



**IN THE
TENTH COURT OF APPEALS**

No. 10-13-00148-CV

SHA, LLC D/B/A FIRSTCARE,

Appellant

v.

**FIDELITY BENEFITS & INSURANCE
SERVICES, LLLP,**

Appellee

**From the 414th District Court
McLennan County, Texas
Trial Court No. 2009-891-5**

MEMORANDUM OPINION

The parties have filed an "Agreed Motion to Remand," which states that they have reached a mediated resolution of all issues in this case and have since implemented their agreement. The parties ask us to set aside the judgment entered in this case without regard to the merits and remand the case to the trial court for further proceedings consistent with the parties' resolution. *See* TEX. R. APP. P. 42.1(a)(2)(B). The parties further state that we may tax costs against the party incurring same.

The agreed motion is granted. Accordingly, we set aside the trial court's judgment without regard to the merits and remand the case to the trial court for further proceedings in accordance with the parties' agreement. Costs of this appeal are taxed against the party incurring same.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Motion granted; judgment set aside; cause remanded
Opinion delivered and filed August 15, 2013
[CV06]