

NO. 12-08-00462-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***SIMON PROPERTY GROUP
(TEXAS), L.P.,
APPELLANT***

§ *APPEAL FROM THE 241ST*

V.

§ *JUDICIAL DISTRICT COURT OF*

***RPR CONSTRUCTION, INC.,
APPELLEE***

§ *SMITH COUNTY, TEXAS*

***MEMORANDUM OPINION
PER CURIAM***

Appellant Simon Property Group (Texas), L.P. has filed an unopposed motion to dismiss this appeal. In its motion, Simon states that the parties have reached an agreement providing, in part, that Simon will not pursue this case on appeal. Because Simon has met the requirements of Texas Rule of Appellate Procedure 42.1(a)(1), the motion is granted, and the appeal is dismissed.

Opinion delivered January 30, 2009.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)