



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-23-00213-CV

DALEY'S SUPERIOR ASPHALT PAVING, INC., APPELLANT

V.

BITCO GENERAL INSURANCE CORPORATION, APPELLEE

On Appeal from the County Court at Law No. 3
Lubbock County, Texas
Trial Court No. CC-2023-CV-0131, Honorable Benjamin Webb, Presiding

August 10, 2023

MEMORANDUM OPINION

Before **QUINN, C.J.**, and **DOSS** and **YARBROUGH, JJ.**

Appellant, Daley's Superior Asphalt Paving, Inc., appeals from the trial court's *Default Judgment*. Now pending before this Court is Appellant's motion seeking voluntary dismissal of the appeal. The Court finds that the motion complies with the requirements of Rule of Appellate Procedure 42.1(a)(1) and that granting the motion will not prevent any party from seeking relief to which it would otherwise be entitled. As no decision of the Court has been delivered to date, we grant the motion. The appeal is dismissed. Because the motion does not reflect an agreement of the parties concerning the payment

of costs, costs will be taxed against Appellant. See TEX. R. APP. P. 42.1(d). No motion for rehearing will be entertained and our mandate will issue forthwith.

Per Curiam