

NO. 07-03-0265-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
OCTOBER 27, 2003

WARRANTY UNDERWRITERS INSURANCE COMPANY, APPELLANT

V.

DOUGLAS B. WYATT, M .D. AND LYNN WYATT, APPELLEES

FROM THE 47TH DISTRICT COURT OF RANDALL COUNTY;

NO. 51,914-A; HONORABLE HAL MINER, JUDGE

Before JOHNSON, C.J., and REAVIS and CAMPBELL, JJ.

MEMORANDUM OPINION

On October 7, 2003, appellant Warranty Underwriters Insurance Company filed an Unopposed Motion to Dismiss Appeal pursuant to agreement of the parties and in accordance with TEX. R. APP. P. 42.1. The motion includes a certificate of conference and a certificate of service that counsel for appellees was served a copy of the motion by first class mail on October 6, 2003. No response to the motion has been received.

Accordingly, without passing on the merits of the case, appellant's Unopposed Motion to Dismiss is granted and the appeal is hereby dismissed. TEX. R. APP. P. 42.1(a)(1).

All costs are assessed to the appellant. Having dismissed the appeal at the appellant's request and the appellees not having opposed such request, no motion for rehearing will be entertained and our mandate will issue forthwith.

Don H. Reavis
Justice