

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00504-CV

Brooks Special Company and Jerry Barth, Appellants

v.

State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 98TH JUDICIAL DISTRICT
NO. D-1-GV-09-002020, HONORABLE MARGARET A. COOPER, JUDGE PRESIDING**

MEMORANDUM OPINION

On December 18, 2012, we abated this appeal at the parties' request while they pursued settlement negotiations. The parties have filed a joint motion to set aside the district court's judgment and remand the cause for rendition of an agreed judgment. The parties represent that they have agreed to a settlement in the form of an agreed judgment and permanent injunction and ask that we set aside the district court's judgment without regard to the merits and remand the cause to the district court for rendition of judgment in accordance with their agreement. We reinstate the appeal, grant the motion, set aside the district court's judgment without regard to the merits, and remand the cause to the district court for rendition of judgment in accordance with the parties' agreement. *See* Tex. R. App. P. 42.1(a)(2)(B).

J. Woodfin Jones, Chief Justice

Before Chief Justice Jones, Justices Goodwin and Field

Vacated and Remanded on Joint Motion

Filed: June 7, 2013