



NUMBER 13-09-00461-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

MARILYN McKEITHAN,

Appellant,

v.

OPHRAKA SANANIKONE,

Appellee.

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

MEMORANDUM OPINION

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

Appellant and cross-appellant perfected appeals from a judgment entered by the 148th District Court of Nueces County, Texas, in cause number 06-3604-E. Appellant and cross-appellant have filed a motion notifying the Court that each party wishes to dismiss her appeal.

The Court, having considered the documents on file and appellant and cross-appellant's motion to dismiss the appeal, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). Appellant and cross-appellant's 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 appellant and cross-appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Delivered and filed the
21st day of January, 2010.