



NUMBER 13-09-00144-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

CARL FRANCIS BADALICH AND
CARL F. BADALICH & ASSOCIATES,

Appellants,

v.

AMERICAN FIDELITY & LIBERTY
INSURANCE COMPANY,

Appellee.

On Appeal from the 148th District Court
of Nueces County, Texas.

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Yañez and Vela
Memorandum Opinion Per Curiam**

Appellants perfected an appeal from a judgment entered by the 148th District Court of Nueces County, Texas, in cause number 04-7211-E. Appellants have filed an

unopposed motion to dismiss the appeal on grounds that the appellants no longer wish to pursue this appeal. 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. In accordance with the agreement of the parties, costs are taxed against the party incurring same. 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
11th day of February, 2010.