



NUMBER 13-09-00593-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

KNAPP MEDICAL CENTER HOSPITAL,

Appellant,

v.

**ARACELY RAMOS, INDIVIDUALLY
AND AS NEXT FRIEND FOR JUAN RAMOS,
OFELIA RAMOS, AND AMANDA RAMOS,**

Appellees.

**On appeal from the 398th District Court
of Hidalgo County, Texas.**

MEMORANDUM OPINION

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

Appellant, Knapp Medical Center Hospital, perfected an appeal from an interlocutory “Order Denying Dr. Loan Vu and Knapp Medical Center’s Objections to Plaintiffs’ 120-Day Expert Reports and Motion to Dismiss” rendered by the 398th District Court of Hidalgo

County, Texas, on October 6, 2009, in trial court cause number C-765-09-1. Appellant has now filed a motion to dismiss the appeal on grounds that the appellees have agreed to voluntarily dismiss all direct negligence claims against it. Appellant requests that this Court dismiss the appeal without prejudice.

The Court, having considered the documents on file and 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's motion to dismiss is granted, and the appeal is hereby DISMISSED WITHOUT PREJUDICE. Costs will be taxed against appellant. See *id.* 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Delivered and filed the
20th day of May, 2010.