).

Accordingly, we grant the parties’ motion, dismiss the appeal, set aside the trial court’s judgment without regard to the merits, and remand the case to the trial court for rendition of judgment in accordance with the parties’ agreement, including the release of appellant and its surety from the Supersedeas Bond filed on December 27, 2022. *See* TEX. R. APP. P. 42.1(a)(2)(B), 43.2(e). We direct the Clerk of this Court that costs are to be taxed against the party incurring the same. *See* TEX. R. APP. P. 42.1. We dismiss all other pending motions as moot.

**PER CURIAM**

Panel consists of Chief Justice Adams and Justices Guerra and Farris.