

*Court Of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*



**MEMORANDUM OPINION**

No. 04-07-00887-CV

Marguerite Irene **MILLER**,  
Appellant

v.

**J.B. VEGA CORPORATION**,  
Appellee

From the 73rd Judicial District Court, Bexar County, Texas  
Trial Court No. 2007-CI-18785  
Honorable Martha Tanner, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice  
Santee Bryan Marion, Justice  
Rebecca Simmons, Justice

Delivered and Filed: November 5, 2008

VACATED AND APPEAL DISMISSED

The parties have filed an agreed motion to dismiss this appeal in which they ask this court to order the trial court to vacate its judgment. We grant the motion to dismiss. The trial court's judgment dated November 6, 2007 is hereby vacated and this appeal is dismissed. *See Young Materials Corp. v. Smith*, 4 S.W.3d 84, 84 (Tex. App.—Waco 1999, no pet.); TEX. R. APP. P. 43.2(e) (appellate court may vacate trial court's judgment). Costs of appeal are taxed against the party who incurred them.

PER CURIAM

