



IN THE
TENTH COURT OF APPEALS

No. 10-10-00369-CV

LAWRENCE MADEKSHO
AND ELODIA G. MADEKSHO,

Appellants

v.

XTO ENERGY, INC.,

Appellee

From the 82nd District Court
Robertson County, Texas
Trial Court No. 07-11-17,957-CV

MEMORANDUM OPINION

Appellant has filed a "Motion to Dismiss Appeal." *See* TEX. R. APP. P. 42.1(a)(1). It states that Appellant no longer wishes to pursue this appeal and seeks dismissal with costs to be assessed against the party incurring them. Appellee has not filed a response.

Dismissal of this appeal would not prevent a party from seeking relief to which it would otherwise be entitled. The motion is granted, and the appeal is dismissed with each party to pay the costs in this behalf expended as they have been incurred.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Motion granted; appeal dismissed
Opinion delivered and filed January 12, 2011
[CV06]