



**NUMBER 13-08-00158-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**AIRGAS, INC. AND NEIL PRESCOTT,**

**Appellants,**

**v.**

**MANUEL AND LYDIA ELIZONDO,**

**Appellees.**

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**On appeal from the County Court at Law No. 1  
of Nueces County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Yañez , Rodriguez, and Garza  
Memorandum Opinion Per Curiam**

Appellants perfected an appeal from a judgment entered by the County Court at Law No. 1 of Nueces County, Texas, in cause number 07-62262-1. Appellants have filed an unopposed motion to dismiss the appeal on grounds that the underlying issues were resolved by agreement. Appellants request that this Court dismiss the appeal.

The Court, having considered the documents on file and appellants' unopposed motion to dismiss the appeal, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). Appellants' motion to dismiss is granted, and the appeal is hereby DISMISSED. Costs will be taxed against appellants. See TEX. R. APP. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Having dismissed the appeal at appellants' request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Delivered and filed the  
6th day of May, 2010.