



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 2-09-114-CV**

ANDREW MCDERMETT,  
TY MCDERMETT,  
MCDERMETT OPERATING, INC.,  
AND SUNDIAL RESOURCES, INC.

APPELLANTS

V.

NORTEX HOLDINGS, INC.

APPELLEE

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FROM THE 141ST DISTRICT COURT OF TARRANT COUNTY  
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**MEMORANDUM OPINION<sup>1</sup> AND JUDGMENT**  
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The court has considered the parties' "Joint Motion to Dismiss Appeal as Moot," which indicates that the parties have entered into a settlement agreement, thereby mooting this interlocutory appeal from the temporary injunction entered in the underlying case. It is the court's opinion that the

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<sup>1</sup> [See](#) Tex. R. App. P. 47.4.

motion should be granted; therefore, we dismiss the appeal as moot. *See* Tex. R. App. P. 43.2(f).

Costs of the appeal shall be paid by the party incurring same, for which let execution issue. *See* Tex. R. App. P. 43.4.

PER CURIAM

PANEL: LIVINGSTON, J.; CAYCE, C.J.; and DAUPHINOT, J.

DELIVERED: November 19, 2009