



NUMBER 13-10-00311-CV

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

---

SOUTHWEST GRAIN COMPANY, INC.,

Appellant,

v.

GRAIN CONTINENTAL, S.A. DE C.V.,

Appellee.

---

On Appeal from the 370th District Court  
of Hidalgo County, Texas.

---

**MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Rodriguez and Garza  
Memorandum Opinion Per Curiam**

This case is before the Court on a joint motion to set aside a portion of the trial court's judgment and to remand due to settlement between appellant, Southwest Grain Company, Inc. and appellee, Grain Continental S.A. de C.V. The parties have reached an agreement with regard to the disposition of the matters currently on appeal. Pursuant to

the agreement, the parties request this Court to set aside the portion of the trial court's judgment awarding relief to Grain Continental without regards to the merits, and remand this case to the trial court for rendition of judgment in accordance with the agreement of the parties.

The joint motion to set aside the portion of the trial court's judgment awarding relief to Grain Continental and remand is GRANTED. Accordingly, we set aside the portion of the trial court's judgment awarding relief to Grain Continental without regard to the merits, and REMAND this case to the trial court for rendition of judgment in accordance with the parties' agreement. See TEX. R. APP. P. 42.1(a)(2)(B). Costs will be taxed against appellant. See TEX. R. APP. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Other pending motions, if any, are DISMISSED AS MOOT.

PER CURIAM

Delivered and filed the  
29th day of July, 2010.