

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-09-00362-CV**

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**ENTERGY GULF STATES, INC., Appellant**

**V.**

**NICHOLAS TRAXLER, Appellee**

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**On Appeal from the 128th District Court**  
**Orange County, Texas**  
**Trial Cause No. A-050478-C**

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**MEMORANDUM OPINION**

The appellant, Entergy Gulf States, Inc., and the appellee, Nicholas Traxler, filed a joint motion to set aside the trial court's judgment and to remand for entry of judgment. The parties allege they have reached a settlement agreement and ask the Court to set aside the judgment of the trial court without regard to the merits and remand the case to the trial court for rendition of an agreed final judgment effectuating the parties' settlement agreement. *See* Tex. R. App. P. 42.1(a)(2)(B). The motion is voluntarily made by the parties prior to any decision of this Court. *See* Tex. R. App. P. 42.1(a)(2). The

parties also request that the surety be released from its obligation on the supersedeas bond and that the mandate issue immediately. *See* Tex. R. App. P. 18.1(c); Tex. R. App. P. 24.3.

We grant the joint motion to set aside the judgment and for remand to the trial court for entry of judgment. Accordingly, we vacate the judgment of the trial court without reference to the merits and remand the case to the trial court for rendition of judgment in accordance with the agreement of the parties. The clerk of the trial court shall release the surety, Safeco Insurance Company, from further liability on the supersedeas bond filed in the case. Costs of the appeal are taxed against the parties who incurred them. We direct the Clerk of the Court to issue the mandate contemporaneously with this opinion.

VACATED AND REMANDED.

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STEVE McKEITHEN  
Chief Justice

Opinion Delivered January 17, 2013  
Before McKeithen, C.J., Gaultney and Kreger, JJ.